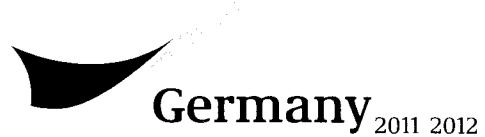




Permanent Mission
of the Federal Republic of Germany
to the United Nations
New York



Germany 2011 2012

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Note No. 210 / 2010

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretariat of the 1540 Committee and has the honour to submit hereby the requested additional responses of the German Government , pursuant to Security Council resolution 1540 (2004).

The Permanent Mission of Germany to the United Nations avails itself of this opportunity to renew to the Secretariat of the 1540 Committee the assurances of its highest consideration.

New York, 26 May 2010



Secretariat of the 1540 Committee
Attention: Chairman, 1540 Committee
730 Third Avenue, TB 08040 E
United Nations
New York, NY 10017

GERMAN LEGISLATION RELATED TO UNSC RESOLUTION 1540 (UPDATE: MARCH 2010)

A. BIOLOGICAL WEAPONS AND RELATED MATERIALS

Act to the BTWC, 21 February 1983 (Gesetz zu dem Übereinkommen vom 10. April 1972 über das Verbot der Entwicklung, Herstellung und Lagerung bakteriologischen (biologischen) Waffen und von Toxinwaffen sowie über die Vernichtung solcher Waffen)

Implements the Convention, adopts *verbatim* the prohibitions of BTWC Article I and refers to legislation already in place in Germany regulating the Convention's prohibitions as well as the penalization of offences.

[http://www.auswaertiges-
amt.de/diplo/de/Aussenpolitik/Themen/Abruestung/Downloads/BWUE-Gesetz.pdf](http://www.auswaertiges-amt.de/diplo/de/Aussenpolitik/Themen/Abruestung/Downloads/BWUE-Gesetz.pdf)

War Weapons Control Act, 20 April 1961 as amended (Kriegswaffenkontrollgesetz)

Prohibits development, production, acquisition or transfer, import, export of, transport through Federal territory or trade in biological weapons, or otherwise exercising actual control over these weapons. Furthermore, it is also prohibited to willfully or recklessly encourage or induce another person to develop, produce, etc. biological weapons. "Encourage" in this context means any supportive action, for example the supply of systems or system components for the production of biological weapons or the provision of know-how. "Induce" means incite. "Recklessness" corresponds in essence to gross negligence. Penal sanctions reach from 2 to 15 years and do not only cover incidents executed within the territory of the Federal Republic of Germany but extend to any breach of these regulations by a German national outside German territory. The Annex to the War Weapons Control Act lists among others material approximately 70 biological agents and toxins which in particular could be misused for weapons purposes. The list is up-dated time to time and is not exhaustive

<http://bundesrecht.juris.de/bundesrecht/krwaffkontrg/gesamt.pdf>

War Weapons Reporting Regulation of 24 January 1995 as amended (Kriegswaffenmeldeverordnung)

Relates to means of delivery

<http://bundesrecht.juris.de/bundesrecht/kwmv/gesamt.pdf>

Penal Code, 15 May 1871 as amended (Strafgesetzbuch)

Paragraphs 129a - 129b refer to and penalize the creation and support of terrorist groups. Paragraph 129 contains cross-references to other paragraphs of the Penal Code as well as to paragraphs of the International Law Penal Code. Paragraph 129b refers to the applicability of paragraph 129a to crimes committed abroad.

<http://bundesrecht.juris.de/bundesrecht/stgb/gesamt.pdf>

International Law Penal Code, 26 June 2002 as amended (Völkerstrafgesetzbuch)

Prohibits and penalizes with 3 years to life imprisonment, among others, the use of biological weapons in an international or non-international armed conflict. Applicable also to crimes executed abroad.

<http://bundesrecht.juris.de/bundesrecht/vstgb/gesamt.pdf>

Money Laundering Act, 13 August 2008 as amended (Geldwäschegesetz)

Aims at preventing the financing of terrorist activities.

http://www.gesetze-im-internet.de/bundesrecht/gwg_2008/gesamt.pdf

CWC Implementation Act, 2 August 1994 as amended (CWÜ-Ausführungsgesetz)

Implements the Chemical Weapons Convention, regulates among other things, safety obligations by anyone performing activities subject to restrictions and declarations to prevent loss and unauthorized access. The responsible agency grants authorizations and collects/processes data. Toleration and support of inspections as well as penalization of offences including CW use. Penalization includes violations committed by German nationals outside German Federal territory.

<http://www.auswaertiges-amt.de/diplo/de/Aussenpolitik/Themen/Abruestung/Downloads/CWUE-Ausfuehrungsgesetz.pdf>

Ordinance for Execution of the Chemical Weapons Convention, 20 November 1996 as amended (Ausführungsverordnung zum Chemiewaffenübereinkommen)

Provides details on the prohibitions and authorizations related to CWC Schedule agents, among others the toxins Ricin and Saxitoxin.

<http://www.auswaertiges-amt.de/diplo/de/Aussenpolitik/Themen/Abruestung/Downloads/CWUE-Ausfuehrungsverordnung.pdf>

Security Vetting Act, 20 April 1994 as amended (Sicherheitsüberprüfungsgesetz)

Regulates the requirements and procedures for vetting a person to be entrusted with a security-sensitive activity in an authority or any other public agency belonging to the Federal Government. By the Counter-Terrorism Act in 2002, the definition of security-sensitive activities was expanded to include security sensitive positions within a facility vital for public security (protection against sabotage by personnel). [Similar acts exist on Federal State level.]

http://bundesrecht.juris.de/bundesrecht/s_g/gesamt.pdf

Security Vetting Identification Ordinance, 30 July 2003 as amended (Sicherheitsüberprüfungs-feststellungsverordnung)

Identifies agencies, installations and functional areas within installations which are covered by the definition of facilities vital for public security. The facilities include, *inter alia*, entities working with and transporting highly toxic substances and pathogens. [Similar ordinances exist on Federal State level.]

http://bundesrecht.juris.de/bundesrecht/s_fv/gesamt.pdf

Health and Safety at Work Act, 7 August 1996 as amended (Arbeitsschutzgesetz)

Regulates safety and health protection of employees at work, obliges the employer to inform the employees of risks associated with the work and gives the right that specific dangerous facilities before starting operation as well as during operations can be controlled by responsible authorities of the Länder (Federal States) and others.

<http://bundesrecht.juris.de/bundesrecht/arbschg/gesamt.pdf>

Ordinance on safety and health protection related to work involving biological agents, 27 January 1999 as amended (Biostoffverordnung)

Protection of employees against risks from work with biological materials. The Ordinance is not applicable to activities regulated by genetic engineering legislation. It defines risk groups 1 to 4, refers to the classification of agents to risk groups 2 to 4 according to Directive 2000/54/EC as amended. The Annex describes requirements for safety and security measures for work with risk group 2 to 4 biological materials. Notification requirements for work with risk group 3 and 4 agents are defined as well as the tasks, composition and responsibilities of the Ausschuss für Biologische Arbeitsstoffe

<http://bundesrecht.juris.de/bundesrecht/biostoffv/gesamt.pdf>

Technical Rules for Biological Agents TRBA 100: Protective Measures for specific and non-specific activities involving biological agents in laboratories (Schutzmaßnahmen für gezielte und nicht gezielte Tätigkeiten mit biologischen Arbeitsstoffen in Laboratorien)

Rules in context with Ordinance on safety and health protection related to work involving biological agents based on recommendations of the Committee for Biological Materials (Ausschuss für biologische Arbeitsstoffe).

http://www.baua.de/nn_74842/en/Topics-from-A-to-Z/Biological-Agents/TRBA/pdf/TRBA-100.pdf

Technical Rules for Biological Agents TRBA 466: Classification of bacteria and archae bacteria to risk groups (Einstufung von Bakterien (Bacteria) und Archaeobakterien (Archaea) in Risikogruppen)

List of bacteria classified to risk groups; rules in context with Ordinance on safety and health protection related to work involving biological agents based on recommendations of the Committee for Biological Materials (Ausschuss für biologische Arbeitsstoffe).

http://www.baua.de/nn_15268/de/Themen-von-A-Z/Biologische-Arbeitsstoffe/TRBA/pdf/TRBA-466.pdf

Technical Rules for Biological Agents 464: Classification of parasites to risk groups (Einstufung von Parasiten in Risikogruppen)

List of parasites classified to risk groups; rules in context with Ordinance on safety and health protection related to work involving biological agents based on recommendations of the Committee for Biological Materials (Ausschuss für biologische Arbeitsstoffe) .

http://www.baua.de/nn_15252/de/Themen-von-A-Z/Biologische-Arbeitsstoffe/TRBA/pdf/TRBA-464.pdf

Technical Rules for Biological Agents 462: Classification of viruses to risk groups (Einstufung von Viren in Risikogruppen)

List of viruses classified to risk groups; rules in context with Ordinance on safety and health protection related to work involving biological agents based on recommendations of the Committee for Biological Materials (Ausschuss für biologische Arbeitsstoffe).

http://www.baua.de/nn_15238/de/Themen-von-A-Z/Biologische-Arbeitsstoffe/TRBA/pdf/TRBA-462.pdf

Technical Rules for Biological Agents 460: Classification of fungi to risk groups (Einstufung von Pilzen in Risikogruppen)

List of fungi classified to risk groups; rules in context with Ordinance on safety and health protection related to work involving biological agents based on recommendations of the Committee for Biological Materials (Ausschuss für biologische Arbeitsstoffe) .

http://www.baua.de/nn_15226/de/Themen-von-A-Z/Biologische-Arbeitsstoffe/TRBA/pdf/TRBA-460.pdf

Protection Against Infection Act, 20 July 2000 as amended (Infektionsschutzgesetz)

Regulates, *inter alia*, the handling of pathogens. Working with, import and export, storage and transfer of pathogens requires a personal license by the responsible authority of the Land (Federal State). Exemptions for routine medical and veterinary diagnostic work as long as done only for the treatment of own patients and not including specific diagnostic methods for pathogens. Prerequisites for the personalized license are professional competence and personal reliability. The personalized license is restricted to specific work as well as to pathogens specifically named in the license. The handling of pathogens requires the availability of a facility that meets the requirements to protect the health of the population.

<http://bundesrecht.juris.de/bundesrecht/ifsg/gesamt.pdf>

Genetic Engineering Act of 20 June 1990 as amended (Gentechnikgesetz)

Serves the purpose to protect life and health of human beings, animals and plants as well as the environment against possible risks arising from genetic engineering activities and genetically modified products as well as to prevent such risks. The Act defines a legal frame for research, development, use and promotion of scientific, technical and economic capabilities of genetic engineering activities. It is applicable to genetic engineering facilities, genetic engineering work, deliberate release of genetically modified organisms and placing on the market of products containing genetically modified organisms and regulates all the issues that are more detailed described in five ordinances related to genetic engineering issues.

<http://www.gesetze-im-internet.de/bundesrecht/gentg/gesamt.pdf>

Genetic Engineering Safety Ordinance, 24 October 1990 as amended (Gentechnik-Sicherheitsverordnung)

Describes procedures of information sharing with competent authorities of the EU, the EU member states and others in case of deliberate release of genetically modified organisms or placing on the market of products containing genetically modified material. Regulates the safety requirements for genetic engineering work in genetic engineering facilities. It describes risk assessment and safety classifications, safety measures for laboratories/production, green and animal houses, information of personnel, waste control, requirements for and responsibilities of project managers as well as of biological safety officers.

<http://bundesrecht.juris.de/bundesrecht/gentsv/gesamt.pdf>

Genetic Engineering Public Consultation Ordinance, 24 October 1990 as amended (Gentechnik-Anhörungsverordnung)

Regulates procedures for public information and consultation in case of construction and operation of a genetic engineering facility for risk group 3 or 4 work for commercial purposes or in case of major changes of an existing genetic engineering facility as well as in specific cases of deliberate release of a genetically modified organism.

<http://bundesrecht.juris.de/bundesrecht/gentanhv/gesamt.pdf>

Genetic Engineering Procedural Ordinance; 24 October 1990 as amended (Gentechnik-Verfahrensverordnung)

Regulates requirements and procedures for licensing or notification of genetic engineering facilities or work as well as for deliberate release and placing on the market of genetically modified organisms.

<http://bundesrecht.juris.de/bundesrecht/gentvfv/gesamt.pdf>

Genetic Engineering Reporting Ordinance, 24 October 1990 as amended (Gentechnik-Aufzeichnungsverordnung)

Regulates documentation of genetic engineering laboratory work and deliberate release as well as storage of records.

<http://bundesrecht.juris.de/bundesrecht/gentaufzv/gesamt.pdf>

ZKBS Ordinance, 30 October 1990 as amended (ZKBS-Verordnung)

Defines the tasks, composition and responsibility of the Zentrale Kommission für Biologische Sicherheit - ZKBS (Central Advisory Committee for Biological Safety), an independent advisory board on genetic engineering issues.

<http://bundesrecht.juris.de/bundesrecht/zkbsv/gesamt.pdf>

List of Risk-assessed Donor and Recipient Organisms for Genetic Work (Liste risikobewerteter Spender- und Empfängerorganismen für gentechnische Arbeiten)

List of donor and recipient organisms for genetic work classified to risk groups in context with the genetic engineering legislation based on recommendations of the Central Advisory Committee for Biological Safety.

http://www.bvl.bund.de/cln_007/DE/06_Gentechnik/00_doks_downloads/06_Register_Datenbanken/organismenliste,templateId=raw,property=publicationFile.pdf/organismenliste.pdf

Leaflets B 001 - B 010 of the Employer's Liability Association of the Chemical Industry, Series 'Safe Biotechnology' (BG Merkblätter Biotechnologie, Reihe B)

Content of the leaflets is similar to Technical Regulations for Biological Agents. The leaflets are issued by the Employer's Liability Association of the Chemical Industry, which is the responsible provider of the mandatory accident insurance and has certain responsibilities to control facilities according to the Health and Safety at Work Act.

<http://bgc.shop.jedermann.de/shop/bgi/b>

Animal Infectious Disease Act of 26 June 1909 as amended (Tierseuchengesetz)

Based on the act a number of specific ordinances, regulations and technical guidelines provide detailed legislative and administrative measures regarding animal diseases as well as handling of animal disease causing agents. The ordinances/regulations are executed by the responsible veterinary authorities of the Länder (Federal States). The Act authorizes the Bundesforschungsanstalt für Viruskrankheiten der Tiere (Federal Research Centre for Viral Diseases of Animals) as national reference centre for notifiable animal infectious diseases.

<http://www.gesetze-im-internet.de/bundesrecht/viehseuchg/gesamt.pdf>

Animal Pathogen Ordinance, 25 November 1985 as amended (Tierseuchenerreger-Verordnung)

Work with, acquisition and transfer of animal pathogens requires a license by the responsible veterinary authorities of the Land (Federal State). Exemptions are similar to the ones of the Infection Protection Act. Prerequisites for the personalized license are professional competence and personal reliability. Transfer of pathogens is only permitted between persons that possess a license. All work with, acquisition and transfer of pathogens has to be documented (date, specific work, personal data, etc).

<http://www.gesetze-im-internet.de/bundesrecht/tierseucherv/gesamt.pdf>

Animal Pathogen Import Ordinance, 07 December 1971 as amended (Tierseuchenerreger-Einfuhrverordnung)

Transfer of animal pathogens within the EU and import is prohibited. Responsible authorities of the Länder (Federal States) - for specific pathogens in agreement with the Federal Ministry of Agriculture and Consumer Protection - can authorize inner-EU transfers and import of listed animal pathogens to a restricted number of specified recipients.

<http://bundesrecht.juris.de/tierseuchereinfv/BJNR019600971.html>

Animal Disease Obligatory Reporting Ordinance, 9 August 1983 as amended (Verordnung über meldepflichtige Tierkrankheiten)

Contains a list of animal diseases for obligatory reporting. Data are collected at the Federal Ministry of Agriculture and Consumer Protection.

http://www.gesetze-im-internet.de/bundesrecht/tkrmeldpflv_1983/gesamt.pdf

Animal Disease Notification Ordinance, 23 May 1991 as amended (Verordnung über anzeigepflichtige Tierseuchen)

Contains a list of notifiable animal diseases.

<http://bundesrecht.juris.de/bundesrecht/tierseuchanzv/gesamt.pdf>

Plant Protection Act, 15 September 1986 as amended (Pflanzenschutzgesetz)

Ministry of Agriculture and Consumer Protection can issue ordinances and measures to prevent the spread of pathogens. Responsible authorities of the Länder (Federal States) execute and control the regulations of the Act.

http://www.gesetze-im-internet.de/bundesrecht/pflschg_1986/gesamt.pdf

Phytosanitary Ordinance, 10 May 1989 as amended (Pflanzenbeschauverordnung)

Plant pathogens listed in Annex 1 to the Ordinance or items infected by such pathogens are prohibited to be imported or shipped through Federal territory or transferred within the EU. For additional pathogens listed in Annexes 2 to 5 of the Ordinance specific import/transshipment regulations are applied. Exemptions from prohibitions can be permitted by the responsible authorities.

http://www.gesetze-im-internet.de/bundesrecht/pflbeschauv_1989/gesamt.pdf

Law on the Transport of Dangerous Goods of 06 August 1975 as amended (Gesetz über die Beförderung gefährlicher Güter)

Includes measures to secure the transport of dangerous materials of which due to their nature hazards are to be expected to public safety or order, especially for the general public, for important common goods, for life and health of humans, for animals and things.

<http://bundesrecht.juris.de/bundesrecht/gefahrgutg/gesamt.pdf>

Regulations on the domestic and cross-border movement of dangerous goods by road, with railways and inland waterways, 17 June 2009 as amended (Verordnung über die innerstaatliche und grenzüberschreitende Beförderung gefährlicher Güter auf der Straße, mit Eisenbahnen und auf Binnengewässern – GGVSEB)

Contains classification similar to ADR (European Agreement concerning the International Carriage of Dangerous Goods by Road) and regulates domestic and international transport of dangerous goods on road, rail and inland waterways.

<http://www.gesetze-im-internet.de/bundesrecht/ggvseb/gesamt.pdf>

Dangerous Goods Ordinance Sea, 4 November 2003 as amended (Gefahrgutverordnung See)

Refers to the classification system and to regulations of the IMDG-Code.

http://bundesrecht.juris.de/ggvsee_2003/BJNR228600003.html

European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), 30 September 1957

Annex A of the Agreement lists dangerous goods that shall not be accepted for international transport by road; however, contracting parties have the right to agree to exemptions. The international transport of other dangerous goods shall be authorized subject to compliance with the conditions laid down in Annex B. Infectious substances are listed in Annex A, Part 3

http://www.unece.org/trans/danger/publi/adr/adr_e.html

DIRECTIVE 2008/68/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 September 2008 on the inland transport of dangerous goods

Includes measures to secure the transport of biological materials.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:260:0013:0059:EN:PDF>

B. CHEMICAL WEAPONS AND RELATED MATERIALS

CWC Implementation Act, 2 August 1994 as amended (CWÜ-Ausführungsgesetz)

Implements the Chemical Weapons Convention, regulates among other things, safety obligations by anyone performing activities subject to restrictions and declarations to prevent loss and unauthorized access. The responsible agency grants authorizations and collects/processes data. Toleration and support of inspections as well as penalization of offences including CW use. Penalization includes violations committed by German nationals outside German Federal territory.

[http://www.auswaertiges-
amt.de/diplo/de/Aussenpolitik/Themen/Abruestung/Downloads/CWUE-
Ausfuehrungsgesetz.pdf](http://www.auswaertiges-
amt.de/diplo/de/Aussenpolitik/Themen/Abruestung/Downloads/CWUE-
Ausfuehrungsgesetz.pdf)

Ordinance for Execution of the Chemical Weapons Convention, 20 November 1996 as amended (Ausführungsverordnung zum Chemiewaffenübereinkommen)

Provides details on the prohibitions and authorizations related to CWC Schedule agents.

[http://www.auswaertiges-
amt.de/diplo/de/Aussenpolitik/Themen/Abruestung/Downloads/CWUE-
Ausfuehrungsverordnung.pdf](http://www.auswaertiges-
amt.de/diplo/de/Aussenpolitik/Themen/Abruestung/Downloads/CWUE-
Ausfuehrungsverordnung.pdf)

War Weapons Control Act, 20 April 1961 as amended (Kriegswaffenkontrollgesetz)

Prohibits development, production, acquisition or transfer, import, export of, transport through Federal territory or trade in of chemical weapons, or otherwise exercising actual control over these weapons. Furthermore, it is also prohibited to willfully or recklessly encourage or induce another person to develop, produce, etc. chemical weapons. "Encourage" in this context means any supportive action, for example the supply of systems or system components for the production of chemical weapons or the provision of know-how. "Induce" means incite. "Recklessness" corresponds in essence to gross negligence. Penal sanctions reach from 2 to 15 years and do not only cover incidents executed within the territory of the Federal Republic of Germany but extend to any breach of these regulations by a German national outside German territory. The Annex to the War Weapons Control Act lists among

other materials chemical agents and toxins which in particular could be misused for weapons purposes. The list is up-dated time to time and is not exhaustive

<http://bundesrecht.juris.de/bundesrecht/krwaffkontrg/gesamt.pdf>

War Weapons Reporting Regulation of 24 January 1995 as amended (Kriegswaffenmeldeverordnung)

Relates to means of delivery

<http://bundesrecht.juris.de/bundesrecht/kwmv/gesamt.pdf>

Penal Code, 15 May 1871 as amended (Strafgesetzbuch)

Paragraphs 129a - 129b refer to and penalize the creation and support of terrorist groups. Paragraph 129 contains cross-references to other paragraphs of the Penal Code as well as to paragraphs of the International Law Penal Code. Paragraph 129b refers to the applicability of paragraph 129a to crimes committed abroad.

<http://bundesrecht.juris.de/bundesrecht/stgb/gesamt.pdf>

International Law Penal Code, 26 June 2002 as amended (Völkerstrafgesetzbuch)

Prohibits and penalizes with 3 years to life imprisonment, among others, the use of chemical weapons in an international or non-international armed conflict. Applicable also to crimes executed abroad.

<http://bundesrecht.juris.de/bundesrecht/vstgb/gesamt.pdf>

Money Laundering Act, 13 August 2008 as amended (Geldwäschegesetz)

Aims at preventing the financing of terrorist activities.

http://www.gesetze-im-internet.de/bundesrecht/gwg_2008/gesamt.pdf

Security Vetting Act, 20 April 1990 as amended (Sicherheitsüberprüfungsgesetz)

Regulates the requirements and procedures for vetting a person to be entrusted with a security-sensitive activity in an authority or any other public agency belonging to the Federal Government. By the Counter-Terrorism Act in 2002, the definition of security-sensitive activities was expanded to include security sensitive positions within a facility vital for public security (protection against sabotage by personnel). [Similar acts exist on Federal State level.]

http://bundesrecht.juris.de/bundesrecht/s_g/gesamt.pdf

Security Vetting Identification Ordinance, 30 July 2003 as amended (Sicherheitsüberprüfungs-feststellungsverordnung)

Identifies agencies, installations and functional areas within installations which are covered by the definition of facilities vital for public security. The facilities include, *inter alia*, entities working with highly toxic substances. [Similar ordinances exist on Federal State level.]

http://bundesrecht.juris.de/bundesrecht/s_fv/gesamt.pdf

Chemicals Act, 16 September 1980 as amended (Chemikaliengesetz)

Purpose of the Act is to protect the people and the environment from harmful effects of dangerous chemical substances and preparations especially make them recognizable and to prevent their emergence.

<http://bundesrecht.juris.de/bundesrecht/chemg/gesamt.pdf>

Ordinance on Hazardous Substances, 23 December 2004 as amended (Gefahrstoffverordnung)

Regulates handling, packaging of and protective measures against toxic chemicals.

http://bundesrecht.juris.de/bundesrecht/gefstoffv_2005/gesamt.pdf

Law on the Transport of Dangerous Goods of 06 August 1975 as amended (Gesetz über die Beförderung gefährlicher Güter)

Includes measures to secure the transport of dangerous materials of which due to their nature hazards are to be expected to public safety or order, especially for the general public, for important common goods, for life and health of humans, for animals and things.

<http://bundesrecht.juris.de/bundesrecht/gefahrgutg/gesamt.pdf>

Regulations on the domestic and cross-border movement of dangerous goods by road, with railways and inland waterways, 17 June 2009 as amended (Verordnung über die innerstaatliche und grenzüberschreitende Beförderung gefährlicher Güter auf der Straße, mit Eisenbahnen und auf Binnengewässern – GGVSEB)

Contains classification similar to ADR (European Agreement concerning the International Carriage of Dangerous Goods by Road) and regulates domestic and international transport of dangerous goods on road, rail and inland waterways.

<http://www.gesetze-im-internet.de/bundesrecht/ggvseb/gesamt.pdf>

Dangerous Goods Ordinance Sea, 4 November 2003 as amended (Gefahrgutverordnung See)

Refers to the classification system and to regulations of the IMDG-Code.

http://bundesrecht.juris.de/ggvsee_2003/BJNR228600003.html

European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), 30 September 1957

Annex A of the Agreement lists dangerous goods that shall not be accepted for international transport by road; however, contracting parties have the right to agree to exemptions. The international transport of other dangerous goods shall be authorized.

http://www.unece.org/trans/danger/publi/adr/adr_e.html

DIRECTIVE 2008/68/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 September 2008 on the inland transport of dangerous goods

Includes measures to secure the transport of toxic chemicals.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:260:0013:0059:EN:PDF>

C. NUCLEAR WEAPONS AND RELATED MATERIALS

War Weapons Control Act, 20 April 1961 as amended (Kriegswaffenkontrollgesetz)

Prohibits development, production, acquisition or transfer, import, export of, transport through Federal territory or trade in of nuclear weapons, or otherwise exercising actual control over these weapons. Furthermore, it is also prohibited to willfully or recklessly encourage or induce another person to develop, produce, etc. nuclear weapons. "Encourage" in this context means any supportive action, for example the supply of systems or system components for the production of nuclear weapons or the

provision of know-how. "Induce" means incite. "Recklessness" corresponds in essence to gross negligence. Penal sanctions reach from 2 to 15 years and do not only cover incidents executed within the territory of the Federal Republic of Germany but extend to any breach of these regulations by a German national outside German territory. The Annex to the War Weapons Control Act lists among other nuclear materials which in particular could be misused for weapons purposes. The list is updated from time to time and is not exhaustive

<http://bundesrecht.juris.de/bundesrecht/krwaffkontrg/gesamt.pdf>

War Weapons Reporting Regulation of 24 January 1995 as amended (Kriegswaffenmeldeverordnung)

Relates to means of delivery

<http://bundesrecht.juris.de/bundesrecht/kwmv/gesamt.pdf>

Penal Code, 15 May 1871 as amended (Strafgesetzbuch)

Paragraphs 129a - 129b refer to and penalize the creation and support of terrorist groups. Paragraph 129 contains cross-references to other paragraphs of the Penal Code as well as to paragraphs of the International Law Penal Code. Paragraph 129b refers to the applicability of paragraph 129a to crimes committed abroad.

Paragraph 307 prohibits and penalizes explosions caused by nuclear energy.

<http://bundesrecht.juris.de/bundesrecht/stgb/gesamt.pdf>

Money Laundering Act, 13 August 2008 as amended (Geldwäschegesetz)

Aims at preventing the financing of terrorist activities.

http://www.gesetze-im-internet.de/bundesrecht/gwg_2008/gesamt.pdf

Atomic Energy Act, 23 December 1959 as amended (Atomgesetz)

Purpose of this Act is to phase out the use of nuclear energy for the commercial generation of electricity in a structured manner, and to ensure on-going operation up until the date of discontinuation, to protect life, health and property against the hazards of nuclear energy and the detrimental effects of ionising radiation and to provide compensation for damage and injuries caused by nuclear energy or ionising radiation, to prevent danger to the internal or external security of the Federal Republic of Germany from the application or release of nuclear energy, and to enable the Federal Republic of Germany to meet its international obligations in the field of nuclear energy and radiation protection.

<http://bundesrecht.juris.de/bundesrecht/atg/gesamt.pdf>

Ordinance on the Procedure of Licensing of Installations under Paragraph 7 of the Atomic Energy Act, 03 February 1995 as amended (Atomrechtliche Verfahrensordnung)

Regulates the licensing of facilities named in the Atomic Energy Act, as far as it is not already done by the Act.

<http://www.gesetze-im-internet.de/bundesrecht/atvfv/gesamt.pdf>

Ordinance on the Transport of Nuclear Waste into or out of the Federal Territory, 30 April 2009 as amended (Atomrechtliche Abfallverbringungsverordnung)

Applies to the supervision and control of cross-border shipments of radioactive waste and spent nuclear fuel.

http://www.gesetze-im-internet.de/bundesrecht/atav_2009/gesamt.pdf

Radiation Protection Ordinance, 20 July 2001 as amended (Strahlenschutzverordnung)

Purpose is to protect the people and the environment from harmful effects of ionizing radiation, to regulate principles and requirements for prevention and safeguards that need to be applied for the use and influence of radioactive substances and ionizing radiation of natural or civilizing sources.

http://www.gesetze-im-internet.de/bundesrecht/strlsv_2001/gesamt.pdf

Ordinance on the Nuclear Safety Officer and on the Reporting of Accidents and Other Events, 14 October 1992 as amended (Atomrechtliche Sicherheitsbeauftragten- und Melde-Verordnung)

The holder of a license for the operation of a plant (licensee) shall appoint a nuclear safety officer (safety officer) in writing who shall hold office during the time of operation of the plant until its decommissioning. The holder of a license in accordance with § 7, para. (1) or (3) sentence 1 of the Atomic Energy Act (person obliged to report) shall report any accidents, incidents or other events which are important in terms of nuclear safety (reportable events) to the supervisory authority

<http://bundesrecht.juris.de/at-smv/BJNR017660992.html>

Ordinance on the Verification of Trustworthiness for Protecting Against the Diversion or Major Releases of Radioactive Material, 01 July 1999 as amended (Atomrechtliche Zuverlässigkeitsüberprüfungs-Verordnung)

Purpose is to verify the reliability of applicants or permit holders and other persons designated as managers in planning and approval procedures under the Atomic Energy Act or due to a Atomic Energy Act adopted ordinance and of persons working in nuclear installations or handling or transporting radioactive substances.

<http://bundesrecht.juris.de/at-zv/BJNR152500999.html>

Law on the Transport of Dangerous Goods of 06 August 1975 as amended (Gesetz über die Beförderung gefährlicher Güter)

Includes measures to secure the transport of dangerous materials of which due to their nature hazards are to be expected to public safety or order, especially for the general public, for important common goods, for life and health of humans, for animals and things.

<http://bundesrecht.juris.de/bundesrecht/gefahrgutg/gesamt.pdf>

Regulations on the domestic and and cross-border movement of dangerous goods by road, with railways and inland waterways, 17 June 2009 as amended (Verordnung über die innerstaatliche und grenzüberschreitende Beförderung gefährlicher Güter auf der Straße, mit Eisenbahnen und auf Binnengewässern – GGvSEB)

Contains classification similar to ADR (European Agreement concerning the International Carriage of Dangerous Goods by Road) and regulates domestic and international transport of dangerous goods on road, rail and inland waterways.

<http://www.gesetze-im-internet.de/bundesrecht/ggvseb/gesamt.pdf>

Dangerous Goods Ordinance Sea, 4 November 2003 as amended (Gefahrgutverordnung See)

Refers to the classification system and to regulations of the IMDG-Code.

http://bundesrecht.juris.de/ggvsee_2003/BJNR228600003.html

European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), 30 September 1957

Annex A of the Agreement lists dangerous goods that shall not be accepted for international transport by road; however, contracting parties have the right to agree to exemptions. The international transport of other dangerous goods shall be authorized.

http://www.unece.org/trans/danger/publi/adr/adr_e.html

DIRECTIVE 2008/68/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 September 2008 on the inland transport of dangerous goods

Includes measures to secure the transport of radioactive materials.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:260:0013:0059:EN:PDF>

Link to bilingual versions (English/German) of acts, ordinances, safety codes, and guidelines on the website of the Federal Office for Radiation Protection (Bundesamt für Strahlenschutz - BfS)

<http://www.bfs.de/bfs/recht/rsh/englisch.html>

D. Export and Border Control

Foreign Trade and Payments Act, 28 April 1961 as amended (Aussenwirtschaftsgesetz)

Defines possible restrictions and the requirement for licenses of trade with specific goods. Bundesamt für Wirtschaft und Ausfuhrkontrolle (Federal Office of Economics and Export Control) is authorized for licensing. The restrictions are tailored to maintain the security of the Federal Republic of Germany and to prevent disturbances of the peaceful living together of nations. Items that can be controlled include, among others, weapons, munitions and war materials as well as items for the development, production and employment of such materials. Penal sanctions include fines as well as imprisonment from 2 to 5 years and do not only cover incidents within the territory of the Federal Republic of Germany but extend to any breach of law by a German national abroad.

<http://bundesrecht.juris.de/bundesrecht/awg/gesamt.pdf>

Foreign Trade and Payments Regulation of 18 December 1986 as amended (Aussenwirtschaftsverordnung)

Details export rules and penalties for breaching export and import controls and licensing provisions.

http://bundesrecht.juris.de/bundesrecht/awv_1986/gesamt.pdf

Export List - Annex to Foreign Trade and Payments Ordinance as amended (Ausfuhrliste)

Defines micro-organisms, viruses and toxins, chemical agents as well as biological/chemical/nuclear systems and basic system components that require export licenses.

<http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/gueterlisten/ausfuhrliste/index.html>

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

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:0001:0269:en:PDF>

Link to additional bilingual (English/German) versions of export control acts and ordinances as well as additional information on export control on the website of the Federal Office of Economics and Export Control (Bundesamt für Wirtschaft und Ausfuhrkontrolle- BAFA)

<http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/>

Customs Administration Act, 12 January 1992 as amended (Zollverwaltungsgesetz)

Delegates enforcement agencies/authorities for export/import control

<http://www.gesetze-im-internet.de/bundesrecht/zollvg/gesamt.pdf>

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: Germany
Date of Report: 26 October 2004
Date of Addendum 1: 12 October 2005
Date of Addendum 2: 26 May 2010
Date of Revision: 5 February 2010 Isa

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1 General statement on non-possession of WMD	X	Germany does not possess any biological, chemical and nuclear weapons	Addendum 2
2 General statement on commitment to disarmament and non-proliferation	X	The State reported to be firmly committed to its obligations within international institutions and conventions, i.e. NPT, CWC, BWC, etc EU Strategy against Proliferation of WMD of December 2003	pages 4 and 16 of the report
3 General statement on non-provision of WMD and related materials to non-State actors	X	The report said that Germany does not provide any support to non-State actors	page 4 of the report
4 Biological Weapons Convention (BWC)	X	Deposit 7 April 1983	page 4 of the report page 2 of Addendum 1
5 Chemical Weapons Convention (CWC)	X	Deposit 12 August 1994	pages 4, 6 and 18 of the report page 2 of Addendum 1
6 Nuclear Non-Proliferation Treaty (NPT)	X	Deposit 2 May 1975	pages 4 and 6 of the report

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 and 1673. They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations

7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Deposit 20 August 1998	http://disarmament.un.org:8080/TreatyStatus.nsf
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	In force 06 October 1991	http://www.iaea.org/Publications/Documents/Conventions/cpp
9	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	http://www.aussenministerium.at/up-media/1679_list_of_hcoc_subscribing_states.doc
10	Geneva Protocol of 1925	X	Deposit 25 April 1929	http://disarmament.un.org:8080/TreatyStatus.nsf
11	International Atomic Energy Agency (IAEA)	X	Since 1 October 1957	page 4 of the report page 2 of Addendum 1
12	Nuclear Weapons Free Zone/ Protocol(s)			
13	Other Conventions/Treaties	X	1. EURATOM Treaty 2. State Party to 13 UN International Conventions against Terrorism	page 8 of the European Union (EU) report
14	Other Arrangements	X	1. Nuclear Suppliers Group (NSG) 2. Missile Technology Control Regime (MTCR) 3. Australia Group (AG) 4. Zangger Committee (ZC) 5. Wassenaar Arrangement (WA)	pages 12 and 21 of the report page 2 of Addendum 1
15	Other	X	1. EU Council Decision to include WMD provisions in Agreements with third countries -Revised Cotonou Partnership Agreement (the CPA II) 2. NATO Senior Group on Proliferation Issues (SGP) 3. NATO-Russia Council (NRC) "at 29" 4. Euro Atlantic Partnership Council (EAPC) 5. Proliferation Security Initiative (PSI)	pages 4 and 6 of the EU report pages 20 and 21 of the report http://www.acpsec.org/en/conventions/cotonou/cotonou_revised_e.pdf

OP 2 - Biological Weapons (BW)

State:

Germany

Date of Report:

26 October 2004

Date of Addendum 1:

12 October 2005

Date of Revision:

6 August 2008

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Implementation Act on the BWC of 21.012.1983	X	War Weapons Control Act of 1961, Section 20	pages 5 and 6 of the report <u>War Weapons Control Act</u>
2 acquire	X	2. War Weapons Control Act	X		
3 possess	X	War Weapons Control Act of 1961	X		
4 stockpile/store	X	1. Implementation Act on the BWC	X		
5 develop	X	2. War Weapons Control Act	X		
6 transport	X	War Weapons Control Act of 1961	X		
7 transfer	X		X		
8 use	X	War Weapons Control Act of 1961	X	War Weapons Control Act of 1961, Section 20	page 4 of Addendum 1 <u>War Weapons Control Act</u>
9 participate as an accomplice in a.m. activities	X	War Weapons Control Act of 1961	X	War Weapons Control Act of 1961, Section 20	
10 assist in a.m. activities	X	War Weapons Control Act of 1961	X		
11 finance a.m. activities	X	1. War Weapons Control Act of 1961 2. Banking Act of 09 September 1998 as amended 3. Insurance Supervisory Act of 17 December 1992 as amended 4. Payment Services Oversight Act of 25 June 2009 as amended 5. Money Laundering Prevention Act of 13 August 2008 as amended	X	War Weapons Control Act of 1961, Section 20	pages 5, 6 and 14 of the report

12	a.m. activities related to means of delivery	X	1. Implementation Act on the BWC 2. War Weapons Control Act	X	
13	involvement of non-State actors in a.m. activities	X	War Weapons Control Act of 1961	X	
14	Other	X	German Declaration form on the BWC, 2006	X	War Weapons Control Act of 1961, para 21:extraterritorial applicability to German nationals http://www.auswaertiges- amt.de/diplo/en/Aussenpolitik/T hemen/Abrustung/BioChemie/ VerbotBioWaffen-dt- Jahresmeldg06.pdf

OP 2 - Chemical Weapons (CW)

State:

Germany

Date of Report:

26 October 2004

Date of Addendum 1:

12 October 2005

Date of Revision:

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	War Weapons Control Act	X	War Weapons Control Act of 1961, Section 20	pages 5 and 6 of the report <u>War Weapons Control Act</u>
2	acquire	X		X		
3	possess	X		X		
4	stockpile/store	X		X		
5	develop	X		X		
6	transport	X		X		
7	transfer	X		X		
8	use	X	War Weapons Control Act of 1961	X	War Weapons Control Act of 1961, Section 20	page 5 of Addendum 1 <u>War Weapons Control Act</u>
9	participate as an accomplice in a.m. activities	X	War Weapons Control Act of 1961	X	War Weapons Control Act of 1961, Section 20	<u>War Weapons Control Act</u>
10	assist in a.m. activities	X	War Weapons Control Act of 1961	X		
11	finance a.m. activities	X	1. War Weapons Control Act of 1961 2. Banking Act of 09 September 1998 as amended 3. Insurance Supervisory Act of 17 December 1992 as amended 4. Payment Services Oversight Act of 25 June 2009 as amended 5. Money Laundering Prevention Act of 13 August 2008 as amended	X	War Weapons Control Act of 1961, Section 20	pages 5, 6 and 14 of the report

12	a.m. activities related to means of delivery	X	War Weapons Control Act of 1961	X	
13	involvement of non-State actors in a.m. activities	X	War Weapons Control Act of 1961	X	
14	Other			X	War Weapons Control Act of 1961, para 21:extraterritorial applicability to German nationals <u>War Wepons Control Act</u>

OP 2 - Nuclear Weapons (NW)

State:

Germany

Date of Report:

26 October 2004

Date of Addendum 1:

12 October 2005

Date of Revision:

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	War Weapons Control Act	X	War Weapons Control Act of 1961, Section 19	pages 5, 6 and 7 of the report <u>War Weapons Control Act</u>
2 acquire	X		X		
3 possess	X		X		
4 stockpile/store	X		X		
5 develop	X		X		
6 transport	X		X		
7 transfer	X		X		
8 use	X	War Weapons Control Act of 1961	X	Criminal Code, Arts. 309-311	page 6 of the report page 6 of Addendum 1 <u>Criminal Code</u>
9 participate as an accomplice in a.m. activities	X	War Weapons Control Act of 1961	X	War Weapons Control Act of 1961, Section 19	page 6 of Addendum 1
10 assist in a.m. activities	X	War Weapons Control Act of 1961	X		

11	finance a.m. activities	X	1. War Weapons Control Act of 1961 2. Banking Act of 09 September 1998 as amended 3. Insurance Supervisory Act of 17 December 1992 as amended 4. Payment Services Oversight Act of 25 June 2009 as amended 5. Money Laundering Prevention Act of 13 August 2008 as amended	X	War Weapons Control Act of 1961, Section 19	pages 5, 6 and 14 of the report
12	a.m. activities related to means of delivery	X	War Weapons Control Act of 1961	X		
13	involvement of non-State actors in a.m. activities	X	War Weapons Control Act of 1961	X		
14	Other			X	War Weapons Control Act of 1961, para 21:extraterritorial applicability to German nationals	<u>War Wepons Control Act</u>

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

State:
Date of Report:
Date of Addendum 1:
Date of Revision:

Germany
26 October 2004
12 October 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1. Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004 establishing an European Centre for Disease Prevention and Control	X	1. European Center for Disease and Control 2. Robert Koch Institute 3. Federal Center for Health Education 4. Committee for Biological Agents (ABAS) 5. Ricin, Saxitoxin: Act implementing the CWC of 02 August 1994 (except transport) 6. Ricin, Saxitoxin: Regulation implementing the CWC of 20 November 1996 (except transport)	pages 7 and 8 of the report <u>Ordinance on Safety and Health protection at work</u>
2 Measures to account for use	X	2. Ordinance on Safety and Health protection related to work involving biological agents of 27 January 1992. 3. Technical Regulations for Biological Agents-TRBA 100: Protective measures for specific and unspecific work in laboratories involving biological agents	X		
3 Measures to account for storage	X	4. Ricin, Saxitoxin: Act implementing the CWC of 02 August 1994 (except transport)	X		
4 Measures to account for transport	X	5. Ricin, Saxitoxin: Regulation implementing the CWC of 20 November 1996 (except transport)	X		
5 Other measures for accounting					

6	Measures to secure production	X	1. Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004 establishing an European Centre for Disease Prevention and Control 2. Ordinance on Safety and Health protection related to work involving biological agents of 27 January 19992.	X	1. European Center for Disease and Control 2. Robert Koch Institute 3. Federal Center for Health Education 4. Committee for Biological Agents (ABAS) 5. Ricin, Saxitoxin: Act implementing the CWC of 02 August 1994 (except transport) 6. Ricin, Saxitoxin: Regulation implementing the CWC of 20 November 1996 (except transport)	page 10 of the EU report http://www.auswaertiges- amt.de/www/en/infoservice/do wnload/pdf/friedenspolitik/abru estung/questionnaire.pdf
7	Measures to secure use	X	3. Technical Regulations for Biological Agents-TRBA 100: Protective measures for specific and unspecific work in laboratories involving biological agents 4. Directive 2000/54/EC	X		
8	Measures to secure storage	X	5. Ricin, Saxitoxin: Act implementing the CWC of 02 August 1994 (except transport) 6. Ricin, Saxitoxin: Regulation implementing the CWC of 20 November 1996 (except transport)	X		
9	Measures to secure transport	X	1. Council Directives 94/55/EEC and 96/49/EEC 2. European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) and national regulations on the transport by road, rail, sea and inland waterways 3. Regulations on the domestic and and cross-border movement of dangerous goods by road, with railways and inland waterways of 17 June 2009 4. Dangerous Goods Ordinance Sea of 4 November 2003	X	Party to ADR and RID Agreements	page 7 of the report pages 10 and 11 of the EU report
10	Other measures for securing	X	Transfers only allowed between authorized persons/facilities: 1. Protection against Infection Act 2. Animal Disease Act	X	Revocation/withdrawal of authorization and/or fines	page 10 of the report

11	Regulations for physical protection of facilities/materials/ transports	X	Biological Materials Ordinance (Biostoff-VO) and EU directives on the protection of workers from risks related to exposure to biological agents at work (1999)		page 7 of Addendum 1
12	Licensing/registration of facilities/persons handling biological materials	X	1. Protection against Infection Act 2. Animal Disease Act 3. Genetic Engineering Act 4. Biological Agents Ordinance	X	Criminal Code, Art. 327 Revocation/withdrawal of authorization and/or fines
13	Reliability check of personnel	X	1. Protection against Infection Act 2. Animal Disease Act 3. Plant Protection Act 4. Security Vetting Act of 20 April 1994 5. Security Vetting Identification Ordinance of 30 July 2003		page 10 of the report
14	Measures to account for/secure/ physically protect means of delivery	X	1. War Weapons Control Act 2. Second Implementation Ordinance to the War weapons Control Act 3. War Weapons Recording Ordinance of 24 January 1995	X	Stock levels and changes must be reported to enter war weapons register, additional reporting for import and export of certain missiles
15	Regulations for genetic engineering work	X	Genetic Engineering Act		page 10 of the report
16	Other legislation/ regulations related to safety and security of biological materials			X	Committee on Biological Working Material (Ausschuss Biologische Arbeitsstoffe (ABAS)), BArbBI 4/02, p. 139 -140
17	Other				

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

State:
Date of Report:
Date of Addendum 1:
Date of Revision:

Germany
26 October 2004
12 October 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X		X		
2	Measures to account for use	X	1. Act implementing the CWC Convention of 13 January 1993 2. Regulation implementing the CWC Convention of 20 November 1996	X	1. Act implementing the CWC Convention of 02 August 1994 2. Regulation implementing the CWC Convention of 20 November 1996	pages 7 and 8 of the report <u>Act and Regulation implementing CWC</u>
3	Measures to account for storage	X				
4	Measures to account for transport	X				
5	Other measures for accounting					
6	Measures to secure production	X	1. Act implementing the CWC Convention of 13 January 1993 2. Regulation implementing the CWC Convention of 20 November 1996 3. Directive 98/24/EC	X	Licensee has to take steps to prevent the chemicals going astray or being used by unauthorized persons; violation is punishable	pages 8 and 10 of the report page 10 of the EU report <u>Act and Regulation implementing CWC</u>
7	Measures to secure use	X				
8	Measures to secure storage	X				

9	Measures to secure transport	X	<p>1. Council Directives 94/55/EEC and 96/49/EEC</p> <p>2. European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) and national regulations on the transport by road, rail, sea and inland waterways</p> <p>3. Regulations on the domestic and cross-border movement of dangerous goods by road, with railways and inland waterways of 17 June 2009</p> <p>4. Dangerous Goods Ordinance Sea of 4 November 2003</p>	X	Party to ADR and RID Agreements	page 7 of the report pages 10 and 11 of the EU report
10	Other measures for securing	X	Ordinance on Dangerous Goods of 23 December 2004			page 9 of Addendum 1
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing of chemical installations/entities/use of materials	X	<p>1. Act implementing the CWC Convention of 02 August 1994</p> <p>2. Regulation implementing the CWC Convention of 20 November 1996</p>	X	<p>1. Act implementing the CWC Convention of 02 August 1994</p> <p>2. Regulation implementing the CWC Convention of 20 November 1996</p>	pages 8 and 10 of the report <u>Act and Regulation implementing CWC</u>
13	Reliability check of personnel	X	Regulation implementing the CWC Convention of 20 November 1996, Section 2 (authorization for personnel that operate with Chemicals)	X	Regulation implementing the CWC Convention of 20 November 1996, Section 10 (administrative offences)	
14	Measures to account for/secure/ physically protect means of delivery	X	<p>1. War Weapons Control Act</p> <p>2. Second Implementation Ordinance to the War weapons Control Act</p> <p>3. War Weapons Recording Ordinance of 24 January 1995</p>	X	<p>1. War Weapons Control Act, para 22a</p> <p>2. Stock levels and changes must be reported to enter war weapons register, additional reporting for import and export of certain missiles</p>	

15	National CWC authority	X	1. Act implementing the CWC Convention of 13 January 1993 2. Regulation implementing the CWC Convention of 20 November 1996	X	National Authority Bureau for CW and BW Affairs (Ref.243) Auswärtiges Amt (Federal Foreign Office)	page 10 of Addendum 1 http://www.opcw.org/docs/directory/section4.pdf
16	Reporting Schedule I, II and III chemicals to OPCW	X	1. Act implementing the CWC Convention of 13 January 1993 2. Regulation implementing the CWC Convention of 20 November 1996	X	Since 1997, the OPCW has carried out routine inspections in Germany of industries relevant to the CWC. They primarily serve confidence-building purposes and, not least due to the highly cooperative attitude of German industry, document the successful implementation and respect of the CWC by Germany.	Ministry of Foreign Affairs website http://www.auswaertiges-amt.de/diplo/en/Aussenpolitik/Temen/Abrustung/BioChemie/Verbot-C-Waffen.html#t5
17	Account for, secure or physically protect old chemical weapons	X	1. Law on Explosives in conjunction with 1st and 2nd Ordinance Pertaining to the Law on Explosives and with pertinent regulations on storage of explosives 2. Hazardous Substances Ordinance: handling of the chemical fill	X	Germany had destroyed its old chemical weapon stocks completely by April 2007. Any weapons unearthed will be destroyed without delay in a specially designed detonation furnace in Munster, Lower Saxony.	page 10 of the report http://www.auswaertiges-amt.de/diplo/en/Aussenpolitik/Temen/Abrustung/BioChemie/Verbot-C-Waffen.html#t5
18	Other legislation/ regulations controlling chemical materials					
19	Other					

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

State:
Date of Report:
Date of Addendum 1:
Date of Revision:

Germany
26 October 2004
12 October 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1. No accounting for NW as they are prohibited 2. Radiation Protection Ordinance: specify activity and type 3. INFCIRC/540	X	Anyone authorized to handle radioactive materials must keep detailed records	pages 7 and 8 of the report
2	Measures to account for use	X		X	Waste only to be disposed in Federal repositories or State waste-collecting facilities	
3	Measures to account for storage	X		X	Radioactive waste to be registered electronically and notified prior to shipment	
4	Measures to account for transport	X		X	Anyone authorized to handle radioactive materials must keep detailed records	
5	Other measures for accounting	X				
6	Measures to secure production	X	1. Council Directives 94/55/EEC and 96/49/EEC: for transports only 2. Based on the principles of graded approach and defence-in-depth as required by the Fundamental Principles and Objectives of Physical Protection endorsed by IAEA a set of classified guidelines (structural, technical, personnel-based and administrative) exists complemented by the General Administrative Provision on the Protection of Classified Information	X	1. Directive 92/3 EURATOM: prior notification of shipments 2. Protective measures to be implemented by the licensee as specified in laws, ordinances and authority guidelines plus protective measures by State response forces; if licensee fails to meet obligation, the national legal instruments specify sanctions (revocation/ withdrawal of licence or fines)	page 9 of the report pages 10 and 11 of the EU report
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		
9	Measures to secure transport	X		X		
10	Other measures for securing	X		X		
11	Regulations for physical protection of facilities/materials/ transports	X		X		

12	Licensing of nuclear installations/entities/use of materials	X	Atomic Energy Act: License required for import, export, transport, possession, treatment, processing, other use, storage, disposal	X	Regulatory supervision by competent national authorities	page 9 of the report
13	Reliability check of personnel	X	Ordinance on the Verification of Trustworthiness for Protecting Against the Diversion or Major Release of Radioactive Material			page 9 of the report
14	Measures to account for/secure/physically protect means of delivery	X	1. War Weapons Control Act 2. Second Implementation Ordinance to the War weapons Control Act 3. War Weapons Recording Ordinance of 24 January 1995	X	1. War Weapons Control Act, para 22 a 2. Stock levels and changes must be reported to enter war weapons register, additional reporting for import and export of certain missiles	pages 7 and 8 of the report
15	National regulatory authority	X	1. Ministry for the Environment, Nature Conservation and Nuclear Safety: guidelines 2. Competent Ministry of the Land (Federal State): licensing and supervision	X	1. Ministry for the Environment, Nature Conservation and Nuclear Safety: guidelines 2. Competent Ministry of the Land (Federal State): licensing and supervision	http://www.bmu.de/files/pdfs/allgemein/application/pdf/nuclear_safety.pdf
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement EURATOM - IAEA (INFCIRC/193) 2. Additional Protocol (INFCIRC/540)	X	1. Safeguards Agreement EURATOM - IAEA (INFCIRC/193) 2. Additional Protocol (INFCIRC/540)	page 8 of the EU report
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	1. Notification pursuant to GC(47)/RES/7.B1 2. Act on the Control of High Radioactive Sealed Sources of 12 August 2005	X	Supplementary Guidance on the Import and Export of Radioactive Sources - PoC for imports and exports: Head, Division Nuclear Technology, Radioactive Sources, Federal Office of Economics and Export Control- Mr Bernd Rosenthal	page 12 of Addendum 1
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	IAEA information system on illicit trafficking and other unauthorized activities involving nuclear and radioactive materials	X	Contributes to Database Programme	http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html

19	Other Agreements related to IAEA	X	INFCIRC/254/Rev.6/Part 1* / 16 May 2003	X	Verifications are concluded pursuant to the global Treaty on the Non-Proliferation of Nuclear Weapons (NPT), for which the IAEA is the verification authority.	http://ola.iaea.org/FactSheets/CountryDetails.asp?country=DE
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Additional physical protection measures for trans-boundary shipments as prescribed by CPPNM have been implemented			page 9 of the report
21	Other	X	Atomic Energy Act to be amended for the creation of an electronic register for high-activity sealed radioactive sources	X	Germany pledges up to 10 million euros for nuclear security through 2012. Updating its regulatory regime based on a recent review by the IAEA and a self-review	page 9 of the report IAEA statement 2009

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of BW including Related Materials**

State:
Date of Report:
Date of Addendum 1:
Date of Revision:

Germany

26 October 2004

12 October 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code) 2. Commission Regulation No. 2454/1993 (Implementing Provisions to the Community Customs Code) 3. EU Regulation no. 648 of 13 April 2005 (Security Amendment) 4. Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community 5. Customs Administration Act	X	Serious infringements of tax laws constitute criminal offences. They include, for example, smuggling goods that are liable for duty (tax evasion) and importing prohibited or restricted goods. A criminal tax violation is punishable by a fine or a prison sentence of up to 5 years - in particularly serious cases up to 10 years.	page 12 of the EU report page 15 of the report <u>Community Customs Code</u> http://www.zoll.de/english_version/faq/a0_passenger_traffic/b0_non_ec_countries/index.html#non_ec_countries4
2 Technical support of border control measures	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code), Art. 4 no. 14, Arts. 13 and 68 2. Customs Administration Act, Section 10 ff	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code), Art. 4 no. 14, Arts. 13 and 68 2. Customs Administration Act, Section 10 ff	page 13 of Addendum 1

3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. War Weapons Control Act, sections 4a and 17 ff</p> <p>3. Foreign Trade and Payments Ordinance: license required</p>	<p>X</p> <p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)</p> <p>2. War Weapons Control Act</p>	pages 10, 11 and 12 of the report
4	Enforcement agencies/authorities	X	Customs Administration Act, Section 12 a	<p>X</p> <p>Customs, Federal Border Control Police, criminal authorities, etc. involved in controlling/prosecuting money laundry activities</p>	page 15 of the report
5	Export control legislation in place	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. Foreign Trade and Payments Act</p> <p>3. Foreign Trade and Payments Ordinance</p> <p>4. Ricin, Saxitoxin: Regulation implementing the CWC Convention of 20 November 1996</p>	<p>X</p> <p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)</p>	pages 11, 12 and 14 of the report <u>EU Regulation 428/2009</u>
6	Licensing provisions	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. Foreign Trade and Payments Act</p> <p>3. Foreign Trade and Payments Ordinance</p> <p>4. Ricin, Saxitoxin: Regulation implementing the CWC Convention of 20 November 1996</p>	<p>X</p> <p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)</p>	pages 11, 12 and 14 of the report <u>EU Regulation 428/2009</u>

7	Individual licensing	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Act 3. Foreign Trade and Payments Ordinance	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	page 13 of the report <u>EU Regulation 428/2009</u>
8	General licensing	X	Community General Export Authorization (Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items)	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	pages 14 and 15 of the report <u>EU Regulation 428/2009</u>
9	Exceptions from licensing	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) Possibility of	X	An authorisation shall be required for intra-Community transfers of dual-use items listed in Annex IV. Items listed in Part 2 of Annex IV shall not be covered by a general authorisation	<u>EU Regulation 428/2009</u>
10	Licensing of deemed export/visa	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) 2. Foreign Trade and Payments Ordinance, Section 45, referring to technical assistance: visa screening system established	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	<u>EU Regulation 428/2009</u>
11	National licensing authority	X	Federal Office of Economics and Export Control (BAFA)	X	Federal Office of Economics and Export Control (BAFA)	page 13 of the report
12	Interagency review for licenses	X	Interministerial export committee representing various ministries and competent authorities	X	Interministerial export committee representing various ministries and competent authorities	page 13 of the report

13	Control lists	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Ricin, Saxitoxin: Regulation implementing the CWC of 20 November 1996	X	Interministerial export committee representing various ministries and competent authorities	page 12 of the report page 3 of Addendum 2
14	Updating of lists	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	The list of dual-use items set out in Annex I shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties.	<u>EU Regulation 428/2009</u>
15	Inclusion of technologies	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Technological support services, transfer of know-how	page 11 of the report
16	Inclusion of means of delivery	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. War Weapons Reporting Ordinance 3. War Weapons Control Act, section 2 ff	X	War Weapons Control Act	pages 6, 8, 11 and 12 of the report

17	End-user controls	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Grant applications only if examination of the final recipient reveals no proliferation risk	<u>page 13 of the report EU Regulation 428/2009</u>
18	Catch all clause	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Act, section 2, para 2: Unlisted dual-use items may also require a licence		Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation	<u>page 13 of the report EU Regulation 428/2009</u>
19	Intangible transfers	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Ordinance, Section 45	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation	<u>page 14 of Addendum 1 EU Regulation 428/2009</u>
20	Transit control	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. EU Regulation no. 648 of 13 April 2005 (Security Amendment) 3. Foreign Trade and Payments Ordinance	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation	<u>EU Regulation 428/2009</u>

21	Trans-shipment control	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment)</p> <p>3. Foreign Trade and Payments Ordinance</p>	X	<p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)</p>	<p>page 11 and 13 of the report EU Regulation no. 648 of 13 April 2005</p>
22	Re-export control	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment)</p>	X	<p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)</p>	<p>EU Regulation 428/2009</p>
23	Control of providing funds	X	War Weapons Control Act	X	<p>Providing financial support or transport services is punishable if deemed to contribute to unauthorized export, re-export or transit</p>	<p>page 13 of the report page 15 of Addendum 1</p>
24	Control of providing transport services	X	War Weapons Control Act	X	<p>Providing financial support or transport services is punishable if deemed to contribute to unauthorized export, re-export or transit</p>	<p>page 13 of the report page 15 of Addendum 1</p>
25	Control of importation	X	<p>1. Protection against Infection Act</p> <p>2. Animal Infectious Disease Act</p> <p>3. Plant Protection Act</p> <p>4. War Weapons Control Act</p> <p>5. 5. Ricin, Saxitoxin: Regulation implementing the CWC of 20 November 1996</p> <p>6. War Weapons Reporting Ordinance</p>	X	<p>1. Protection against Infection Act</p> <p>2. Animal Infectious Disease Act</p> <p>3. Plant Protection Act</p> <p>4. War Weapons Control Act</p> <p>5. Ricin, Saxitoxin: Regulation implementing the CWC of 20 November 1996</p>	<p>page 8 of the report http://www.auswaertiges-amt.de/www/en/infoservice/download/pdf/friedenspolitik/abruerung/questionnaire.pdf</p>
26	Extraterritorial applicability	X	War Weapons Control Act	X	<p>War Weapons Control Act of 1961, para 21: extraterritorial applicability to German nationals</p>	<p>page 15 of Addendum 1 http://www.opcw.org/docs/s259_01Annex_Survey_of_legislation.pdf</p>
27	Other	X	Controls include technical assistance outside of Germany			<p>pages 4 and 11 of the report</p>

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of CW including Related Materials**

State:
Date of Report:
Date of Addendum 1:
Date of Revision:

Germany

26 October 2004
12 October 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code) 2. Commission Regulation No. 2454/1993 (Implementing Provisions to the Community Customs Code) 3. EU Regulation no. 648 of 13 April 2005 (Security Amendment) 4. Customs Administration Act	X	Regulation implementing the CWC Convention of 20 November 1996, Section 13	page 12 of the EU report page 15 of the report <u>Community Customs Code</u>
2 Technical support of border control measures	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code), Art. 4 no. 14, Arts. 13 and 68 2. Customs Administration Act, Section 10 ff	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code), Art. 4 no. 14, Arts. 13 and 68 2. Customs Administration Act, Section 10 ff	page 13 of Addendum 1
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. War Weapons Control Act, sections 4a and 17 ff 2. Foreign Trade and Payments Ordinance: license required	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation) 2. War Weapons Control Act	pages 10, 11 and 12 of the report

4	Enforcement agencies/authorities	X	Customs Administration Act, Section 12 a	X	Customs, Federal Border Control Police, criminal authorities, etc. involved in controlling/prosecuting money laundry activities	page 15 of the report
5	Export control legislation in place	X	<ol style="list-style-type: none"> 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Act 3. Foreign Trade and Payments Ordinance 4. Regulation implementing the CWC of 20 November 1996 	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	pages 11, 12 and 14 of the report <u>EU Regulation 428/2009</u>
6	Licensing provisions	X	<ol style="list-style-type: none"> 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Act 3. Foreign Trade and Payments Ordinance 4. Regulation implementing the CWC of 20 November 1996 	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	pages 11, 12 and 14 of the report <u>EU Regulation 428/2009</u>
7	Individual licensing	X	<ol style="list-style-type: none"> 1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Act 3. Foreign Trade and Payments Ordinance 	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	page 13 of the report <u>EU Regulation 428/2009</u>

8	General licensing	X	Community General Export Authorization (Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items)	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	pages 14 and 15 of the report EU Regulation 428/2009
9	Exceptions from licensing	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) Possibility of National General Authorisation for intra-Community trade	X	An authorisation shall be required for intra-Community transfers of dual-use items listed in Annex IV. Items listed in Part 2 of Annex IV shall not be covered by a general authorisation	EU Regulation 428/2009
10	Licensing of deemed export/visa	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) Possibility of National General Authorisation for intra-Community trade 2. Foreign Trade and Payments Ordinance, Section 45, referring to technical assistance: visa screening system established	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	EU Regulation 428/2009
11	National licensing authority	X	Federal Office of Economics and Export Control (BAFA)	X	Federal Office of Economics and Export Control (BAFA)	page 13 of the report
12	Interagency review for licenses	X	Interministerial export committee representing various ministries and competent authorities	X	Interministerial export committee representing various ministries and competent authorities	page 13 of the report

13	Control lists	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Regulation implementing the CWC of 20 November 1996	X	Interministerial export committee representing various ministries and competent authorities	page 12 of the report page 3 of Addendum 2
14	Updating of lists	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	The list of dual-use items set out in Annex I shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties.	<u>EU Regulation 428/2009</u>
15	Inclusion of technologies	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Technological support services, transfer of know-how	page 11 of the report
16	Inclusion of means of delivery	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. War Weapons Reporting Ordinance 3. War Weapons Control Act, section 2 ff	X	War Weapons Control Act	pages 6, 8, 11 and 12 of the report
17	End-user controls	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Grant applications only if examination of the final recipient reveals no proliferation risk	<u>page 13 of the report</u> <u>EU Regulation 428/2009</u>

18	Catch all clause	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. Foreign Trade and Payments Act, section 2, para 2: Unlisted dual-use items may also require a licence</p>		<p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation</p>	<p><u>page 13 of the report EU Regulation 428/2009</u></p>
19	Intangible transfers	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. Foreign Trade and Payments Ordinance, Section 45</p>	X	<p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation</p>	<p><u>page 14 of Addendum 1 EU Regulation 428/2009</u></p>
20	Transit control	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment)</p> <p>3. Foreign Trade and Payments Ordinance</p>	X	<p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation</p>	<p><u>EU Regulation 428/2009</u></p>
21	Trans-shipment control	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment)</p> <p>3. Foreign Trade and Payments Ordinance</p>	X	<p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation</p>	<p><u>page 11 and 13 of the report EU Regulation no. 648 of 13 April 2005</u></p>

22	Re-export control	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. EU Regulation no. 648 of 13 April 2005 (Security Amendment)	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	<u>EU Regulation 428/2009</u>
23	Control of providing funds	X	War Weapons Control Act	X	Providing financial support or transport services is punishable if deemed to contribute to unauthorized export, re-export or transit	page 13 of the report page 15 of Addendum 1
24	Control of providing transport services	X	War Weapons Control Act	X		
25	Control of importation	X	1. CWC Implementation Ordinance 2. War Weapons Reporting Ordinance	X	CWC Implementation Ordinance	page 6 of the report http://www.bafa.de
26	Extraterritorial applicability	X	War Weapons Control Act	X	War Weapons Control Act of 1961, para 21: extraterritorial applicability to German nationals	page 18 of Addendum 1 http://www.opcw.org/docs/s259_01Annex_Survey_of_legislation.pdf
27	Other	X	1. Act implementing the CWC Convention of 13 January 1993			pages 4 and 11 of the report

**OP 3 (c) and (d) and related matters from OP 6, and OP 10 -
Controls of NW including Related Materials**

State:
Date of Report:
Date of Addendum 1:
Date of Revision:

Germany

26 October 2004

12 October 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code) 2. Commission Regulation No. 2454/1993 (Implementing Provisions to the Community Customs Code) 3. EU Regulation no. 648 of 13 April 2005 (Security Amendment) 4. Customs Administration Act	X	Serious infringements of tax laws constitute criminal offences. They include, for example, smuggling goods that are liable for duty (tax evasion) and importing prohibited or restricted goods. A criminal tax violation is punishable by a fine or a prison sentence of up to 5 years - in particularly serious cases up to 10 years.	page 12 of the EU report page 15 of the report http://www.zoll.de/english_version/faq/a0_passenger_traffic/b0_non_ec_countries/index.html#non_ec_countries4
2 Technical support of border control measures	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code), Art. 4 no. 14, Arts. 13 and 68 2. Customs Administration Act, Section 10 ff	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code), Art. 4 no. 14, Arts. 13 and 68 2. Customs Administration Act, Section 10 ff	page 19 of Addendum 1
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	1. War Weapons Control Act, sections 4a and 17 ff 2. Foreign Trade and Payments Ordinance: license required	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation) 2. War Weapons Control Act 3. Penal Code	pages 6, 10, 11 and 12 of the report

4	Enforcement agencies/authorities	X	Customs Administration Act, Section 12 a	X	Customs, Federal Border Control Police, criminal authorities, etc. involved in controlling/prosecuting money laundry activities	page 15 of the report
5	Export control legislation in place	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Act 3. Foreign Trade and Payments Ordinance	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	pages 11, 12 and 14 of the report <u>EU Regulation 428/2009</u>
6	Licensing provisions	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Act 3. Foreign Trade and Payments Ordinance	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	pages 11, 12 and 14 of the report <u>EU Regulation 428/2009</u>
7	Individual licensing	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Act 3. Foreign Trade and Payments Ordinance	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	page 13 of the report <u>EU Regulation 428/2009</u>

8	General licensing	X	Community General Export Authorization (Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items)	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	pages 14 and 15 of the report EU Regulation 428/2009
9	Exceptions from licensing	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) Possibility of National General Authorisation for intra-Community trade	X	An authorisation shall be required for intra-Community transfers of dual-use items listed in Annex IV. Items listed in Part 2 of Annex IV shall not be covered by a general authorisation	EU Regulation 428/2009
10	Licensing of deemed export/visa	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) Possibility of National General Authorisation for intra-Community trade 2. Foreign Trade and Payments Ordinance, Section 45, referring to technical assistance: visa screening system established	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation)	EU Regulation 428/2009
11	National licensing authority	X	Federal Office of Economics and Export Control (BAFA)	X	Federal Office of Economics and Export Control (BAFA)	page 13 of the report
12	Interagency review for licenses	X	Interministerial export committee representing various ministries and competent authorities	X	Interministerial export committee representing various ministries and competent authorities	page 13 of the report
13	Control lists	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Interministerial export committee representing various ministries and competent authorities	page 12 of the report page 3 of Addendum 2

14	Updating of lists	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	The list of dual-use items set out in Annex I shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties.	EU Regulation 428/2009
15	Inclusion of technologies	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Technological support services, transfer of know-how	page 11 of the report
16	Inclusion of means of delivery	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. War Weapons Reporting Ordinance 3. War Weapons Control Act, section 2 ff	X	War Weapons Control Act	pages 6, 8, 11 and 12 of the report
17	End-user controls	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Grant applications only if examination of the final recipient reveals no proliferation risk	page 13 of the report EU Regulation 428/2009
18	Catch all clause	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Act, section 2, para 2: Unlisted dual-use items may also require a licence		Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of	page 13 of the report EU Regulation 428/2009

19	Intangible transfers	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Foreign Trade and Payments Ordinance, Section 45	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation	page 14 of Addendum 1 <u>EU Regulation 428/2009</u>
20	Transit control	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. EU Regulation no. 648 of 13 April 2005 (Security Amendment) 3. Foreign Trade and Payments Ordinance	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation	<u>EU Regulation 428/2009</u>
21	Trans-shipment control	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. EU Regulation no. 648 of 13 April 2005 (Security Amendment) 3. Foreign Trade and Payments Ordinance	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation	page 11 and 13 of the report <u>EU Regulation no. 648 of 13 April 2005</u>
22	Re-export control	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. EU Regulation no. 648 of 13 April 2005 (Security Amendment)	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(Each Member State should determine effective, proportionate and dissuasive penalties applicable in the event of breach of the provisions of this Regulation	<u>EU Regulation 428/2009</u>
23	Control of providing funds	X	War Weapons Control Act	X	Providing financial support or transport services is punishable if	page 13 of the report
24	Control of providing transport services	X	War Weapons Control Act	X	deemed to contribute to unauthorized export, re-export or transit	page 15 of Addendum 1

25	Control of importation	X	1. Atomic Energy Act: import subject to licensing 2. War Weapons Reporting Ordinance	X	Penal Code	pages 5, 6, 8 and 9 of the report
26	Extraterritorial applicability	X	War Weapons Control Act	X	War Weapons Control Act of 1961, para 21:extraterritorial applicability to German nationals	page 21 of Addendum 1 http://www.opcw.org/docs/s259_01Annex_Survey_of_legislation.pdf
27	Other	X	Controls include technical assistance outside of Germany			pages 4 and 11 of the report

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State:
 Date of Report:
 Date of Addendum 1:
 Date of Revision:

Germany
 26 October 2004
 12 October 2005

Can information be provided on the following issues ?		YES		Remarks
1	Control lists - items (goods/equipment/materials/technologies)	X	Control lists contain all items classified as worthy of control in the international export control regimes, the competent European Union bodies and the Federal Government; lists are subject to ongoing checks and updates	page 15 of the report
2	Control lists - other	X	1. Country and destination list 2. List of names in the various anti-terrorism regulations	pages 11 and 13 of the report
3	Assistance offered	X	1. Government supports bilaterally through its implementing agencies the establishment and further development of national export control systems . This support shall be maintained and partly expanded. 2. On the occasion of the meeting of State Parties to the BTWC Germany offered to assist in implementing prohibition and export control obligations pursuant to BTWC.	page 16 of the report
4	Assistance requested			
5	Assistance in place (bilateral/plurilateral/multilateral)	X	Extended CWC implementation assistance and assistance to several countries in developing export control systems. Within the G8 Global Partnership against the Spread of WMD Germany currently supports three projects in the Russian Federation (CW-destruction, storage for reactor compartments of submarines, protection of nuclear sites, including for nuclear weapons); support of the nuclear window of the "Northern Dimension Environmental Partnership"	pages 15 and 16 of the report
6	Information for industry	X	Regular information days and expert discussions with the economic sector.	page 19 of the report
7	Information for the public	X	The Federal Ministries and the BAFA have published pamphlets and information sheets to be read and downloaded from respective websites (from legal texts to explanation of administrative practice).	page 19 of the report