

*Translated from French*

Permanent Mission of France to the United Nations

VB/ Secpol

No. 2020-0182056

The Permanent Mission of France to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and, in reply to note verbale No. SCA/5/20(03), has the honour to transmit the comments of France on the draft matrix regarding the implementation by France of resolution 1540 (2004). The same document is being transmitted as the national report on the implementation of resolution 1540 (2004) for the 2021 comprehensive review.

The Permanent Mission of France takes this opportunity to convey to the Security Council Committee established pursuant to resolution 1540 (2004) the renewed assurances of its highest consideration.

Annex: 1

New York, 20 April 2020

Secretariat of the Security Council Committee established pursuant to resolution 1540 (2004)  
New York

---

2005976E

**Report of France on the implementation of resolution 1540 (2004) - 8 April 2020**

*This document also transmits the comments of France in response to the draft matrix on the implementation by France of resolution 1540 (2004).*

**National framework and legal measures adopted by the French Republic to implement Security Council resolution 1540 (2004)**

**I. Paragraph 1 and related matters from paragraphs 5, 8 (a), (b) and (c) and 10**

<b>State:</b>	<b>France</b>
<b>Date of report:</b>	8 April 2020
<b>Dates of the supplementary reports: Most recent update:</b>	

<b>Adherence to legally binding instruments, membership of organizations, participation in arrangements and statements made.</b>	<b>Relevant information (i.e. signing, deposit of instrument of accession, ratification, etc)</b>	<b>Remarks (information refers to the page of the French version of the national report or an official web site)</b>
1. Treaty on the Non-Proliferation of Nuclear Weapons (1968)	<p><u>Accession</u></p> <ul style="list-style-type: none"> <li>• Instrument of accession deposited on 3 August 1992.</li> </ul> <p>Entered into force on 3 August 1992.</p>	All the laws and regulations described in this document may be consulted on the site <a href="https://www.legifrance.gouv.fr">https://www.legifrance.gouv.fr</a> .
2. Nuclear-weapon-free zone/additional protocol(s)	<p><b>1) Antarctic Treaty of 1 December 1959:</b></p> <ul style="list-style-type: none"> <li>• Instrument of ratification deposited by France on 16 September 1960;</li> <li>• Entered into force for France on 23 June 1961.</li> </ul> <p><b>2) Treaty of Tlatelolco of 14 February 1967</b></p> <ul style="list-style-type: none"> <li>• Protocol I: <ul style="list-style-type: none"> <li>- Signed by France on 2 March 1979;</li> <li>- Instrument of ratification deposited by France on 24 August 1992;</li> </ul> </li> <li>• Protocol II: <ul style="list-style-type: none"> <li>- Signed by France on 18 July 1973;</li> </ul> </li> </ul>	

		<p>- Instrument of ratification deposited by France on 22 March 1974;</p> <p><b>3) Rarotonga Treaty of 6 August 1985 (Protocols I-III):</b></p> <ul style="list-style-type: none"> <li>• Signed by France on 25 March 1996;</li> <li>• Instrument of ratification deposited by France on 20 September 1996;</li> <li>• Entry into force for France on 20 September 1996.</li> </ul> <p><b>4) Treaty of Pelindaba of 11 April 1996 (Protocol I-III):</b></p> <ul style="list-style-type: none"> <li>• Signed by France on 11 April 1996;</li> <li>• Instrument of ratification deposited by France on 31 July 1997.</li> </ul> <p><b>5) Treaty of Semipalatinsk of 8 September 2006 (Protocol):</b></p> <ul style="list-style-type: none"> <li>• Signed by France on 6 May 2014;</li> <li>• Instrument of approval signed by the President of the Republic on 17 October 2014 then sent to the depositary.</li> </ul>	
3.	International Convention for the Suppression of Acts of Nuclear Terrorism (2005)	<p><u>Ratification</u></p> <ul style="list-style-type: none"> <li>• Signed by France on 14 September 2005;</li> <li>• Instrument of ratification deposited by France on 11 September 2013.</li> </ul> <p>Entered into force for France on 11 September 2013.</p>	
4.	Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (1980)	<p><u>Ratification</u></p> <ul style="list-style-type: none"> <li>• Signed by France on 13 June 1980;</li> <li>• Instrument of ratification deposited by France on 6 September 1991.</li> </ul> <p>Entered into force for France on 6 October 1991.</p>	
5.	Amendment to the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (2005)	<p><u>Ratification</u></p> <ul style="list-style-type: none"> <li>• Signed by France on 8 July 2005;</li> <li>• Instrument of ratification deposited by France on 1 February 2013.</li> </ul> <p>Entered into force for France upon the entry into force of the amendment.</p>	
6.	Comprehensive Nuclear-Test-Ban Treaty (1996) (CTBT) (not in force)	<p><u>Ratification</u></p> <ul style="list-style-type: none"> <li>• Signed on 24 September 1996;</li> <li>• Instrument of ratification deposited by France on 6 April 1998;</li> </ul> <p>Entered into force for France upon the entry into force of the Treaty.</p>	

7.	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. (1993) (CWC)	<u>Ratification</u> <ul style="list-style-type: none"> <li>• Signed on 13 January 1993;</li> <li>• Instrument of ratification deposited by France on 2 March 1995;</li> </ul> Entered into force for France on 29 April 1997.	
8.	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. (1972) (BWC)	<u>Ratification</u> <ul style="list-style-type: none"> <li>• Signed 10 April 1972;</li> <li>• Instrument of ratification deposited by France on 27 September 1984;</li> </ul> Entered into force for France on 27 September 1984.	
9.	Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925)	<u>Ratification</u> <ul style="list-style-type: none"> <li>• Signed on 17 June 1925;</li> <li>• Instrument of ratification deposited by France on 9 May 1926;</li> </ul> Entered into force for France on 8 February 1928.	
10.	International Convention for the Suppression of Terrorist Bombings (1997)	<u>Ratification</u> <ul style="list-style-type: none"> <li>• Signed on 12 January 1998;</li> <li>• Instrument of ratification deposited by France on 19 August 1999.</li> </ul>	
11.	International Convention for the Suppression of the Financing of Terrorism (1999)	<u>Ratification</u> <ul style="list-style-type: none"> <li>• Signed on 10 January 2000;</li> <li>• Instrument of ratification deposited by France on 7 January 2002.</li> </ul>	
12.	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)	<ul style="list-style-type: none"> <li>• Approval: 2 December 1991.</li> </ul>	

1 3.	Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988)	Approval: 2 December 1991.	
1 4.	Protocol to the Convention on the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005)	<u>Ratification</u> • Signed: 14 February 2006; • Ratified: 9 May 2018.	
1 5.	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)	<u>Ratification</u> • Signed: 14 February 2006; • Ratified: 9 May 2018.	
1 6.	Convention for the Suppression of Unlawful Seizure of Aircraft (1970)	<u>Ratification</u> • Signed: 16 December 1970; • Ratified: 5 July 1972.	
1 7.	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971) and its Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988)	<u>Ratification</u> • Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (instrument of accession deposited by France on 30 June 1976); • Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (signed: 29 March 1988; ratified: 6 September 1989);	
1 8.	Convention on the Suppression of Unlawful Acts Relating to	<u>Ratification</u> • Signed: 15 April 2011; • Ratified: 15 December 2016.	

	International Civil Aviation (2010)	Entered into force for France on 1 July 2018.	
1 9.	Protocol to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)	<u>Ratification</u> <ul style="list-style-type: none"> <li>• Signed: 15 April 2011;</li> <li>• Ratified: 15 December 2016.</li> </ul> Entered into force for France on 1 January 2018.	
2 0.	Regional legally binding instruments	<u>Treaty establishing the European Atomic Energy Community (EURATOM Treaty)</u> : signed on 25 March 1957, ratified by Act No. 57-880 of 2 August 1957.	
2 1.	International Atomic Energy Agency (IAEA)	Member since 29 July 1957.	
2 2.	Directly relevant arrangements	<ol style="list-style-type: none"> <li>1. Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies in 1992</li> <li>2. Australia Group since 1985</li> <li>3. Zangger Committee since 1971.</li> <li>4. Nuclear Suppliers Group (NSG) since 1975 – then known as the “London Club”.</li> <li>5. Missile Technology Control Regime since 1987</li> <li>6. Proliferation Security Initiative since 2003</li> <li>7. Global Initiative to Combat Nuclear Terrorism since 2006</li> <li>8. G7 Global Partnership against the Spread of Weapons and Materials of Mass Destruction since 2002</li> </ol>	
2 3	[Statement on non-provision of weapons of mass destruction and related materials to non-State actors]		
2 4.	Membership in relevant international, regional or sub-regional organizations	<u>Member of:</u> <ul style="list-style-type: none"> <li>• North Atlantic Treaty Organization (NATO)</li> <li>• Organization for Security and Cooperation in Europe (OSCE)</li> <li>• European Union (EU)</li> <li>• International Criminal Police Organization (INTERPOL)</li> <li>• World Customs Organization (WCO)</li> <li>• World Health Organization (WHO)</li> </ul>	

2005976E

		<ul style="list-style-type: none"><li>• International Civil Aviation Organization (ICAO)</li><li>• International Maritime Organization (IMO)</li><li>• International Monetary Fund (IMF)</li><li>• Financial Action Task Force (FATF)</li><li>• World Bank Group</li><li>• Nuclear Energy Agency (NEA) (Organization for Economic Cooperation and Development (OCDE))</li><li>• World Organisation for Animal Health</li></ul>	
--	--	--	--



II. Paragraph 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 and penalties	National legal framework			Enforcement and civil/criminal penalties			Remarks		
		X/?			X/?					
		N W	C W	B W	N W	C W	B W			
1	1. manufacture 2. acquire 3. possess 4. develop 5. transport 6. transfer 7. use	X	x	x	<i>(Please answer in this order in the fields below)</i> <u>Nuclear weapons:</u>  <b>Defence Code</b> , framework strengthened by Act No. 2011-266 of 14 March 2011 on combating the proliferation of weapons of mass destruction and their means of delivery, Act No. 2011-525 of 17 May 2011 on simplifying and improving the quality of law, Ordinance No. 2014-792 of 10 July 2014 implementing article 55 of Act No. 2013-1168 of 18 December 2013 on military planning for the years 2014 to 2019 and containing various provisions relating to national defence and security, and by Ordinance No. 2016-128 of 10 February 2016 containing various provisions relating to nuclear matters.	X	X	X	<i>(Please answer in this order in the fields below)</i>  <b>Article L.1333-2 of the Defence Code:</b> prohibits the import, export, development, possession, transfer, use and transport of nuclear material without authorization, as well as nuclear activities using ionizing radiation sources.  <b>Article L.1333-9 of the Defence Code:</b> criminalizes the commission of the activities defined in L.1333-2 without authorization. The acquisition or misappropriation, diversion, abandonment to unauthorized entities, dispersal and alteration of nuclear material and damage to facilities containing such material, as well as attempts to commit these activities, shall constitute an offence.  Penalties are increased if the offence was committed by an organized group. (Article L.1333-13-3 of the Penal Code).	

								<p><b>Article L.1333-11 of the Defence Code:</b> criminalizes the possession, transfer, use or transport of nuclear material outside of French territory without authorization.</p> <p>Penalties are increased if the offence was committed by an organized group. (Article L.1333-13-3 of the Penal Code).</p> <p><b>Article L.1333-13-1 of the Defence Code:</b> criminalizes the unauthorized export of goods related to nuclear material and the fraudulent acquisition of authorization to export such goods.</p> <p>Penalties are increased if the offence was committed by an organized group. (Article L.1333-13-3 of the Penal Code).</p> <p><b>Article L. 1333-13-4 of the Defence Code:</b> the unauthorized export or fraudulent acquisition of an export authorization, as well as the commission of one of the above-mentioned offences in connection with an individual or collective enterprise whose purpose is to enable anyone to acquire a nuclear weapon, shall constitute offences. Penalties are increased if the offences were committed by an organized group.</p> <p><b>Article 1333-13-12 of the Defence Code:</b> criminalizes unauthorized access to a restricted nuclear zone.</p> <p><b>Article L.2353-4 of the Defence Code:</b> criminalizes the unauthorized manufacture of an explosive or</p>
--	--	--	--	--	--	--	--	--

				<p><u>Chemical weapons:</u></p> <p><b>Defence Code</b>, strengthened by Act No. 2011-266 of 14 March 2011.</p>		<p>incendiary device, or of an explosive product or any other element or substance intended for use in the composition of an explosive product.</p> <p><b>Article L.2342-3 of the Defence Code:</b> prohibits the use, development, production, stockpiling, possession, storage, acquisition, transfer, import, export, transit, trade and brokering of chemical weapons. It also prohibits all preparations to use chemical weapons.</p> <p><b>Article L.2342-4 of the Defence Code:</b> prohibits the design, construction or use of a facility for the production of chemical weapons and the transfer of any material used to produce chemical weapons.</p> <p><b>Article L. 2342-3 and L. Article L.2342-61 of the Defence Code:</b> criminalizes preparations to commit one of the offences listed, as well as action aimed at provoking, encouraging or inciting a person to commit one of those offences.</p> <p><b>Article L.2342-57 of the Defence Code:</b> the use of a chemical weapon or toxic chemical product for anything other than medical, pharmaceutical, research or protective purposes shall be punished by life imprisonment.</p> <p><b>Article L.2342-58 of the Defence Code:</b> the manufacture of chemical weapons, unfilled chemical munitions and equipment intended for use in chemical weapons shall be punished by life imprisonment.</p>	
--	--	--	--	--	--	--	--

				<p><u>Biological weapons:</u></p> <p><b>Public Health Code:</b> framework strengthened by Act No. 2009-879 of 21 July 2009 on hospital reform and patients, health and the territories, Ordinance No. 2008-717 of 17 July 2008 on criminal provisions relating to certain health products and Ordinance No. 2013-1183 of 19 December 2013 on the harmonization of criminal and financial penalties relating to health products and the adaptation of the prerogatives of the authorities and</p>			<p><b>Article L.2342-60 of the Defence Code:</b> criminalizes the production, stockpiling, possession, storage, acquisition, disposal, import, export, transit, transfer, trade or brokering of chemical weapons.</p> <p>Penalties are increased if the offence was committed by an organized group.</p> <p><b>Article L.2342-62 of the Defence Code:</b></p> <p><b>Article L.2342-62 of the Defence Code:</b> criminalizes the acquisition, disposal, import, export, transit or transfer of an old chemical weapon between Member States of the European Union.</p> <p><b>Article L.5139-2 of the Public Health Code:</b> prohibits the production, manufacture, transport, import, export, possession, supply, disposal, acquisition and use of microorganisms and toxins identified in article L.5139-2 for medical and pharmaceutical purposes. The products containing them are subject to conditions and an authorization system that may prohibit their use.</p> <p>Articles L.5439-1 to 4 of the Public Health Code: criminalizes violations of the conditions and authorization regime established by article 5139-2 of the Public Health Code relating to the production, manufacture, transport, import, export, possession, offer,</p>	
--	--	--	--	--	--	--	---	--

			<p>agents responsible for confirming violations:</p> <p><b>Defence Code:</b> framework strengthened by Act No. 2011-266 of 14 March 2011.</p> <p><u>Specific provisions on the use of weapons of mass destruction or means or substances related thereto for the purpose of seriously disturbing the peace through intimidation or terror:</u></p> <p><b>Penal Code</b> amended by Ordinance No. 2016-128 of 10 February 2016 containing various provisions relating to nuclear matters and by Act No. 2016-731 of 3 June 2016 strengthening the fight against organized crime, terrorism and the financing thereof, and improving the effectiveness and guarantees of criminal procedure:</p>		<p>disposal, acquisition and use of certain micro-organisms and toxins.</p> <p><b>Article L.2341-1 of the Defence Code:</b> prohibits the development, manufacture, possession, stockpiling, transport, acquisition, disposal, import, export, trade and brokering of microbial agents, other biological agents and biological toxins (penalties established in Defence Code articles L.2341-3 ff.). Commission of the offence by an organized group constitutes an aggravating circumstance (article L.234104 of the Penal Code).</p> <p><b>Article 421-1 of the Penal Code:</b> Offences relating to the acquisition, use or transfer of nuclear, chemical or biological materials as defined by the Defence Code constitute acts of terrorism when they are intentionally committed as part of an individual or collective undertaking designed to seriously disrupt the peace through intimidation or terror.</p> <p><b>Article 421-2 of the Penal Code:</b> An act of terrorism is defined as the introduction into the atmosphere, land,</p>	
--	--	--	--	--	--	--

				<p><b>Customs Code:</b></p>		<p>soil, food or water of a substance that is likely to threaten human or animal health and the natural environment with the intention of seriously disrupting the peace through intimidation or terror.</p> <p><b>Article 421-2-6 of the Penal Code:</b> The possession or research of, or attempt to acquire or manufacture goods likely to create a danger to others as part of an individual undertaking with the aim of seriously disturbing the peace through intimidation of terror constitutes an act of terrorism.</p> <p><b>Article 38 of the Customs Code:</b> defines as prohibited all goods that are subject to an import or export ban or specific import/export restrictions. Failure to produce a specifically required public document will result in the goods being deemed prohibited.</p> <p><b>Article 61 bis of the Customs Code:</b> allows customs officers to halt dual-use items destined for a third country while they are in transit through the national territory until a decision has been made by the competent authorities (SBDU, Minister for Public Action and Accounts) about whether to authorize or prohibit the transit of those items, which were not subject to any restrictions (a measure known as “catch-all transit”), as provided for in Article 6 of Council Regulation (EU) No. 428/2009).</p>	
--	--	--	--	-----------------------------	--	--	--

								<p><b>Articles 417, 423, 426 and 428 of the Customs Code:</b> define the concept of smuggling (commercial operations undertaken outside customs offices) and undeclared imports/exports (false declarations, invoices, certificates and public order documents),</p> <p><b>Article 427, paragraph 7, of the Customs Code:</b> the transport within the customs territory of non-Community civil and military dual-use items to a destination outside the European Union, in violation of the prohibitions or authorizations referred to in Article 6 of Council Regulation (EC) No. 428/2009 of 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, shall be deemed to be an undeclared import of prohibited goods.</p> <p><b>Article 414 of the Customs Code:</b> criminalizes smuggling and undeclared imports or exports of prohibited goods. Article 414 as amended by Act No. 2011-266 of 14 March 2011 establishes a penalty for the smuggling and undeclared imports or exports of dual-use goods of up to five years in prison and a fine of up to three times the value of the dual-use goods.</p> <p><u>Economic and financial embargoes</u></p> <p><b>Article 459 of the Customs Code:</b> establishes penalties applicable to anyone who violates or attempts to violate the restrictions on economic and financial relations established by</p>	
--	--	--	--	--	--	--	--	---	--

								<p>European regulations or by the international treaties and agreements regularly approved and ratified by France.</p> <p><u>This article punishes individuals and entities that violate:</u></p> <p>1. the embargoes and restrictions on economic, trade and financial relations and other sanctions (assets freezes) implemented by European regulations, in addition to</p> <p>2) national measures to freeze assets and economic resources taken by the Minister of Economy owing to the participation of those individuals in proliferation activities.</p> <p>Violations or attempted violations are punishable by imprisonment of up to five years, seizure of the corpus delicti, the means of transport used and any goods and assets that are the product of the offence, and fines of up to twice the value of the product of the offence.</p> <p><b>Article 451 bis of the Customs Code:</b> allows all financial transactions carried out in France by or on behalf of natural or legal persons covered by European regulations or by international treaties and agreements duly approved and ratified by France to be assimilated to financial relations with foreign countries.</p> <p><u>International laundering of proceeds of drug trafficking</u></p>
--	--	--	--	--	--	--	--	---



								Article 415 of the Customs Code: provides for the punishment of anyone who carries out or attempts to carry out a financial transaction between France and another country involving funds that are known to have originated from an offence set out in the Customs Code. The crime of money-laundering may therefore be associated with financial flows linked to the smuggling of arms into the country or offences relating to violations of prohibitions concerning dual-use goods. Money-laundering is punishable by a 10-year prison sentence and a fine, as well as by seizure of the funds relating to the offence, and goods and assets that are the proceeds of crime.	
2	Attempt to engage in above-mentioned activities	x	x	x	<p><b>Act No. 92-683 of 22 July 1992 reforming the general provisions of the Penal Code codifies the attempt.</b></p> <p><u>Nuclear weapons:</u></p> <p><b>Defence Code:</b> penalizes attempts to commit the above-mentioned nuclear weapons offences.</p> <p>Framework reinforced by Act No. 2015-588 of 2 June 2015 on strengthening the protection of civil installations containing nuclear materials, by Ordinance No. 2016-128 of 10 February 2016 on various provisions relating to nuclear matters.</p>	X	X	X	<p><b>Article 121-4 of the Penal Code:</b> A person who attempts to commit one of the above-mentioned crimes, or one of the above-mentioned offences, if provided for by law, shall be deemed a perpetrator.</p> <p><b>Article L.1333-9 of the Defence Code:</b> The same penalties shall apply to attempts to commit the offences set forth in this article:</p> <ul style="list-style-type: none"> <li>- import and export nuclear material without regulatory authorization;</li> <li>- unlawfully acquire nuclear materials;</li> <li>- abandon or entrust nuclear materials mentioned in Article L. 1333-1 to a legal or natural person who is not authorized or without informing the legal or natural</li> </ul>

				<p><u>Chemical weapons:</u></p> <p><b>Defence Code:</b> penalizes attempts to commit the above-mentioned chemical weapons offences.</p> <p>Framework reinforced by Act No. 2005-1550 of 12 December 2005 amending various provisions relating to defence.</p>			<p>person of the nature of the materials, or disperse the materials;  alter or damage nuclear material;  destroy structural elements in which nuclear materials are packaged.</p> <p><b>Article L.1333-13-16 of the Defence Code:</b> the same penalties shall apply to an attempt to commit the offence set forth in article L.1333-13-12, namely, the act of entering, without authorization from the competent authority, premises and enclosed land delimited to ensure the protection of nuclear installations of interest for deterrence or installations containing nuclear materials.</p> <p><b>Article L.2342-72 of the Defence Code:</b> The same penalties shall apply to attempts to commit the offences set forth in this article:</p> <ul style="list-style-type: none"> <li>- The same penalties that apply to encouragement shall apply to the encouragement, provocation or incitement to use a chemical weapon (article L.2342-57 of the Defence Code).</li> <li>- the development, production, acquisition, disposal, use, possession, maintenance or storage of chemicals listed in Schedule 1 used for medical, pharmaceutical, research or protective purposes without authorization or in violation of the authorization granted (article L.2342-69 of the Defence Code).</li> </ul>	
--	--	--	--	---	--	--	---	--

				<p><u>Biological weapons:</u>  <b>Public Health Code:</b> framework strengthened by Act No. 2009-879 of 21 July 2009, Ordinance No. 2008-717 of 17 July 2008 and Ordinance No. 2013-1183 of 19 December 2013:</p> <p><u>Weapons and chemical, biological, radiological or nuclear (CBRN) terrorism:</u>  <b>The Penal Code</b> criminalizes attempts to commit the above-mentioned crimes and offences relating to CBRN terrorism.</p> <p>Framework strengthened by Act No. 2014-1353 of 13 November 2014 strengthening the provisions relating to counter-terrorism.</p> <p><b>Customs Code:</b></p>			<p>Article 409 of the Customs Code: an attempted customs offence is punished in the same manner as the offence itself.</p> <p><b>Article L. 5439-2 of the Public Health Code:</b> penalizes the illicit production, manufacture, transport, import, export, possession, supply, disposal, acquisition and use of microorganisms and toxins.</p> <p><b>Article 421-5 of the Penal Code:</b> The same penalties shall apply to the attempted financing of a terrorist act (Article 421-2-2).</p> <p>Article 409 of the Customs Code: an attempted customs offence is punished in the same manner as the offence itself.</p>	
--	--	--	--	---	--	--	---	--

3	Participate as an accomplice in above-mentioned activities	x	x	x	<p><u>General and common provisions:</u></p> <p><b>Penal Code:</b> general provisions on complicity as a mode of liability applicable to the above-mentioned crimes and offences.</p> <p><b>Defence Code:</b></p> <p><b>Customs Code:</b></p>	X	X	X	<p><b>Article 121-6 of the Penal Code:</b> the accomplice to the offence is punishable as a perpetrator.</p> <p><b>Article 121-7 of the Penal Code:</b> the accomplice of a crime or offence is the person who, by aid or assistance, facilitates its preparation or commission. A person who, by means of a gift, promise, threat, order or an abuse of authority or power, provokes the commission of an offence or gives instructions to commit it shall also be considered an accomplice.</p> <p><b>Article L.1333-15 of the Defence Code:</b> punishes offences relating to unauthorized access by an organized gang to a restricted nuclear zone.</p> <p><b>Article 398 of the Customs Code:</b> aligns the notion of complicity in the context of customs with that of complicity within the meaning of Article 121-7 of the Criminal Code: “an accomplice to a crime or offence is the person who, by aiding or abetting, facilitates its preparation or who, by means of a gift, promise, threat, order or abuse of authority or power, provokes the commission of an offence or gives instructions to commit it”. An accomplice in a customs offence shall be liable to the same penalties as the principal offender.</p> <p><b>Article 399 of the Customs Code:</b> defines the concept of involvement in fraud. Individuals who are involved in fraud, have contributed to fraud or have knowingly covered up fraudulent</p>
---	--	---	---	---	---	---	---	---	--

										acts, including those without knowledge of the fraud plan, and in particular the beneficiaries of fraud, shall be considered to be involved in the fraud. The person involved in the fraud is liable to the same penalties as the principal perpetrator.
4	Assist in above-mentioned activities	x	x	x	<p><u>Nuclear weapons:</u></p> <p><b>Defence Code</b>, strengthened by Act No. 2005-1550 of 12 December 2005, Act No. 2011-266 of 14 March 2011, Ordinance No. 2014-792 of 10 July 2014 and Ordinance No. 2016-128 of 10 February 2016:</p> <p><u>Chemical weapons:</u></p> <p><b>Defence Code</b>, strengthened by Act No. 2005-1550 of 12 December 2005 amending various provisions relating to defence, Act No. 2011-266 of 14 March 2011 on combating the proliferation of weapons of mass destruction and their means of delivery and Act 2013-1168 of 18 December 2013 on military programming and containing various provisions relating to defence and national security.</p> <p><u>Biological weapons:</u></p>	X	X	X	<p><b>Article L.1333-12 of the Defence Code:</b> criminalizes action aimed at hindering public control over nuclear materials.</p> <p><b>Articles L.1333-13-2 and 13-6 of the Defence Code:</b> criminalize action aimed at provoking, encouraging or inciting a person to commit one of the offences listed.</p> <p><b>Article L1333-13-12 of the Defence Code:</b> criminalizes unauthorized access to a restricted nuclear zone.</p> <p><b>Article L.2342-4 of the Defence Code:</b> prohibits the communication of information leading to the commission of one of the offences listed.</p> <p><b>Article L.2342-3 of the Defence Code:</b> prohibits preparations to commit one of the offences listed, as well as action aimed at provoking, encouraging or inciting a person to commit one of those offences.</p> <p><b>Article L.2342-64 of the Defence Code:</b> criminalizes the obstruction of the seizure of a chemical weapon or chemical substance by the administrative authority.</p> <p><b>Article L.2341-5 of the Defence Code:</b> prohibits preparations to commit one of the offences listed in article 2441-1, as well as action aimed at provoking, encouraging and</p>	

				<p><b>Defence Code:</b> framework strengthened by Act No. 2011-266 of 14 March 2011 on the fight against the proliferation of weapons of mass destruction and their means of delivery.</p> <p><u>Joint general and punitive provisions:</u></p> <p><b>Customs Code:</b> strengthened by Ordinance 2019-963 of 18 September 2019 on the fight against fraud affecting the financial interests of the European Union by means of criminal law.</p> <p><b>Penal Code:</b> strengthened by Act No. 2019-222 of 23 March 2019.</p>			<p>inciting a person to commit one of the offences listed.</p> <p><b>Article 415 of the Customs Code:</b> provides for the punishment of anyone who carries out or attempts to carry out a financial transaction between France and another country involving funds that are known to have originated from an offence set out in the Customs Code. The crime of money-laundering may therefore be associated with financial flows linked to the smuggling of arms into the country or offences relating to violations of prohibitions concerning dual-use goods. Money-laundering is punishable by a 10-year prison sentence and a fine, as well as by seizure of the funds relating to the offence, as well as goods and assets that are the proceeds of crime.</p> <p><b>Article 421-2-6 of the Penal Code:</b> criminalizes the gathering of information on locations that leads to action being taken or surveillance being carried out on those locations for terrorist purposes.</p>			
5	Finance above-mentioned activities	x	x	x	<p><u>Joint general and punitive provisions:</u></p> <p><b>Defence Code:</b> created by Act No. 2011-266 of 14 March 2011 and strengthened by Ordinance No. 2014-792 of 10 July 2014:</p>	X	X	X	<p><b>Articles L.2339-15 of the Defence Code:</b> criminalizes the procurement of financing through the provision, raising or management of funds, assets or goods of any kind or through the provision of advice to that end with the intention that such funds, assets or goods should be used, or in the knowledge that they are to be used, in whole or in part, to commit offences related to the illicit acquisition, possession, transport, transfer, manufacture or trade in war material, weapons, parts of weapons or munitions, including missiles, rockets or other unmanned systems capable of</p>	

				<p><b>Monetary and Financial Code</b> as amended by Decree No. 2019-1590 of 31 December 2019 on foreign investment in France:</p> <p><b>Customs Code:</b></p> <ul style="list-style-type: none"> <li>- Penalties under Article 459 of the Customs Code for failure to comply with procedures relating to foreign investment in France</li> <li>- Concept of involvement in fraud through the financing of illicit exports of proliferation materials</li> <li>- Customs-related laundering offence, updated by Act No. 266-2011 of 14 March 2011</li> </ul> <p><u>Nuclear weapons:</u></p> <p><b>Defence Code:</b> created by Act No. 2011-266 of 14 March 2011 and strengthened by Ordinance No. 2014-792 of 10 July 2014.</p>		<p>delivering nuclear, biological and chemical weapons to their targets.</p> <p><b>Articles L.151-3-1 and 2 of the Monetary and Financial Code:</b> make certain foreign direct investments subject to authorization by the Ministry of the Economy and Finance.</p> <p><b>Article L.165-1 of the Monetary and Financial Code</b> specifies that breaches of the obligations provided for in Articles L.151-2 and L.151-3 of the same Code are punishable under Article 459 of the Customs Code and that the provisions of Article 451 of the same Code apply to them.</p> <p><b>Article 399-2-a of the Customs Code:</b> insurers, policyholders and lenders with a direct interest in fraud are deemed to be involved in fraud</p> <p><b>Article 415 of the Customs Code:</b> provides for the punishment of anyone who carries out or attempts to carry out a financial transaction between France and another country involving funds that are known to have originated from an offence set out in the Customs Code. The crime of money-laundering may therefore be associated with financial flows linked to the smuggling of arms into the country or offences relating to violations of prohibitions concerning dual-use goods. Money-laundering is punishable by a 10-year prison sentence and a fine, as well as by seizure of the funds relating to the offence and the goods and assets that are the proceeds of crime.</p> <p><b>Articles L.1333-13-5 of the Defence Code:</b> criminalizes the procurement of financing through the provision, raising or management of funds, assets or goods of any kind or through the provision of advice to that end, with the intention that such funds, assets or goods should be used, or in the knowledge that they are to be used, in whole or in part, to commit</p>	
--	--	--	--	---	--	--	--

					<p><u>Chemical weapons:</u>  <b>Defence Code:</b> strengthened by Act No. 2011-266 of 14 March 2011.</p> <p><u>Biological weapons:</u>  <b>Defence Code:</b> created by Act No. 2011-266 of 14 March 2011.</p>			<p>offences related to the illicit use, possession, alteration or transfer of nuclear materials or related property identified in the Defence Code and referred to above.</p> <p><b>Article L. 2342-3 of the Defence Code:</b>  criminalizes the procurement of financing through the provision, raising or management of funds, assets or goods of any kind or through the provision of advice to that end, with the intention that such funds, assets or goods should be used, or in the knowledge that they are to be used, in whole or in part, to carry out an activity prohibited under CWC, irrespective of whether the activity is actually carried out.</p> <p><b>Articles L.2341-2 of the Defence Code:</b>  criminalizes the procurement of financing through the provision, raising or management of funds, assets or goods of any kind or through the provision of advice to that end, with the intention that such funds, assets or goods should be used, or in the knowledge that they are to be used, in whole or in part, to carry out an activity prohibited under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.</p> <p><b>Article L.2339-15 of the Defence Code:</b>  combats the financing of illicit operations related to means of delivery of weapons of mass destruction, in particular biological weapons.</p>		
6	Above-mentioned activities related to means of delivery <sup>1</sup>	x	x	x	<p><u>Common provisions:</u>  <b>Defence Code:</b> created by Act No. 2011-266 of 14 March 2011, strengthened by Act No. 2011-702 of 22 June 2011 and Ordinance No. 2013-518 of 20 June 2013.</p>	X	X	X	<p><b>Articles L.2339-14 to 18 of the Defence Code:</b>  prohibit the unauthorized manufacture, trade, transfer, possession and transport of means of delivery of weapons of mass destruction.</p>	



				<p><u>Nuclear weapons:</u></p> <p><b>Defence Code:</b> created by Act No. 2011-266 of 14 March 2011 and reinforced by Ordinance No. 2014-792 of 10 July 2014 and Act No. 2016-731 of 3 June 2016.</p> <p><u>Chemical weapons:</u></p> <p><b>Defence Code:</b> created by Act No. 2011-266 of 14 March 2011 and strengthened by Act No. 2016-731 of 3 June 2016.</p> <p><u>Common provisions:</u> <b>Defence Code</b> amended by Decree No. 2020-68 of 30 January 2020:</p>			<p><b>Articles L.2332-1 to 8-1 of the Defense Code:</b> prohibit the manufacture of or trade in war materials, including the means of delivery of weapons of mass destruction, without State-issued authorization.</p> <p><b>Articles L.2335-8 to 18 of the Defence Code:</b> establish conditions for the transfer of war equipment, including delivery systems for weapons of mass destruction, to States outside the European Union.</p> <p><b>Article L.1333-13-1 of the Defence Code:</b> prohibits the unauthorized export of goods related to nuclear material.</p> <p><b>Article L.2342-58 of the Defence Code:</b> criminalizes the design, construction or use of a facility for the production of chemical munitions or materials intended for use in chemical weapons.</p> <p><b>Articles L. 2339-14 to 18 of the Defence Code:</b> punish the unauthorized manufacture, trade, transfer, possession and transport of means of delivery of weapons of mass destruction.</p> <p><b>Articles L. 2332-1 to 8-1 of the Defence Code:</b> prohibit the manufacture of or trade in war equipment, including the means of delivery of weapons of mass destruction, without State-issued authorization.</p> <p><b>Articles L. 2335-1 to 18 of the Defence Code:</b> establish conditions for the import, export and transfer of war equipment, including the means</p>	
--	--	--	--	--	--	--	--	--

									of delivery of weapons of mass destruction, within the European Union.  <b>Articles L. 312-1 and L. 312-2 of the Defence Code:</b> conditions for the acquisition and possession of war materials, including the means of delivery of weapons of mass destruction.	
7	Other	x	x	x	<p><u>Nuclear weapons:</u> <b>Criminal Code:</b> created by Act No. 2004-204 of 9 March 2004, strengthened by Act No. 2011-525 of 17 May 2011 and Act No. 2016-731 of 3 June 2016.</p> <p><u>Chemical weapons:</u> <b>Criminal Code:</b> created by Act No. 2004-204 of 9 March 2004, strengthened by Act No. 2011-525 of 17 May 2011 and Act No. 2016-731 of 3 June 2016.</p> <p><u>Biological weapons:</u> <b>Criminal Code:</b> created by Act No. 2004-204 of 9 March 2004, strengthened by Act No. 2011-525 of 17 May 2011 and Act No. 2016-731 of 3 June 2016.</p>	X	X	X	<p><b>Article 322-6-1 of the Criminal Code:</b> criminalizes the dissemination of information on processes to develop destructive devices from nuclear materials.</p> <p><b>Article 322-6-1 of the Criminal Code:</b> criminalizes the dissemination of information on processes to develop destructive devices from chemicals.</p> <p><b>Article 322-6-1 of the Criminal Code:</b> criminalizes the dissemination of information on processes to develop destructive devices from biological materials.</p>	

**III. Paragraph 3 (a) and (b): account for, secure and physically protect nuclear, chemical and biological weapons, including related materials<sup>2</sup>**

Measures to establish domestic controls to prevent the proliferation of nuclear,	National legal and/or regulatory framework		Enforcement and civil/criminal penalties		Remarks
	X/?	Source document	X/?	Source document	

chemical and biological weapons and their means of delivery; controls over related materials		N W	C W	BW *		N W	C W	BW			
1	<p>Measures to account for:</p> <p>Production</p> <p>Use</p> <p>Stocks</p>	X	X	X	<p><i>(Please answer in this order in the fields below)</i></p> <p><u>Nuclear weapons:</u>  <b>Defence Code</b>, strengthened by Ordinance No. 2016-128 of 10 February 2016 and Decree No. 2016-1296 of 30 September 2016.</p>	X	X	X	<p><b>(Please answer in this order in the fields below)</b></p> <p><b>Articles L.1333-2 to 7 of the Defence Code:</b> regime for authorizing, declaring and controlling the transfer, development, possession, use and transport of nuclear materials, aimed at ensuring that the conditions and requirements of the authorization are met, including those relating to their possession, storage, physical monitoring and accounting.</p> <p><b>Articles L.1333-9 to 13-11 of the Defence Code:</b> criminalize violations of provisions relating to the nuclear safety of facilities, the protection of nuclear materials and the security of persons or property.</p> <p><b>Articles R.1333-3 to 10 of the Defence Code:</b> detail the procedures for implementing the regime for authorizing activities associated with nuclear materials (in particular the entity responsible for issuing these authorizations: the Minister of Defence or the Minister of Energy, depending on the activity concerned) and require the petitioner to specify the organization and the means to protect and control nuclear materials, as well as the quantities and activities concerned. The authorization and reporting regime is intended to be more restrictive depending on the hazardousness and sensitivity of the nuclear material and activities concerned.</p> <p><b>Articles R.1333-11 to 13 of the Defence Code:</b> define the rules for monitoring and accounting for nuclear materials at all stages of their life cycle (production, use, storage and transfer).</p> <p><b>Articles R.1333-11 to 13 of the Defence Code:</b> specify the rules applicable to the physical monitoring of and accounting for</p>		

				<p><b>Order of 29 November 2019</b> on the protection of ionizing radiation sources and batches of radioactive sources in categories A, B, C and D against malicious acts.</p> <p><u>Chemical weapons:</u></p> <ul style="list-style-type: none"> <li>• <b>Defence Code:</b></li> </ul>		<p>nuclear materials at all stages of their production, use, storage and transfer.</p> <p><b>Articles R.1333-14 to 16 of the Defence Code:</b> specify the methods for implementing physical protection obligations in establishments and facilities in order to protect the nuclear materials they contain.</p> <p><b>Articles L.2342-5 to 7 of the Defence Code:</b> obligation to declare the destruction of chemical weapons manufactured prior to 18 June 1998. Chemical weapons and Schedule 1 chemicals annexed to CWC produced since 1 June 1998 shall be declared, seized, sealed and destroyed. Facilities or establishments engaged in the production, storage or maintenance of chemical weapons, chemical munitions and equipment intended for use in chemical weapons, as well as chemical weapons destruction facilities, shall be subject to declaration. They shall be rendered inoperable and destroyed.</p> <p><b>Articles L.2342-8 to 11 of the Defence Code:</b> the development, production, acquisition, disposal, use, possession, maintenance or storage of chemicals used for medical, pharmaceutical, research or protective purposes listed in Schedule 1 annexed to CWC and are not prohibited are subject to authorization. The transfer of these goods to, from or through States not party to CWC is prohibited and in other cases subject to authorization. Operators using the products for purposes not prohibited by CWC are subject to restrictions and a declaration regime.</p> <p><b>Articles L.2342-12 to 14 of the Defence Code:</b> obligation to declare the production,</p>	
--	--	--	--	---	--	--	--

								<p>processing and use of chemicals listed in Schedule 2 annexed to CWC and associated facilities. Ban on exports to States not parties to CWC.</p> <p><b>Articles L.2342-15 to 17 of the Defence Code:</b> obligation to report the production of chemicals listed in Schedule 3 of CWC. The export of these substances to non-parties to CWC requires authorization and the State of destination must submit an end-use and non-re-export certificate. Schedule 3 chemical production facilities are subject to declaration if they produce quantities in excess of the specified thresholds.</p> <p><b>Article L.2342-18 of the Defence Code:</b> facilities that produce by synthesis defined organic chemicals not listed in any of the three Schedules annexed to CWC are subject to declaration if they produce quantities in excess of the specified thresholds.</p> <p><b>Articles L.2342-22 to 51 of the Defence Code:</b> provide conditions for the implementation of international verifications by inspectors of the Organization for the Prohibition of Chemical Weapons.</p> <p><b>Articles L.2342-51 to 55 of the Defence Code:</b> authorized official agents shall perform the necessary inspections in order to verify the obligations imposed by CWC and, to that end, may access facilities, collect and make copies of commercial and shipping documents and collect or request samples.</p> <p><b>Articles L.2342-64 to 67 of the Defence Code:</b> criminalizes the act of opposing confiscation by the administrative authority of a chemical weapon or chemical product; failure of the operator to report as required.</p>	
--	--	--	--	--	--	--	--	---	--

				<p><u>Biological weapons:</u>  <b>Public Health Code:</b> strengthened by Act No. 98-535 of 1 July 1998, Act No. 2009-879 of 21 July 2009, Ordinance No. 2010-18 of 7 January 2010, Ordinance No. 2010-177 of 23 February 2010, Act No. 2011-2012 of 29 December 2011 and Ordinance No. 2016-462 of 14 April 2016:</p>			<p><b>Article L.2342-70 of the Defence Code:</b> criminalizes the failure to declare a facility that processes, stores or uses Schedule 1 chemicals or the failure of the operator to report annually on the quantity of Schedule 1 chemicals that are produced, acquired, transferred, processed, consumed or stored and of precursors listed in any of the three Schedules used to produce those chemicals.</p> <p><b>Article L.2342-74 of the Defence Code:</b> criminalizes the act of opposing or obstructing international verifications mandated by the Organization for the Prohibition of Chemical Weapons.</p> <p><b>Article L.1413-1 to 16 of the Public Health Code:</b> details the mandate, powers and duties of the Health Surveillance Institute (InVS) responsible for ongoing epidemiological surveillance in the country, in order to detect, as early as possible, the risks associated with micro-organisms and toxins that are hazardous to public health.</p> <p><b>Articles L.5139-1 to 3 of the Public Health Code:</b> establish the authorizations granted by the National Agency for the Safety of Medicines and Health Products (ANSM) as preconditions for any operation involving micro-organisms and toxins that may pose a risk to public health, as well as the products containing them.</p> <p><b>Articles R.5139-1 to 20 of the Public Health Code:</b> detail the content of the above-mentioned authorization regime.</p> <p><b>Articles R.5139-3 and 18 of the Public Health Code:</b> detail the safety and security obligations of facilities.</p> <p><b>Articles R.5139-14 of the Public Health Code:</b> defines the rules for monitoring and accounting for stocks of biological agents.</p>	
--	--	--	--	--	--	--	---	--

								<p><b>Articles L.5311-1 to 3 of the Public Health Code:</b> specify the mandate and the mission of ANSM, which is responsible for monitoring research on micro-organisms and toxins, as well as the distribution, import and export of products and devices containing or using them.</p> <p><b>Articles L.5312-1 to 5 of the Public Health Code:</b> empower ANSM to take restrictive measures and carry out inspections to monitor the production, use, packaging, conservation, possession and transport of products and devices that contain or use micro-organisms and toxins.</p> <p><b>Articles L.5439-1 to 4 of the Public Health Code:</b> criminalize breaches to the ANSM prior authorization system.</p> <p><b>Article 413-7 of the Penal Code:</b> makes it a criminal offence to enter, without authorization, public or private services, establishments or enterprises involved in national defence in which free movement is prohibited and access is restricted to ensure the protection of facilities and equipment or the secrecy of research, studies or production.</p>
--	--	--	--	--	--	--	--	---

Common provisions:  
**Penal Code**, as amended by Ordinance No. 2000-916 of 19 September 2000.

2	<p>Measures to account for transport</p> <p>Measures to secure transport</p>	X	X	X	<p><u>Common provisions:</u></p> <p><b>Customs Code:</b></p> <p><u>Nuclear weapons:</u></p> <p><b>Defence Code:</b></p> <p><b>Environment Code</b> strengthened by Order No. 2016-128 of 10 February 2016.</p>	X	X	X	<p><b>Article 60 of the Customs Code:</b> customs officers have the right to inspect vehicles on public roads and, in general, in places where customs services are normally conducted. This right of inspection applies throughout the customs territory and is not limited to border crossings.</p> <p><b>Article 61 of the Customs Code:</b> the right of inspection by customs officers is combined with the power to order vehicles to be stopped and immobilized, pursuant to the right to issue injunctions.</p> <p><b>Article L.1333-2 of the Defence Code:</b> the transport of nuclear materials is subject to authorization and control.</p> <p><b>Article L.1333-9 and 11 of the Defence Code:</b> repression of violations of the provisions applicable to the transport of nuclear materials within and outside the national territory.</p> <p><b>Articles R.1333-3 to 10 of the Defence Code:</b> define the rules relating to transport authorizations.</p> <p><b>Articles R.1333-17 to 19 of the Defence Code:</b> define the rules applicable to the transport of nuclear materials (actors involved, protection measures, authorizations).</p> <p><b>Articles L.1252-5 to 8 of the Environment Code:</b> criminalize infringements of the general regulations on the transport of hazardous materials, including nuclear materials.</p> <p><b>Articles L.5242-7 to 13 of the Environment Code:</b> criminalize breaches of regulations</p>	
---	--	---	---	---	--	---	---	---	---	--





					<p><u>Biological weapons:</u>  <b>Transport Code:</b></p>			<p><b>Articles L.1252-5 to 8 of the Transport Code:</b> criminalizes violations of the general regulations on the transport of hazardous materials, including biological substances.  <b>Articles L.5242-7 to 13 of the Transport Code:</b> criminalizes violations of regulations on the maritime transport of hazardous materials, including biological substances.  <b>Article L.5336-17 of the Transport Code:</b> criminalizes breaches of port regulations relating to hazardous materials, including biological substances.  <b>Articles R.5139-1 of the Transport Code:</b> requirement to obtain authorization for the transport of any biological agents defined in the same Article.</p>		
3	Physical protection measures	X	X	X	<p><u>Nuclear weapons</u>  <b>Defence Code:</b> strengthened by Act No. 2005-1550 of 12 December 2005, Act No. 2006-686 of 13 June 2006, Act No. 2011-267 of 14 March 2011, Ordinance No. 2012-6 of 5 January 2012, Act No. 2013-1168 of 18 December 2013, Ordinance No. 2016-128 of 10 February 2016 and Decree No. 2016-1296 of 30 September 2016.</p>	X	X	X	<p><b>Articles L.1332-1 to 6 of the Defence Code:</b> protection, security and restrictions on access to vital facilities, including those containing nuclear material.  <b>Articles L.1332-6-1 to 6 of the Defence Code:</b> protection of vital information systems.  <b>Articles L.1332-1 to 42 of the Defence Code:</b> protection, security and restrictions on access to vital facilities, including those containing nuclear material.  <b>Articles R.1333-2 to 16 of the Defence Code:</b> the import, export, development, possession, transfer, use and transport of nuclear materials under contracts concluded by French and foreign operators are subject to a system of authorization or declaration and control. An administrative control</p>	

					<p><b>Penal Code:</b> strengthened by Ordinance No. 2000-916 of 19 September 2000 and Act No. 2013-1168 of 18 December 2013:</p> <p><u>Biological weapons:</u></p> <ul style="list-style-type: none"> <li>• <b>Public Health Code:</b></li> </ul> <p><b>Defence Code:</b> strengthened by Act No. 2005-1550 of 12 December 2005, Act No. 2006-686 of 13 June 2006, Act No. 2011-267 of 14 March 2011, Ordinance No. 2012-6 of 5 January 2012, Act No. 2013-1168 of 18 December 2013 and Act No. 2015-917 of 28 July 2015.</p>			<p>mechanism is also in place to ensure that the conditions and requirements set out in the authorization are met, including those regarding possession, conservation, physical monitoring and accounting.</p> <p><b>Article 413-7 of the Penal Code:</b> makes it a criminal offence to enter, without authorization, public or private services, establishments or enterprises involved in national defence in which free movement is prohibited and access is restricted to ensure the protection of facilities and equipment or the secrecy of research, studies or production.</p> <p><b>Articles L.5439-1 to 4 of the Public Health Code:</b> criminalizes violations of the conditions and authorization regime relating to the production, manufacture, transport, import, export, possession, offer, disposal, acquisition and use of certain micro-organisms and toxins.</p> <p><b>Articles L.1332-1 to 6 of the Defence Code:</b> public or private operators running establishments or using facilities and infrastructure, the unavailability of which could significantly reduce the nation's war potential or economic potential, security or ability to survive, are required to implement protective measures with a view to countering threats, particularly of terrorism. These safeguards extend to associated information systems.</p> <p>The identification of vital operators and the procedures for implementing protective measures are specified in articles R 1332-1 to 42 of the Defence Code.</p>
--	--	--	--	--	---	--	--	--

				<p><b>Penal Code:</b> strengthened by Ordinance No. 2000-916 of 19 September 2000 and Act No. 2013-1168 of 18 December 2013.</p>			<p><b>Articles 413-5 to 8 of the Penal Code:</b> criminalize fraudulent access to services, facilities or companies involved in national defence, as well as interference with the normal functioning of services, facilities or companies involved in national defence with the aim of adversely affecting national defence.</p> <p><b>Articles 413-1 to 8 of the Penal Code:</b> criminalize all types of attacks on public and private facilities concerned with national defence.</p>			
4	Personnel reliability	X	X	X	<p><u>Common provisions:</u>  <b>Defence Code</b>, amended by Ordinance No. 2018-1125 of 12 December 2018, by Decree No. 2019-1399 of 18 December 2019.</p> <p><u>Nuclear weapons:</u>  <b>Defence Code</b>, as amended by Ordinance No. 2016-128 of 10 February 2016 and Ordinance No. 2018-1125 of 12 December 2018.</p> <p><u>Chemical weapons:</u>  <b>Defence Code:</b> codified by Act No. 2005-1550 of 12 December 2005.</p>	X	X	X	<p><b>Article L.1332-2-1 of the Defence Code:</b> authorization regime for access to all vital facilities. The definition of vital operators is specified in Article R.1332-1 of the Defence Code.</p> <p><b>Articles R.1332-22-1 to 3 of the Defence Code:</b> set out the conditions relating to the system of authorization for access to facilities of vital importance.</p> <p><b>Articles L.1333-1 to 13 of the Defence Code:</b> stipulate that all uses of nuclear material require authorization.</p> <p><b>Articles L.1333-9 to 13-1 of the Defence Code:</b> establish the penalties for violating the provisions relating to authorizations granted to facilities producing chemicals listed in Schedule 1 of CWC.</p> <p><b>Articles L.2342-8 to 11 of the Defence Code:</b> establish the control of exports and transfers of chemical substances listed in Schedule 1 of CWC; the requirement for industries using those substances to report annually on the quantities acquired, transferred, processed, used, stored or</p>	

					<p><u>Biological weapons:</u></p> <ul style="list-style-type: none"> <li>• <b>Public Health Code:</b></li> </ul>			<p>produced; and a ban on exports of such substances to States not parties to CWC.</p> <p><b>Articles L.2342-57 to 81 of the Defence Code:</b> establish the criminal penalties applicable to violations of the provisions related to chemical weapons.</p> <p><b>Articles L.5139-1 to 3 of the Public Health Code:</b> establish an authorization system for persons responsible for carrying out activities (possession, implementation and transport) linked to the biological agents defined in Article L.5139-1 (detailed in Article R.5139-3).</p> <p><b>Articles L. 5313-1 to 4 of the Public Health Code:</b> define the powers of ANSM to inspect facilities containing biological substances.</p> <p><b>Articles L.2339-14 to 18 of the Public Health Code:</b> criminalize offences relating to the means of delivery of weapons of mass destruction (including nuclear weapons).</p> <p><b>Articles L.5313-1 to 4 of the Public Health Code:</b> define the powers of ANSM to inspect facilities containing biological substances.</p>	
--	--	--	--	--	--	--	--	--	--

2. 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 Implementation Support Unit of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction  
[http://www.unog.ch/80256EE600585943/\(httpPages\)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument)

Paragraph 3 (a) and (b) – Account for/secure/physically protect nuclear weapons, including related materials (specific to nuclear weapons)

Measures to establish domestic controls to prevent the proliferation of nuclear weapons, and their means of delivery; controls over related materials	Source document	Remarks
1 National regulatory authority	<p><u>Parliament</u>: Constitution of 4 October 1958.</p> <p><u>Prime Minister</u>: Constitution of 4 October 1958.</p> <p><u>Ministry of Energy, Department of Nuclear Security</u>: Order of 9 July 2008 as amended by Order of 21 June 2019 on the organization of the central administration services of the Ministry of Ecology, Energy, Sustainable Development and Spatial Planning (Ministry for Ecological and Inclusive Transition)</p> <p><u>Alternative Energies and Atomic Energy Commission</u>: articles L.332-1 to 7 of the Research Code, supplemented by Decree No. 2016-311 of 17 March 2016 and Decree No. 2018-44 of 26 January 2018 related to the organization and operation of the Alternative Energies and Atomic Energy Commission.</p>	
2 Licensing of nuclear installations/entities/ use of materials	<p><u>Defence Code</u>: articles L.1333-2 and 3 make the import and export of nuclear materials, their production, possession, transfer, use and transport subject to authorization or declaration, and to control.</p> <p><u>Defence Code</u>: article L.1411-4 lays down the decision to certify operators of nuclear installations relevant to the deterrence policy.</p>	<p>Framework amended by Order No. 2016-128 of 10 February 2016</p> <p>Framework created by Order No. 2014-1567 of 22 December 2014</p>
3 IAEA Safeguards Agreements	<p><u>Safeguards Agreement between France, Euratom and IAEA</u>: Agreement of 27 July 1978, entered into force on 12 September 1981 and issued as INFCIRC 290 by IAEA in December 1981.</p> <p><u>Additional Protocol between France, Euratom and IAEA</u>: Agreement of 22 September 1998, entered into force on 30 April 2004. Issued as INFCIRC/290 by IAEA.</p> <p>Tripartite Agreement between France, Euratom and IAEA on the application of safeguards on the non-diversion of nuclear material for military purposes, within the framework of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, including a “small quantities protocol”, signed on Wednesday, 13 September 2017 and published by Decree No. 2019-781 on 24 July 2019.</p>	

4	IAEA Code of Conduct on the Safety and Security of Radioactive Sources	<p>Political commitment by France to implement the Code of Conduct on the Safety and Security of Radioactive Sources by letter from the Governor for France to IAEA dated 7 January 2004.</p> <p>French regulations on the use of ionizing radiation are mainly found in the Public Health Code and the Labour Code. Those regulations take into account the recommendations of the IAEA Code of Conduct.</p> <p>The provisions relating to transparency and security in nuclear matters were codified in 2009,<sup>1</sup> then amended by Order 2012-6 of 5 January 2012, amending Books I and V of the Environment Code: creation of Section IX of Book V (Nuclear security and basic nuclear facilities) dealing in particular with the regime for authorization of basic nuclear facilities, storage of radioactive waste, transport of radioactive substances and criminal penalties for breaches of these provisions.</p>	
5	Guidance on the Import and Export of Radioactive Sources and Guidance on the Management of Disused Radioactive Sources as a supplement to the Code of Conduct on the Safety and Security of Radioactive Sources	<p>Political commitment of France to implement the Guidance on the Import and Export of Radioactive Sources. Political commitment by France to implement the Guidance on the Management of Disused Radioactive Sources.</p>	
6	IAEA Incident and Trafficking Database	<p>Participation in database programmes. The Incident and Trafficking Database is the IAEA information system that deals with cases of illicit trafficking and other unauthorized activities and events involving nuclear and other radioactive materials outside of regulatory control. It was set up in 1995.</p>	
7	Integrated Nuclear Security Support Plan (INSSP) / International Physical Protection Advisory Service (IPPAS)	<p>France hosts and participates in IPPAS peer review missions organized by IAEA.</p>	
8	Applying the physical protection recommendations in INFCIRC/225/Rev.5	<p>Implementation by France.</p>	
9	Other agreements related to IAEA	<p>Support for the universalization of the joint statement on strengthening the security of high activity sealed radioactive sources (INFCIRC/910).</p> <p>Support for the joint statement on mitigating insider threats (INFCIRC/908)</p>	
10	National legislation and regulations related to	<p><u>With regard to CPPNM:</u></p>	

<sup>1</sup> Article 92 of Act No. 2009-526 of 12 May 2009 empowered the Government to enact legislation by ordinance, authorizing it to proceed with the codification of Act No. 2006-686 of 13 June 2006 on transparency and security in nuclear matters, known as the “TSN Act”, within the Environment Code and Defence Code.

	<p>nuclear material including the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (CPPNM)</p>	<ul style="list-style-type: none"> <li>- Act No. 89-433 of 30 June 1989 authorizing ratification of an international convention on the physical protection of nuclear material.</li> <li>- Decree No. 92-110 of 3 February 1992 on the publication of the Convention on the Physical Protection of Nuclear Material.</li> <li>- Act No. 2012-1473 of 28 December 2012 authorizing the approval of the Amendment to the Convention on the Physical Protection of Nuclear Material adopted in Vienna on 8 July 2005.</li> <li>- Decree No. 2016-1149 of 24 August 2016 on the publication of the Amendment to the Convention on the Physical Protection of Nuclear Material.</li> </ul> <p><u>Defence Code:</u></p> <ul style="list-style-type: none"> <li>- Articles L.1332-1 to 6: protection, security and restrictions on access to facilities of vital importance, including those containing nuclear material.</li> <li>- Articles L.1333-1 to 14: definition of the regime for the protection of nuclear material and the penalties applicable in the event of violation of these provisions.</li> </ul> <p><u>Penal Code:</u></p> <ul style="list-style-type: none"> <li>- Article 421-1: definition of terrorist acts and associated penalties. This definition includes offences related to weapons of mass destruction and the financing of such activities when their purpose is to seriously disturb public order through intimidation or terror.</li> </ul>	
11	Other	<ul style="list-style-type: none"> <li>• Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management of 29 September 1997: approved by France on 27 April 2000 and entered into force on 18 June 2001;</li> <li>• Convention on Early Notification of a Nuclear Accident of 26 September 1986: entered into force on 27 October 1986; approved by France on 6 March 1989; and entered into force for France on 6 April 1989;</li> <li>• Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency of 26 September 1986: entered into force on 26 February 1987; approved by France on 6 March 1989; and entered into force for France on 6 April 1989;</li> <li>• Convention on Nuclear Safety of 17 June 1994: approved by France on 13 September 1995 and entered into force on 24 October 1996;</li> <li>• Regulation (Euratom) No. 302/2005 of 8 February 2005 on the application of Euratom safeguards.</li> </ul>	



**V. Paragraph 3 (a) and (b) - Account for/secure/physically protect chemical weapons including related materials (specific to chemical weapons)**

Measures to establish domestic controls to prevent the proliferation of chemical weapons and their means of delivery; controls over related materials		Source document	Remarks
1	National CWC authority	<p><u>Defence Code:</u></p> <p><b>Articles D.2342-95 to 97:</b> the Interministerial Committee on the Implementation of the Chemical Weapons Convention (CICIAC) is responsible for monitoring the implementation of CWC.</p> <p><b>Article D.2342-98:</b> the Ministry of Foreign Affairs is the National Authority within the meaning of Article VII-4 of CWC.</p> <p><b>Article D. 2342-99:</b> the Minister of Defence is responsible for the application of CWC at the sites placed under his or her authority.</p> <p><b>Article D. 2342-100:</b> the Minister for Internal Affairs is responsible for the collection, transport and intermediate storage of old chemical munitions and existing chemical munitions awaiting the operationalization of the dismantling site; declaring such munitions and storage facilities; and supervising inspections of storage facilities.</p> <p><b>Article D. 2342-101:</b> the Minister of Industry is responsible for civil facilities in the context of CWC, subject to the authority of the Minister for Foreign Affairs and the Ministers of Defence, Overseas France and Customs.</p> <p><b>Article D. 2342-102:</b> the Minister of Customs is responsible for implementing the provisions of CWC concerning imports and exports.</p>	
2	Licensing/registration of installations/ facilities/persons/entities/use/ handling of related materials	<p><u>Defence Code:</u></p> <p><b>Article L.2342-4:</b> ban on the design, construction or use of a chemical weapons production facility.</p> <p><b>Article L.2342-5:</b> requires all operators of facilities that produce or destroy chemical weapons to declare their activities.</p> <p><b>Articles L.2342-8 to 11:</b> if these activities are licit, the development, manufacture, procurement, disposal, use, possession, maintenance or storage of chemicals listed in Schedule 1 require authorization. Facilities manufacturing these items are subject to authorization, or at least to declaration under certain conditions.</p> <p><b>Articles L.2342-12 to 14:</b> obligation to report the production, processing and use of chemicals listed in Schedule 2 of CWC. Ban on exports of such substances to States not parties to CWC.</p> <p><b>Articles L.2342-15 to 17:</b> obligation to report the production of chemicals listed in Schedule 3 of CWC. The export of such substances to States not parties to CWC is subject to authorization.</p> <p><u>Environment Code</u></p>	

		<b>Articles L.512-1 to 21:</b> describe the system of facilities subject to authorization, registration or declaration. These rules require operators of hazardous chemicals units to implement security measures during production, use, handling and storage of those chemicals.	
3	Old or abandoned chemical weapons	<p>Defence Code: old chemical weapons are covered by the same regulations as any other chemical weapon. The only provisions that are specific to them are:</p> <ul style="list-style-type: none"> <li>• <b>Article L.2342-5:</b> requires all persons in possession of old chemical weapons to declare them to the relevant national authorities.</li> <li>• <b>Article L.2342-6:</b> requires old chemical weapons to be destroyed.</li> <li>• <b>Article L.2342-60 and 62:</b> establishes the criminal penalties applicable to manufacture, storage, possession, stockpiling, acquisition, disposal, import, export, transit, transfer, trade or brokering;</li> <li>• <b>Article L.2342-66:</b> establishes the penalties applicable in the event of failure to declare old chemical weapons.</li> <li>• <b>Article D.2342-100:</b> the Minister of the Interior is responsible for the declaration of old chemical weapons and their collection, transport and storage.</li> </ul>	
	Other	<u>Regulation (EC) No. 1907/2006</u> of the European Parliament and of the Council of 18 December 2006 concerning the registration, evaluation, authorization and restriction of chemicals, establishing a European chemicals agency.	

**VI. Paragraph 3 (a) and (b) - Account for/secure/physically protect biological weapons including related materials (specific to biological weapons)**

Measures to establish domestic controls to prevent the proliferation of biological weapons and their means of delivery; controls over related materials	Source document	Remarks
1 Regulations on genetic engineering work	<p><u>Order of 30 April 2012</u> establishing a list of microorganisms and toxins provided for in Article L. 5139-1 of the Public Health Code: list of microorganisms and toxins, including genetically modified microorganisms, the use of which is subject to authorization.</p> <p><u>Environment Code:</u></p> <ul style="list-style-type: none"> <li>• <b>Article L.531-3:</b> establishes a high council of biotechnology to advise the Government on all matters related to genetically modified organisms and other biotechnology, and to provide guidance on the risks posed to the environment and to public health in the event of contained use or deliberate release of such organisms.</li> <li>• <b>Articles R.531-7 to 28:</b> specify the composition, powers and functioning of the high council of biotechnology.</li> </ul> <p><u>Directive No. 2009/41/EC of 6 May 2009</u> on the contained use of genetically modified microorganisms: defines precautionary rules for the use of genetically modified microorganisms.</p>	
2 Other	<p><u>Public Health Code:</u></p> <ul style="list-style-type: none"> <li>• <b>Articles L.5139-1 to 3:</b> set up a system of authorization by ANSM as a precondition for any operation involving microorganisms and toxins that may pose a risk to public health, and the products containing them.</li> <li>• <b>Articles L.5311-1 to 5:</b> create ANSM, which is responsible for monitoring research on microorganisms and toxins, as well as for the distribution, import and export of products and devices containing or using them, and give it the authority to impose restrictive measures and conduct inspections to monitor the production, use, packaging, storage, possession and transport of products and devices that contain or use microorganisms and toxins.</li> </ul>	

**VII. Paragraph 3 (c) and (d) and related matters from paragraph 6: controls of nuclear, chemical and biological weapons, 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	BW		N W	C W	B W		
1	Border control to detect, deter, prevent and combat illicit trafficking	X	X	X	<b>Council Regulation (EEC) No. 2913/92 of 12 October 1992:</b> <sup>2</sup> customs supervision of goods entering and leaving the European Union. <b>Regulation (EEC) No. 953/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code:</b> <sup>3</sup> customs supervision of goods brought into and taken out of the European Union. Control of the accomplishment of customs formalities.	X	X	X		

<sup>2</sup> As amended by:

- Commission Implementing Regulation (EU) No. 1357/2013 of 17 December 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 1099/2013 of 5 November 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 1076/2013 of 31 October 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 1063/2013 of 30 October 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 1357/2013 of 17 December 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 58/2013 of 23 January 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 756/2012 of 20 August 2012 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Corrigendum to Commission Regulation (EU) No. 1063/2010 of 18 November 2010 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Regulation (EU) No. 169/2010 of 1 March 2010 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Regulation (EC) No. 648/2005 of 13 April 2005 amending Council Regulation (EEC) No. 2913/92;
- Corrigendum to Commission Regulation (EC) No. 1602/2000 of 24 July 2000 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92.

<sup>3</sup> As amended by:

- Commission Implementing Regulation (EU) No. 1357/2013 of 17 December 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 1099/2013 of 5 November 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 1076/2013 of 31 October 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 1063/2013 of 30 October 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 530/2013 of 10 June 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 58/2013 of 23 January 2013 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Implementing Regulation (EU) No. 756/2012 of 20 August 2012 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Corrigendum to Commission Regulation (EU) No. 1063/2010 of 18 November 2010 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Commission Regulation (EU) No. 169/2010 of 1 March 2010 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92;
- Regulation (EC) No. 648/2005 of 13 April 2005 amending Council Regulation (EEC) No. 2913/92;
- Corrigendum to Commission Regulation (EC) No. 1602/2000 of 24 July 2000 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92.

				<p><b>Regulation (EU) No. 98/2013 of 15 January 2013</b> on the marketing and use of explosives precursors</p> <p><u>Customs provisions applicable to nuclear, chemical and biological devices in an undifferentiated manner.</u></p> <p><b>Customs Code, as amended by Order 2016-1687 of 8 December 2016</b>, provides for the supervision of goods in border areas but also throughout the country, whether or not they are in transit and regardless of the means of transport or whether they are part of ongoing commercial operations.</p>				<p><u>Concerning the territorial scope of action of the Directorate-General for Customs and Indirect Duties:</u></p> <p><b>Articles 43 and 44 of the Customs Code:</b> customs operations are carried out throughout the national territory. This means that all transport can be subject to control. However, there is a special monitoring area along the land and sea borders which constitutes the zone covered by customs operations.</p> <p>The area extends up to 12 nautical miles from the French coast (territorial sea within the meaning of the United Nations Convention on the Law of the Sea), from the shore up to 20 kilometres inland and from the land borders up to 20 kilometres inside French territory.</p> <p>The area may be extended up to 60 kilometres from the coast and borders.</p> <p><b>Article 60 of the Customs Code:</b> Customs officers have the authority to inspect goods, means of transport and persons to detect and tackle fraud.</p> <p><b>Article 61 bis of the Customs Code:</b> allows customs officers to halt dual-use items destined for a third country while they are in transit through the national territory until a decision has been made by the competent authorities (SBDU, Minister for Public Action and Accounts) on whether to authorize or prohibit the transit of those items that were not subject to any restrictions (a measure known as “catch-all transit”), as provided for in Article 6 of Council Regulation (EU) No. 428/2009.</p> <p><b>Articles 62 and 63 of the Customs Code:</b> customs officers may access any vessel located:</p>
--	--	--	--	---	--	--	--	---

								<p>- in the maritime zone of the customs radius and on inland waterways</p> <p>- in a port, harbour or berth</p> <p><b>Article 63 bis of the Customs Code:</b> customs officers may search fixed facilities located on the continental shelf and/or in the French exclusive economic zone.</p> <p><b>Article 63 ter of the Customs Code:</b> customs officers may, after notifying the Public Prosecutor, inspect business premises in operation in order to detect violations.</p> <p><b>Article 64 of the Customs Code:</b> with the authorization of a magistrate, customs officers may visit any premises, even private ones, that may contain goods and documents related to offences.</p> <p><b>Article 66 of the Customs Code:</b> customs officers can access postal services premises that may contain goods, documents or securities connected with offences.</p>	
2	Law enforcement to detect, deter, prevent and combat illicit trafficking				<p><b>Public Health Code:</b></p> <p><b>Order No. 2019-414 of 7 May 2019</b> amending Act No. 94-589 of 15 July 1994 on the fight against piracy and the modalities for the State to exercise its police powers at sea.</p>			<p><b>Article R1333-102 of the Public Health Code:</b> refers to the implementation of means to detect radioactive sources and of procedures to locate them and secure them until they can be recovered from the port and airport areas where goods are imported.</p> <p>Extends the police powers of the commanders of State vessels and aircraft in order to ensure the implementation by France of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its 2005 Protocol.</p>	
3	Border control detection measures				<p>Detection systems using scanners and spectrometers.</p> <p>European EURITRACK and ENTRANCE (neutron inspection of shipping containers) projects in which the Alternative Energies and Atomic Energy Commission actively participates.</p>				

					New Computerized Transit System (NCTS), a European system to control the transit of goods within the European Union.					
4	Control of brokering				<p><u>European Union provisions:</u></p> <p><b>Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering</b></p> <p><b>Council Common Position 2008/944/CFSP of 8 December 2008, as amended, defining common rules governing control of exports of military technology and equipment</b></p> <p><b>Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</b></p> <p><u>Common provisions:</u></p> <p><b>Internal Security Code:</b> as amended by Decree No. 2018-1195 of 20 December 2018, by order 2019-610 of 19 June 2019.</p>					<p>All brokering activities should require a written authorization from the competent authorities of the Member State in which the activities take place and, if required by national law, the State in which the broker resides or is established (Article 3, paragraph 1).</p> <p>Applications for authorization of brokering services are governed by the Community regime for the control of exports (Article 1(2)).</p> <p>Exports, transfers, brokering and transit of dual-use items are governed by the Community regime for the control of exports (Article 1).</p> <p>Brokering services for dual-use items set out or not set out in Annex I to the Regulation are subject to authorization if the competent authorities have informed the broker that the items in question are or may be intended, in their entirety or in part, for proliferation purposes (Article 5).</p> <p><b>Article R311-1 of the Internal Security Code:</b> defines brokering as an intermediation activity of a commercial or profit-making nature, the purpose of which is, in whole or in part, to bring together persons wishing to conclude a contract for the purchase or sale, loan or hire-purchase of war equipment, arms and munitions, or to conclude such a contract</p>

				<p><b>Defence Code:</b> as amended by Act No. 2016-731 of 3 June 2016 strengthening the fight against organized crime, terrorism and their financing and improving effectiveness and guarantees in criminal proceedings and Act No. 2018-607 of 13 July 2018 on military planning for 2019 to 2025, setting out various provisions related to defence:</p> <p><u>Provisions applicable to nuclear weapons:</u></p> <p><b>Defence Code:</b> as amended by Order No. 2016-128 of 10 February 2016.</p> <p><u>Provisions applicable to chemical weapons:</u></p> <p><b>Defence Code:</b> as amended by Act No. 2011-266 of 14 March 2011 and Act No. 2013-1168 of 18 December 2013.</p> <p><u>Provisions applicable to biological weapons:</u></p> <p><b>Defence Code:</b> as amended by Act No. 2011-266 of 14 March 2011.</p>	<p>on behalf of one of the parties or to organize transfers of firearms, components or munitions within a member State, from one member State to another, from a member State to a third country or from a third country to a member State.</p> <p><b>Article L.2332-1 of the Defence Code:</b> businesses that trade in war equipment and weapons must receive authorization from the State and operate under its control. Intermediaries shall not carry out their brokering activities without authorization.</p> <p><b>Article L.2332-11 of the Defence Code:</b> authorizations for the production of or trade in war equipment may be withdrawn in cases of non-compliance with the law.</p> <p><b>Article L.1333-2 of the Defence Code:</b> prohibits the import, export, development, possession, transfer, use and transport of nuclear material without authorization.</p> <p><b>Articles L.1333-9 to 13-11 of the Defence Code:</b> criminalize the import, export, trade and brokering of nuclear material.</p> <p><b>Article L.2342-3 of the Defence Code:</b> prohibits the import, export, trade and brokering of chemical weapons;</p> <p><b>Articles L.2342-59 to 81 of the Defence Code:</b> criminalize the import, export, trade and brokering of chemical weapons.</p> <p><b>Article L.2341-1 of the Defence Code:</b> prohibits the import, export, trade and brokering of biological weapons;</p>
--	--	--	--	--	--



									<b>Articles L.2341-3 to 7 of the Defence Code:</b> criminalizes the import, export, trade and brokering of biological weapons.	
5	Export control legislation in place									
6	Licensing provisions and authority	X	X	X				X	X	X
					<p><u>European Union provisions:</u></p> <p><b>Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</b>, as amended by regulations (EC) No. 1232/2011 of 16 November 2011, No. 388/2012 of 19 April 2012 and No. 599/2014 of 16 April 2014 and Commission Delegated Regulation (EU) No. 1382/2014 of 22 October 2014:</p> <p><u>Common provisions:</u></p> <p><b>Defence Code</b>, as amended by Act No. 2016-731 of 3 June 2016, Act No. 2018-607 of 13 July 2018, Decree No. 2018-542 of 29 June 2018 and Decree No. 2020-68 of 30 January 2020:</p>				<p>Establishes a Community regime for the control of exports, transfer, brokering and transit of dual-use items. Pursuant to Article 3, the export of dual-use items listed in Annex I to this regulation is subject to authorization. An authorization may also be required for the export to all or certain destinations of certain dual-use items not included in the list, in particular if the items in question are or may be intended, in whole or in part, for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices or to the development, production, maintenance or storage of missiles capable of delivering such weapons (Article 4, paragraph 1).</p> <p><b>Articles L.2335-2 to 4 of the French Defence Code:</b> the export, without prior authorization, of war equipment and related equipment to States not members of the European Union, as well as territories excluded from the European Union customs territory, is prohibited without prior authorization from the administrative authority through the granting of export authorization or exemption from this authorization. In the event of failure to comply with the international commitments of France or with the conditions specified in the authorization, or in order to protect the essential interests of security, public order or public safety, the administrative authority</p>	

							<p>may suspend, amend, revoke or withdraw the export authorizations issued.</p> <p><b>Articles R.2335-9 to 15 of the Defence Code:</b> specify the regime for authorizing war equipment exports and authorized exceptions. Applications for export authorizations should be submitted to the Minister of the Armed Forces. Authorizations shall be granted by the Prime Minister on the advice of the Interministerial Committee for the Study of War Equipment Exports.</p> <p><b>Articles L.2335-5 to 7 of the Defence Code:</b> exporters of war equipment and related equipment are subject to a series of obligations, including the obligation to present a declaration, to inform the recipient of the conditions of the export authorization and to report on the exports carried out.</p> <p><b>Articles L.2335-8 to 12 of the Defence Code:</b> the transfer of defence-related products from France to the other States members of the European Union is subject to prior administrative authorization in the form of an export authorization, unless an exemption is granted. In cases of non-compliance with the international commitments of France or in order to protect the essential interests of security, public order or public safety, or in cases of non-compliance with the conditions set out in the authorizations, the administrative authority may suspend, amend, revoke or withdraw the export authorizations issued.</p> <p><b>Articles L.2335-13 to 16 of the French Defence Code:</b> suppliers of war equipment and related equipment to States members of the European Union are subject to a series of transfer obligations.</p> <p>They define the regime for authorizing the export, transfer, brokering and transit of items on the lists of prohibited items for export to certain States and/or entities, as well as civil and military dual-use items, in accordance</p>	
--	--	--	--	--	--	--	--	--

								<p>with the provisions of Council Regulation (EC) 2009/428 of 5 May 2009 referred to above.</p> <p>Exports of dual-use items as provided for in Council Regulation No. 428/2009 of 5 May 2009 are subject to authorizations issued in the form of a licence by the Minister for Industry. Dual-use goods and technologies may be transferred to another State member of the European Union with authorization from the Head of the Dual-Use Items Control Office of the same Ministry.</p> <p><b>Article 38 of the Customs Code:</b> classes as prohibited all goods that are subject to an import or export ban or specific restrictions. Failure to produce a specifically required public document will result in the goods being deemed prohibited.</p> <p><b>Article 60 of the Customs Code:</b> customs officers have the authority to inspect goods, means of transport and persons to detect and tackle fraud.</p> <p><b>Article 61 bis of the Customs Code:</b> allows customs officers to halt dual-use goods destined for a third country while they are in transit through the national territory until a decision has been made by the competent authorities (SBDU, Minister for Public Action and Accounts) on whether to authorize or prohibit the transit of those items that were not subject to any restrictions (a measure known as “catch-all transit”), as provided for in Article 6 of Council Regulation (EU) No. 428/2009).</p> <p><b>Article 63 ter of the Customs Code:</b> grants access to premises and sites used for professional purposes and to warehouses</p>
--	--	--	--	--	--	--	--	--

**Customs Code: as amended by Act No. 2011-266 of 14 March 2011 and Order No. 2016-128 of 10 February 2016:**

With a view to controlling exports of dual-use items, many provisions of the Customs Code allow for:

- defining the concept of smuggling or export without declaration of prohibited goods, establishing customs offences involving dual-use items
- intervening during customs clearance, during and after the transit of goods
- punishing commercial transactions aimed at circumventing regulations on dual-use items.

						<p>where goods and documents relating to the offence concerned may be found.</p> <p><b>Article 64 of the Customs Code:</b> implemented by order of a magistrate or in cases of an in flagrante offence, it allows customs officers to search all premises, including private ones, that may contain goods and documents related to an offence.</p> <p><b>Articles 417, 423, 426, and 428 of the Customs Code:</b> define the concept of smuggling (commercial operations evading customs offices) and undeclared imports/exports (false declarations, invoices, certificates and public order documents).</p> <p><b>Article 427, paragraph 7, of the Customs Code:</b> transit within the customs territory of non-European Union civil and military dual-use goods to a destination outside the European Union, in violation of the prohibitions or authorizations referred to in Article 6 of Council Regulation (EC) No. 428/2009 of 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, shall be deemed to be an undeclared import of prohibited goods.</p> <p><b>Article 414 of the Customs Code:</b> criminalizes smuggling and undeclared imports or exports of prohibited goods. Article 414 as amended by Act No. 2011-266 of 14 March 2011 establishes a penalty of up to 5 years in prison and a fine of up to 3 times the value of the object of fraud for smuggling and importing or exporting dual-use goods without presenting the appropriate declaration.</p> <p><b>Article 59 septies of the Customs Code:</b> Customs and SBDU officers may share</p>	
--	--	--	--	--	--	---	--

				<p><b>Decree 2001-1192 of 13 December 2001 on the control of the export, import and transfer of dual-use goods and technologies</b>, as amended by decrees No. 2010-292 of 18 March 2010, No. 2017-860 of 9 May 2010 and No. 2020-67 of 30 January 2020.</p> <p><b>Order of 13 December 2001</b> on the control of exports to third countries and the transfer to States members of the European Community of dual-use items and technologies, as amended by the Order of 27 February 2018 and the Order of 20 February 2019.</p> <p><b>Order of 13 December 2001, as amended</b>, on the issuance of an international import certificate and a delivery verification certificate for the import of dual-use goods and technologies, as amended by the Order of 18 March 2010.</p> <p><u>Nuclear weapons:</u>  <b>Defence Code</b>, as amended by Decree No. 2016-1296 of 30 September 2016 and Order No. 2016-128 of 10 February 2016.</p> <p><u>Chemical weapons:</u>  <b>Defence Code</b>, as amended by Decree No. 2020-68 of 30 January 2020.</p>	<p>information and documents with one another in connection with export control of dual-use goods.</p> <p>Defines the procedure for applying for and granting an export authorization or authorizing the transfer of dual-use goods. Under Article 21, an authorization may be withdrawn when it has been obtained by misrepresentation or any other fraudulent means or revoked in the event of failure to comply with the commitments made.</p> <p>Introduces a system of international import certificates and delivery verification certificates for dual-use goods.</p> <p><b>Articles R.1333-3 to 10 of the Defence Code:</b> establish the regime for authorizing or</p>
--	--	--	--	--	---

				<p><b><u>Interministerial Committee for the Study of War Equipment Exports (CIEEMG)</u></b>  (created by Decree No. 49-770 of 10 June 1949 and organized by Decree supplemented by the Order of 27 June 2012, as amended by the Order of 31 July 2017 and by the Order of 9 August 2019).</p>		<p>declaring the import, export and transfer of nuclear materials.</p> <p><b>Articles R.2342-20 of the Defence Code:</b> export operations involving the items listed in Schedule 1 annexed to CWC are subject to prior approval and export authorization from the administrative authority.</p> <p><b>Article R.2342-25 of the Defence Code:</b> any entry into or exit from the territory of items listed in Schedule 1 aimed at carrying out an authorized import or export operation shall be subject to prior declaration and summary declarations, in accordance with the disclosure requirement.</p> <p><b>Articles R.2342-25 and 26 of the Defence Code:</b> importers and exporters shall declare imports and exports of items listed in Schedule 2 annexed to CWC to the Minister of the Armed Forces or the Minister of Industry, as appropriate, when quantities reach a certain threshold.</p> <p><b>Articles R2342-28 to 30 of the French Defence Code:</b> the export of chemicals listed in Schedule 3 annexed to CWC shall be subject to authorization by the minister responsible for customs.</p> <p><b>Articles R.2342-32 of the Defence Code:</b> imports and exports of items listed in Schedule 3 must be declared, as appropriate, to the Minister of the Armed Forces or the Minister of Industry, when quantities exceed a certain threshold.</p> <p>CIEEMG shall give a reasoned opinion on applications for authorization to export war equipment and related equipment, intracommunity transfer authorizations, defence-related items, as well as on applications for the lifting of non-re-export clauses and approval of end-use certificates.</p>	
--	--	--	--	---	--	---	--

				<p>Department for Dual-Use Goods (<b>SBDU</b>): part of the Department for Enterprises of the Ministry of the Economy and Finance (Decree No. 2009-37 of 12 January 2009 on the Department for Competitiveness, Industry and Services), as amended by Decree No. 2014-1048 of 15 September 2014 and Decree No. 2019-898 of 28 August 2019.</p> <p>Order of 10 March 2010 creating a service under national jurisdiction known as the “Dual-Use Items Control Office” (SBDU).</p> <p>Interministerial Committee on Dual-Use Goods (<b>CIBDU</b>) (Decree No. 2010-294 of 18 March 2010, as amended by Decree of 11 May 2017).</p>			<p>Except in emergencies, it shall also give a reasoned opinion before a decision is made by the Prime Minister to suspend, amend, revoke or withdraw export authorizations (Article 1). The Committee comprises the General Secretary for Defence and National Security or his or her representative, a representative of the Ministry of Foreign Affairs, a representative of the Minister of Defence and a representative of the Minister of Economic Affairs. The Committee may also hear from any suitably qualified person in accordance with the matters on the agenda (Article 2). The Committee shall hold meetings as often as necessary (Article 3).</p> <p>Creation of SBDU, a department with domestic jurisdiction, attached to the head of the Industry Department of the Department for Enterprises of the Ministry of the Economy and Finance. The Department is responsible for implementing regulations to control the export and transfer of dual-use goods and technologies. It handles applications for authorizations involving items subject to national control measures under Council Regulation (EC) of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.</p> <p>CIBDU, established under the Ministry of Foreign and European Affairs, shall give a reasoned opinion on whether an item requires an export authorization pursuant to Council Regulation (EC) of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.</p>
--	--	--	--	--	--	--	---

7	Control lists of materials, equipment and technology	X	X	X	<p><u>Lsts established by a convention:</u></p> <p><b>Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.</b></p> <p>Supplier group control lists:</p> <ul style="list-style-type: none"> <li>• Wassenaar Arrangement: dual-use goods;</li> <li>• MTCR: items that are part of a programme concerning the delivery of weapons of mass destruction;</li> <li>• Zangger Committee: items used in nuclear programmes;</li> <li>• NSG: items used in nuclear programmes;</li> <li>• Australia Group: goods used in chemical or biological programmes.</li> </ul> <p><u>Lists established by the relevant European Union regulations:</u></p> <p>Common Military List of the European Union covered by Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment.</p> <p>List of dual-use items annexed to the amended Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (currently being amended).</p> <p><u>Lists established by French law:</u></p> <ul style="list-style-type: none"> <li>• <b>Defence Code</b>, as amended by Order No. 2016-128 of 10 February 2016.</li> </ul>	X	X	X	<p>Schedules 1, 2 and 3 and guidelines for the schedules of the Annex on Chemicals.</p> <p>The lists established by supplier groups are included in the list of dual-use items referred to in Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.</p>	
---	--	---	---	---	---	---	---	---	---	--





				<p><u>Dual-use items:</u></p> <p><b>Decree No. 2001-1192 of 13 December 2001</b> on the control of the export, import and transfer of dual-use items and technologies. As amended by:</p> <ul style="list-style-type: none"> <li>• <b>Order of 31 July 2014</b> on the export of helicopters and spare parts to third countries;</li> <li>• <b>Order of 31 July 2014</b> on the export of tear gas and anti-riot agents to third countries;</li> <li>• <b>Order of 24 April 2002</b> on the import and export of products listed in Schedule 1 and the export of products listed in Schedule 3 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.</li> <li>• <b>Decree No. 2017-860 of 9 May 2017</b> on controlling the export, import and transfer of dual-use goods and restrictive measures against Syria, Iran and Russia.</li> <li>• <b>Decree No. 2020-67 of 30 January 2020</b> on the devolution of individual administrative decisions in the fields of economy and finance.</li> </ul> <p><u>War equipment and related equipment:</u></p> <p>Order of 27 June 2012 on the list of war equipment and related equipment subject to prior export authorization and defence-related items subject to prior transfer authorization.</p>			<p>The provisions on authorizations and conditions for the export and transfer of dual-use items and technologies are based on the list of dual-use items annexed to amended Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.</p> <p>The two lists annexed to this Order set out the war equipment and related equipment covered by the export and transfer control mechanism.</p>	
8	Intangible technology transfers			<p><b>Council Regulation (EC) No. 428/2009 of 5 May 2009 as amended setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.</b></p>			<p>“Dual-use items” include software and technology that can be used for both civil and military purposes (Article 2, paragraph 1). Exports include the transmission of software or technology by electronic media, or the oral transmission of technology when the technology is described over the telephone (Article 2, paragraph 2, iii).</p>	

				<p><b>Council Common Position 2008/944 CFSP of 8 December 2008, as amended, defining common rules governing control of exports of military technology and equipment.</b></p> <p><b>Order of 23 January 2013 on the rules of good practice to guarantee biological safety and security.</b></p>		<p>So-called intangibles are included in the list of dual-use items annexed to the regulation. The provisions of French law relating to the control of imports, exports and transfers of dual-use items are based on this list and therefore apply to the intangible goods set out therein.</p> <p>Applications for authorization to export equipment included in the Common Military List of the European Union include applications related to intangible transfers of software and technology by means of electronic media, fax or telephone (Article 1, paragraph 2). So-called intangible goods are set out in the Common Military List of the European Union covered by the Common Position.</p> <p>The provisions of French law relating to the control of imports, exports and transfers of war equipment and related equipment are based on this list and therefore apply to the intangible goods covered by it.</p> <p>Defines biosafety as including the protection of sensitive intangible goods against any intentional act to disseminate microorganisms and/or toxins.</p>	
9	Inclusion of means of delivery			<p><u>The Hague Code of Conduct</u></p> <p><u>European Union provisions:</u></p> <p><b>Council Regulation (EC) No. 428/2009 of 5 May 2009 as amended</b> setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.</p> <p><b>EC Regulations No.1232/2011 of 16 November 2011</b> and No.388/2012 of 19 April 2012: set up the control of technologies and</p>		<p>The annexed list of dual-use items identifies means of delivery. It includes the goods and technologies identified by the Missile Technology Control Regime (MTCR).</p> <p>The export of dual-use items not listed in this Annex is also subject to authorization if the items in question are or may be intended for the development, production, maintenance or storage of missiles capable of delivering</p>	

				<p>equipment related to means of delivery at the European level.</p> <p><u>French law: Order of 27 June 2012</u> on the list of war equipment and related equipment subject to prior export authorization and defence-related items subject to prior transfer authorization.</p> <p><b>Defence Code</b>, as amended by Order No. 2016-731 of 3 June 2016.</p>			<p>chemical, biological or nuclear weapons (Article 4, paragraph 1).</p> <p>The list of war equipment and related equipment annexed to the Order, which shall not be exported without prior authorization or transferred to States members of the European Union without authorization, includes their means of delivery.</p> <p>The provisions of the Defence Code relating to the possession, assignment and control of imports, exports and transfers of war equipment and related equipment shall also apply to means of delivery.</p> <p>The criminal penalty for violation of these provisions shall be greater when the offence concerns unmanned missiles, rockets and systems designed to transport nuclear, chemical or biological weapons to their target (article L2339-14).</p>	
10	End-user controls	X	X	X	<p><u>European Union provisions:</u></p> <p>Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.</p> <p>Council Common Position 2008/944 CFSP of 8 December 2008, as amended, defining common rules governing control of exports of military technology and equipment.</p>		<p>The export of dual-use items is subject to an authorization regime that takes into account the destination and end-use of the items concerned. In particular, an export may be refused if the receiving State is under embargo or to safeguard public security.</p> <p>Each member State shall use criteria to assess, on a case-by-case basis, requests for the export of military technology and equipment, ensuring that they comply with non-proliferation agreements, as well as the existence of a risk of diversion of the military technology or equipment within the</p>	

					<p><u>Common provisions:</u></p> <p><b>Decree No. 2001-1192 of 13 December 2001 on the control of the export, import and transfer of dual-use items and technologies</b>, as amended by Decree No. 2017-860 of 9 May 2017.</p> <p><b>Decree No. 2009-37 of 12 January 2009</b>, version abrogated on 1 February 2020 and replaced by Decree No. 2020-74 of 31 January 2020 relating to the service under national jurisdiction known as the “Department for Dual-Use Goods”.</p> <p><b>Decree No. 2010-294 of 18 March 2010</b> creating an i Interministerial Committee on Dual-Use Goods, as amended by Decree No. 2017-860 of 9 May 2017.</p> <p><b>Order of 13 December 2001</b> on the control of exports to third countries and the transfer to States members of the European Community of dual-use items and technologies, as amended by the Order of 27 February 2018 on the control of exports of dual-use goods, technologies and services and the implementation of restrictive measures taken against certain countries of final destination.</p>			<p>purchasing country or of re-export of the same under undesirable conditions.</p> <p>Importers of dual-use items listed in Annex I to Council Regulation (EC) No. 428/2009 may apply for an international import certificate to enable foreign suppliers to obtain authorization from their national authorities to export the items and subsequently for a delivery verification certificate proving that the item has reached its destination. These certificates are issued by the Head of the Department for Dual Use Goods.</p> <p>The Department considers the use and final destination in determining whether goods and technology seized by it in connection with a proposed export transfer, brokering or transit fall within the scope of Council Regulation (EC) No. 428/2009.</p> <p>The Department is responsible for verifying the final recipients of exports of dual-use items originating in France.</p>	
11	General measures of implementation	X	X	X	<b>Council Regulation (EC) No. 428/2009 of 5 May 2009</b> , as amended, setting up a			The so-called “catch-all” clause makes it possible to impede the transport and/or sale of dual-use items other than those listed by the	

				<p>Community regime for the control of exports, transfer, brokering and transit of dual-use items.</p> <p><b>Order of 13 December 2001</b> as amended by the Order of 27 February 2018 on the control of exports to third countries and the transfer to the Member States of the European Community of dual-use goods and technologies.</p>			<p>international control regimes annexed to the said Regulation in cases in which there are suspicions regarding the final recipient or use of the goods concerned or whether the items will be used in connection with the proliferation of weapons of mass destruction or to circumvent a weapons embargo.</p> <p>Transposes this catch-all clause into French law.</p>	
1	Transit control			<p><u>European Union provisions:</u></p> <p><b>Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.</b></p> <p><b>Council Common Position 2008/944/CFSP of 8 December 2008, as amended, defining</b></p>			<p>This European Union control mechanism applies to dual-use items in transit through the territory of the States members of the European Union. The transit of non-Community dual-use items listed in Annex 1 to the Regulation may be prohibited by the competent authorities of the member State of transit if the items are or may be intended, in their entirety or in part, to contribute to the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or to the development, production, maintenance or storage of missiles capable of delivering such weapons.</p> <p>This export control mechanism also applies to re-export procedures.</p> <p>The verification of applications for export authorizations extends to applications for transit or trans-shipment on the territory of the States members of the European Union.</p> <p>This European Union control mechanism applies to military technology and equipment</p>	
2	Trans-shipment control							
3	Re-export control							

				<p><b>common rules governing control of exports of military technology and equipment.</b></p> <p><b>Regulation (EEC) No. 952/2013 of the European Parliament and of the Council of 9 October 2013 establishing the Union Customs Code:</b></p> <p><b>Customs Code:</b></p> <p><b>Order of 13 December 2001</b> on the control of exports of dual-use goods and technologies to third countries and their transfer to States members of the European Community:</p>			<p>included in the Common Military List of the European Union. It applies not only to authorizations for physical exports, but also to applications for transit or trans-shipment authorizations. Transit or trans-shipment of goods on the Common Military List may be prohibited by the competent authorities of the member State on whose territory the transit or trans-shipment takes place if such activities constitute a violation of that member State's international non-proliferation obligations or if the attitude of the State of destination is not compatible with the fight against proliferation.</p> <p>A request for transit or trans-shipment shall be refused if there is a risk of re-export of the military technology or equipment by the purchasing country under undesired conditions.</p> <p>The Code requires the verification of all customs formalities when entering and leaving the European Union customs territory and when placing items in transit (Articles 239 et seq.). Controls are carried out when items go through a customs procedure (release for free circulation, special procedure, transit, etc.).</p> <p><b>Title II:</b> grants customs officers powers to verify:</p> <ul style="list-style-type: none"> <li>- circulation (Customs Code, Articles 60 and 61)</li> <li>- access to business premises (Customs Code, Article 63 ter)</li> <li>- home visits (Customs Code, Article 64)</li> </ul>
--	--	--	--	--	--	--	--

				<p>provides that an end-use certificate may be requested from the exporter, as amended by the Order of 27 February 2018 on the control of exports of dual-use items, technologies and services and the implementation of restrictive measures taken against certain countries of final destination, and by the Order of 20 February 2019 computerizing the procedures for requesting and issuing export authorizations for dual-use items.</p> <p><b>Customs Code:</b></p> <p><b>Defence Code</b>, as amended by Act No. 2013-1168 of 18 December 2013.</p>			<p><b>Article 426 (3<sup>rd</sup> indent) of the Customs Code:</b> exports that misrepresent the true recipient using, in particular, falsified certificates will be considered undeclared exports of prohibited goods.</p> <p><b>Article L. 2342-8 of the Defence Code:</b> prohibition of re-export of Schedule 1 chemicals to any State.</p>	
15	Control over financing of exports/trans-shipments that would contribute to proliferation			<p><b>Ministry of Economy and Finance/TRACFIN created by Decree of 9 May 1990:</b> financial intelligence unit that gathers information to combat illicit financing linked to the proliferation of weapons of mass destruction and their means of delivery.</p> <p><b>Customs Code:</b> several provisions of the Customs Code help to combat financial activities linked to the proliferation of weapons of mass destruction.</p>			<p><b>Article 399 of the Customs Code:</b> enables any person or entity that has financed operations related to the illicit export of dual-use items to be classified as persons with an interest in committing fraud. They are subject to the same penalties as those applied to offenders.</p> <p>Article 399.2 is aimed specifically at professions that are likely to provide funds for proliferation-related operations.</p> <p><b>Article 459 of the Customs Code:</b> makes it possible to penalize actions aimed at circumventing regulations on financial</p>	



									relations with foreign countries for the purpose of violating international sanctions (establishing measures to freeze assets and economic resources). <b>Article 451 bis of the Customs Code:</b> allows all financial transactions carried out in France by or on behalf of natural or legal persons covered by European regulations or by international treaties and agreements duly approved and ratified by France to be treated in the same way as financial relations with foreign countries.	
16	Control over services related to exports/trans-shipments that would contribute to proliferation, including transportation	X	X	X	<b>Transport Code</b> , as amended by Order No. 2012-289 of 1 March 2012, by Order No. 2016-128 of 10 February 2016 and by Order No. 2016-731 of 3 June 2016.	X	X	X	<b>Article L.5331-8 of the transport code:</b> port authorities are responsible for enforcing rules relating to dangerous goods. <b>Article L.5334-6 of the Transport Code:</b> port authorities shall provide the State with ongoing statistics on port activity, including with regard to hazardous materials. <b>Article L.5336-17 of the Transport Code:</b> criminal penalties applicable in the event that dangerous goods are loaded and/or shipped by sea without the nature of the goods being declared to the owner, captain or operator of the vessel or without the cargo being marked in line with regulations; <b>Articles L.6341-1 to 4 of the Transport Code:</b> grants agents authorized to carry out airport security measures the power to check packages and freight transported by air. <b>Articles L.6342-1 to 4 of the Transport Code:</b> implements air transport security measures, including freight and passenger controls.	

**VIII. Paragraphs 7 and 8 (d): Assistance, collaboration with and information to industry and the public**

1	Assistance offered	<p><u>Related to nuclear material</u></p> <ul style="list-style-type: none"> <li>• <b>Within the framework of the Global Partnership against the Spread of Weapons and Materials of Mass Destruction:</b> <ul style="list-style-type: none"> <li>- US\$131.56 million invested between 2002 and 2015, 70 per cent of which was spent on projects relating to nuclear weapon ;</li> <li>- Securing two Alfa-class submarine reactor cores (Russia);</li> <li>- Securing of 898 fuel assemblies at the Gremikha base (Russia);</li> <li>- Securing the radioactive sources of 16 RTGs (Russia);</li> <li>- Support to upgrade the Mayak nuclear material processing plant (Russia)</li> <li>- Support for the construction of the Vector radioactive sources security site (Ukraine)</li> </ul> </li>   <li>• <b>Within the framework of the IAEA:</b> <ul style="list-style-type: none"> <li>- Extrabudgetary contribution to the Nuclear Security Fund, on average €500,000 per year</li> <li>- Repatriation and securing of radioactive sources of French origin – actions carried out since 2003</li> </ul> </li> </ul> <p>Hosting training courses and technical visits in France Participation of experts in missions and training</p> <ul style="list-style-type: none"> <li>• <b>Within the framework of Interpol:</b> Financial support to Interpol (2019 and 2020) Participation of French experts in training courses</li>   <li>• <b>Participation in the Global Initiative to Combat Nuclear Terrorism</b> Participation of French experts in the activities of the Initiative Hosting and organization of an international workshop in France (2020)</li>   <li>• <b>Within the framework of the 1540 Committee</b>, offer of assistance in the following areas: <ul style="list-style-type: none"> <li>- Law: ratifications, national law</li> <li>- Radiology: securing of sources, infrastructure</li> <li>- Export control</li> <li>- Physical protection</li> </ul> </li> </ul> <p><u>Related to chemicals:</u></p>

		<ul style="list-style-type: none"> <li>• <b>Within the framework of the Global Partnership against the Spread of Weapons and Materials of Mass Destruction:</b> <ul style="list-style-type: none"> <li>- US\$131.56 million invested between 2002 and 2015, 14 per cent of which was spent on projects relating to chemicals ;</li> <li>- Contribution to the destruction of chemical munitions in the former Soviet bloc.</li> </ul> </li> <li>• <b>Within the framework of the 1540 Committee</b>, offers of assistance in the following areas: <ul style="list-style-type: none"> <li>- Law: ratifications, national law</li> <li>- Export control</li> <li>- Physical protection</li> </ul> </li> </ul> <p><u>Related to biological material:</u></p> <ul style="list-style-type: none"> <li>• <b>Within the framework of the Global Partnership against the Spread of Weapons and Materials of Mass Destruction:</b> <ul style="list-style-type: none"> <li>- US\$131.56 million invested between 2002 and 2015, 16 per cent of which was spent on projects relating to biological materials</li> <li>- Contribution to projects for the physical protection of laboratories in the former Soviet bloc until 2012</li> <li>- Contribution to the destruction of pathogenic sources in the former Soviet bloc (until 2012)</li> <li>- Assistance to former Soviet States in developing security standards (until 2012)</li> <li>- Financing multiple biosafety projects in conjunction with the Lyon office of the World Health Organization since 2012</li> </ul> </li> <li>• <b>Within the framework of the 1540 Committee</b>, offer of assistance in the following areas: <ul style="list-style-type: none"> <li>- Law: ratifications, national law</li> <li>- Export control</li> <li>- Physical protection</li> </ul> </li> </ul> <p><u>Cross-cutting:</u></p> <p><b>Participation in the Proliferation Security Initiative:</b> cooperation to enhance the effectiveness of obstacles to proliferation.</p>
2	Assistance point of contact (for assistance providers only)	<p><u>Ministry of Europe and Foreign Affairs:</u></p> <ul style="list-style-type: none"> <li>• <b>Nuclear and ballistics:</b> Nuclear Disarmament and Non-Proliferation Division</li> <li>• <b>Chemical and biological:</b> Arms Control and OSCE Division</li> </ul>
3	Assistance requested	
4	Action taken to work with and inform industry	<ul style="list-style-type: none"> <li>• Programmes undertaken by customs and the General Directorate for Internal Security to raise awareness among businesses, especially small and medium-sized enterprises.</li> <li>• Raising awareness of the provisions of CWC among chemical manufacturers through the Institut de radioprotection et de sûreté nucléaire.</li> <li>• Conferences for exporters organized by the Ministry of Economy.</li> <li>• Pamphlet on dual-use goods, regularly updated.</li> <li>• Circular distributed to all ministries in 2009 to raise awareness of all aspects of counter-proliferation.</li> </ul> <p>Annual meeting organized by SGDSN (Office of the Prime Minister) to conduct a review of French counter-proliferation policies.</p>

5	Action taken to work with and inform the public	Customs provides information for the general public on its website.
6	Point of contact	<u>Ministry of Europe and Foreign Affairs:</u> <ul style="list-style-type: none"> <li>• <b>Nuclear and ballistics:</b> Nuclear Disarmament and Non-Proliferation Division</li> <li>• <b>Chemical and biological:</b> Arms Control and OSCE Division</li> </ul> <b>Resolution 1540:</b> Division for Strategic, Security and Disarmament Affairs and Department of Political Affairs.
7	Voluntary national implementation plan	
8	1540 Committee visits to States	

**Report prepared by:**

- General Secretariat for Defence and National Security (SGDSN)
- Ministry of Europe and Foreign Affairs (MEAE)
- Ministry of the Armed Forces
- Ministry of Justice
- Ministry of Ecological and Solidarity Transition (MTES)
- Ministry of Solidarity and Health
- Directorate-General of Customs and Indirect Taxes (DGDDI)
- Alternative Energies and Atomic Energy Commission (CEA)
- Institut de radioprotection et de sûreté nucléaire (IRSN)
- Nuclear Safety Authority (NSA)