



Permanente Vertegenwoordiging van het
Koninkrijk der Nederlanden

Permanent Mission of the
Kingdom of The Netherlands
to the United Nations
235 East 45th Street, 16th floor
New York, N.Y. 10017

New York, 30 January 2008

No. NYV/2008/198

The Permanent Mission of the Kingdom of The Netherlands to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's letter no. S/AC.44/2007/ODA/OC.38, dated 17 October 2007, has the honour to transmit herewith additional information, as requested regarding the implementation of UNSC resolution 1540.

The Netherlands agrees with the changes as made by the Committee to the Netherlands matrix. The following changes have been added with respect to the matrix dated 16 November 2005:

- Under OP 1, point 8, (Convention on Physical Protection of Nuclear Material) to “Entry into force 6 October 1991, amendment signed 8 July 2005” needs to be added “Expected to be ratified last quarter of 2008”.
- Add under OP 1, point 13: “International Convention for the Suppression of the Financing of Nuclear Terrorism, entry into force 10 April” and the “International Convention for the Suppression of Acts of Terrorism, signed on 16 September 2005”.
- Add under OP 1, point 14: “Global Initiative to Combat Nuclear Terrorism (GICNT)”.
- Replace under OP 2 (Nuclear Weapons) “Criminal Code, section 161” with “Criminal Code, section 161 quater and 161 quinques”.
- Replace under OP 2 (Nuclear Weapons) “Nuclear Energy Act, section 79” with “Nuclear Energy Act, section 79 and 80”.

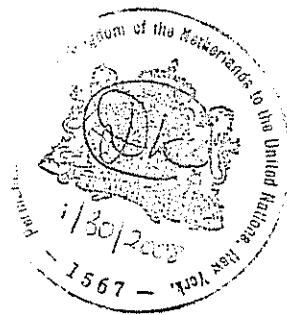


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The Netherlands does not object to placing the updated matrix on the website of the 1540 Committee.

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

H.E. Mr. Jorge Urbina
Ambassador Extraordinary and Plenipotentiary Permanent Representative
c/o 1540 Committee Secretariat
Secretariat Building, room S-3055-I
United Nations
New York, N.Y. 10017
For the attention of Mr. Vesselin Kostov, Committee Secretary



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

Netherlands

State:

Date of Report:

28 October 2004

Date of Addendum 1:

16 November 2005

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			
2 General statement on commitment to disarmament and non-proliferation	X	European Union Strategy against the proliferation of WMD	page 4 of the report of the European Union (EU)
3 General statement on non-provision of WMD and related materials to non-State actors	X	The Netherlands do not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transfer or use WMD and their means of delivery	page 3 of the report
4 Biological Weapons Convention (BWC)	X	Entry into force 22 June 1981	
5 Chemical Weapons Convention (CWC)	X	Entry into force 29 April 1997	
6 Nuclear Non-Proliferation Treaty (NPT)	X	Entry into force 02 May 1975	page 2 of the report
7 Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Ratified 23 March 1999	page 2 of Addendum 1
8 Convention on Physical Protection of Nuclear Material (CPPNM)	X	Entry into force 06 October 1991; amendment signed on 08 July 2005, expected to be ratified last quarter of 2008.	
9 Hague Code of Conduct (HCOC)	X	Subscribed on 25 November 2002	

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

10	Geneva Protocol of 1925	X	Deposit 31 October 1930	http://disarmament.un.org:8080/TreatyStatus.nsf
11	International Atomic Energy Agency (IAEA)	X	Since 1957	page 6 of the report
12	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty Banning Nuclear Weapons in Latin America, Additional Protocol I, entry into force 1 January 1971	page 2 of Addendum 1 page 2 of Addendum 1
13	Other Conventions/Treaties	X	<ol style="list-style-type: none"> 1. Treaty Banning Nuclear Weapon Tests in the Atmosphere etc., entry into force 14 September 1964 2. EURATOM Treaty, entry into force 1 January 1958 3. International Convention for the Suppression of the Financing of Nuclear Terrorism, entry into force 10 April 2002 4. International Convention for the Suppression of Acts of Nuclear Terrorism, signed on 16 September 2005 	page 2 of the report page 8 of the EU report page 2 of Addendum 1
14	Other Arrangements	X	<ol style="list-style-type: none"> 1. Wassenaar Arrangement (WA) 2. Australia Group (AG) 3. Zangger Committee (ZC) 4. Nuclear Suppliers Group (NSG) 5. Missile Technology Control Regime (MTCR) 6. Proliferation Security Initiative (PSI) Initiative to Combat Nuclear Terrorism (GICNT) 7. Global 	pages 7 and 10 of the report
15	Other	X	EU Council Decision of 17 November 2003 to include WMD provisions into agreements with third countries	page 6 of the EU report

OP 2 - Biological Weapons (BW)

State: Netherlands

Date of Report: 28 October 2004

Date of Addendum 1: 16 November 2005

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. Biological Weapons Convention (Implementation) Act 2. Weapons and Ammunition Act	X	Economic Offences Act, Arts. 1(1) to 6(4) Criminal Code, Sections 172, 173, 173a, 173b, 287 and 289	page 3 of the report page 3 of Addendum 1
2 acquire	X	Biological Weapons Convention (Implementation) Act	X		
3 possess	X	1. Biological Weapons Convention (Implementation) Act 2. Weapons and Ammunition Act	X		
4 stockpile/store	X	Biological Weapons Convention (Implementation) Act	X	Economic Offences Act, Arts. 1(1) to 6(4)	page 3 of Addendum 1
5 develop	X	Biological Weapons Convention (Implementation) Act	X		
6 transport	X	Biological Weapons Convention (Implementation) Act	X	Economic Offences Act, Arts. 1(1) to 6(4) Criminal Code, Sections 172, 173, 173a, 173b, 287 and 289	page 3 of the report page 3 of Addendum 1
7 transfer	X	1. Biological Weapons Convention (Implementation) Act 2. Weapons and Ammunition Act	X		
8 use			X	Criminal Code, Sections 172, 173, 173a, 173b, 287 and 292	page 3 of Addendum 4
9 participate as an accomplice in a.m. activities			X	Criminal Code: - attempt (Section 45); - participation, subornation and material support (Section 47); - complicity (Section 48); - participation in a criminal organization (Sections 140 and 140-a)	page 4 of the report page 3 of Addendum 1

10	assist in a.m. activities			X	Criminal Code: - attempt-(Section-45)- participation, subornation and material support (Section 47), complicity-(Section-48)- participation in a criminal organization (Sections 140 and 140 a)	page 4 of the report page 3 of Addendum 1
11	finance a.m. activities			X		page 4 of the report page 3 of Addendum 1
12	a.m. activities related to means of delivery	X	Biological Weapons Convention (Implementation) Act (Section 4)	X	Economic Offences Act, Arts. 1(1) to 6(4)	page 3 of the report page 3 of Addendum 1
13	involvement of non-State actors in a.m. activities	X	Terrorist Crimes Act	X	1. Aggravating circumstances 2. Criminal Code, Section 83 in combination with Section 6.4 of the Economic Offences Act	page 4 of the report
14	Other					

OP 2 - Chemical Weapons (CW)

State:

Netherlands

Date of Report:

28 October 2004

Date of Addendum 1:

16 November 2005

Does national legislation exist which prohibits legal 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. Chemical Weapons Convention (Implementation) Act, Section 2 2. Weapons and Ammunition Act	X	Economic Offences Act, Arts. 1(1) to 6(4) Criminal Code, Sections 172, 173, 173a, 173b, 287 and 289	page 3 of the report page 4 of Addendum 1
2 acquire	X	Chemical Weapons Convention (Implementation) Act, Section 2	X		
3 possess	X	1. Chemical Weapons Convention (Implementation) Act, Section 2 2. Weapons and Ammunition Act	X		
4 stockpile/store	X	Chemical Weapons Convention (Implementation) Act of 08 June 1995, Section 2	X	Economic Offences Act, Arts. 1(1) to 6(4)	page 4 of Addendum 1 http://www.opcw.org/docs/la_natimpleg/BulletinActsDecreetsKingdomNetherlands95.pdf
5 develop	X	Chemical Weapons Convention (Implementation) Act, Section 2	X		
6 transport	X	Chemical Weapons Convention (Implementation) Act	X		
7 transfer	X	1. Chemical Weapons Convention (Implementation) Act, Sections 2. Weapons and Ammunition Act	X	Economic Offences Act, Arts. 1(1) to 6(4) Criminal Code, Sections 172, 173, 173a, 173b, 287 and 289	page 3 of the report page 4 of Addendum 1
8 use	X	Chemical Weapons Convention (Implementation) Act, Section 2	X	Criminal Code, Sections 172, 173, 173a, 173b, 287 and 292	page 3 of the report
9 participate as an accomplice in a.m. activities			X	Criminal Code: - attempt-(Section-45)-participation-subornation-and-material-support-(Section-47)-complicity (Section 48)-participation-in-a-criminal-organization-(Sections-140-and-140-a)	page 4 of the report page 4 of Addendum 1

10	assist in a.m. activities			X	Criminal Code: - attempt-(Section-45)- participation, subornation and material support (Section 47), complicity-(Section-48); participation in a criminal organization (Sections 140 and 140 a)	page 4 of the report page 4 of Addendum 1
11	finance a.m. activities			X		page 4 of the report page 4 of Addendum 1
12	a.m. activities related to means of delivery	X	Weapons and Ammunitions Act, Section 2(1), sub 6	X	Economic Offences Act, Arts. 1(1) to 6(4)	page 4 of Addendum 1
13	involvement of non-State actors in a.m. activities	X	Terrorist Crimes Act	X	1. Aggravating circumstances 2. Criminal Code, Section 83 in combination with Section 6.4 of the Economic Offences Act	page 4 of the report
14	Other	X	Chemical Weapons Convention (Implementation) Act of 08 June 1995, Section 14	X	Violations of provisions by Dutch nationals living outside the Netherlands are subject to Dutch Criminal law	http://www.opcw.org/docs/la_natimpleg/BulletinActsDecreetsKingdomNetherlands95.pdf

OP 2 - Nuclear Weapons (NW)

State:

Netherlands

Date of Report:

28 October 2004

Date of Addendum 1:

16 November 2005

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		X	1. Nuclear Energy Act, section 79 and 80: terrorist purposes are a criminal offence	
2 acquire	X	1. Nuclear Energy Act, Sections 15, 29: requirement of a license 2. Weapons and Ammunition Act	X	2. Criminal Code, Section 161 quarter and 161 quinquies: prohibition of exposure of human beings, animals and plants to ionizing radiation etc.	page 3 of the report
3 possess	X		X		
4 stockpile/store	X	1. Nuclear Energy Act, Sections 15, 29: requirement of a license 2. Weapons and Ammunition Act	X	Economic Offences Act, Art. 1(a)	page 5 of Addendum 1
5 develop	X		X	1. Nuclear Energy Act, section 79 and 80: terrorist purposes are a criminal offence	
6 transport	X	1. Nuclear Energy Act, Sections 15, 29: requirement of a license 2. Weapons and Ammunition Act	X	2. Criminal Code, Section 161 quarter and 161 quinquies: prohibition of exposure of human beings, animals and plants to ionizing radiation etc.	page 3 of the report
7 transfer	X		X		
8 use			X		
9 participate as an accomplice in a.m. activities			X	Criminal Code: - attempt-(Section-45)-, participation-, subornation-and-material-support-(Section-47)-, complicity (Section 48)-, participation-in-a-criminal-organization-(Sections-140-and-140-a)	page 4 of the report page 5 of Addendum 1
10 assist in a.m. activities			X	Criminal Code: - attempt-(Section-45)-, participation, subornation and material support (Section 47),	

11	finance a.m. activities			<input checked="" type="checkbox"/>	complicity (Section 48); participation in a criminal organization (Sections 140 and 140 a)	
12	a.m. activities related to means of delivery	<input checked="" type="checkbox"/>	Weapons and Ammunitions Act, Section 2(1), sub 6	<input checked="" type="checkbox"/>	Economic Offences Act, Arts. 1(1) to 6(4)	page 5 of Addendum 1
13	involvement of non-State actors in a.m. activities	<input checked="" type="checkbox"/>	Terrorist Crimes Act	<input checked="" type="checkbox"/>	1. Aggravating circumstances 2. Criminal Code, Section 83 in combination with 79 and 80.2 of the Nuclear Energy Act	page 4 of the report
14	Other					

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

Netherlands

State:

Date of Report:

Date of Addendum 1:

28 October 2004

16 November 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					
2	Measures to account for use					
3	Measures to account for storage					
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production					
7	Measures to secure use	X	Directive 2000/54/EC			page 10 of the EU report
8	Measures to secure storage	X				
9	Measures to secure transport			X	Security plan for transport	page 5 of the report
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	?	Law requires physical protection of dangerous goods including biological agents			page 5 of the report
12	Licensing/registration of facilities/persons handling biological materials	X	Directive 2000/54/EC			page 10 of the EU report
13	Reliability check of personnel					
14	Measures to account for/secure/physically protect means of delivery					

15	Regulations for genetic engineering work					
16	Other legislation/ regulations related to safety and security of biological materials	X	Directive 89/391/EC			page 10 of the EU report
17	Other					

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

Netherlands

State:

Date of Report:

28 October 2004

Date of Addendum 1:

16 November 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	CWC (Implementation) Act in conjunction with CWC (Implementation) Decree	X	Economic Offences Act, Art. 1(1)	page 4 of the report page 7 of Addendum 1
3 Measures to account for storage	X		X		
4 Measures to account for transport					
5 Other measures for accounting					
6 Measures to secure production					
7 Measures to secure use	X				page 10 of the EU report
8 Measures to secure storage	X	Directive 98/24/EC			
9 Measures to secure transport			X	Security plan for transport	page 5 of the report
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports	?				page 5 of the report page 7 of Addendum 1
12 Licensing of chemical installations/entities/use of materials		Law requires physical protection of dangerous goods including chemical agents			
13 Reliability check of personnel					
14 Measures to account for/secure/physically protect means of delivery					
15 National CWC authority	X	CWC (Implementation) Act: Minister of Economic Affairs			page 7 of Addendum 1

16	Reporting Schedule I, II and III chemicals to OPCW	X	CWC (Implementation) Decree	X	Economic Offences Act	page 4 of the report page 7 of Addendum 1
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/ regulations controlling chemical materials	X	Directive 89/391/EC			page 10 of the EU report
19	Other					

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

State: **Netherlands**
 Date of Report: **28 October 2004**
 Date of Addendum 1: **16 November 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. Nuclear Energy Act, Sections 13, 14, and 28 in conjunction with the Fissionable Materials and Ores (Registration) Decree 2. EURATOM Treaty 3-INECIRC/493 4-INECIRC/540			page 4 of the report pages 7 and 8 of the EU report page 8 of Addendum 1
2 Measures to account for use	X				
3 Measures to account for storage	X				
4 Measures to account for transport	X	Directive 92/3 EURATOM			page 8 of the EU report
5 Other measures for accounting					
6 Measures to secure production					
7 Measures to secure use					
8 Measures to secure storage					
9 Measures to secure transport	X	Fissionable Materials, Ores and Radioactive Substances (Transport) Decree, Section 4a	X	Security plan for transport	page 5 of the report and page 12 of the EU report
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports	X	Nuclear Installations, Fissionable Materials and Ores (Registration) Decree, Section 36.2 in combination with the Nuclear Installations Security Guidelines 1993			pages 4 and 5 of the report

12	Licensing of nuclear installations/entities/use of materials	X	Nuclear Energy Act, Sections 13, 14, and 28 in conjunction with the Fissionable Materials and Ores (Registration) Decree		page 4 of the report
13	Reliability check of personnel				
14	Measures to account for/secure/physically protect means of delivery				
15	National regulatory authority				
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement concluded 2. Additional Protocol concluded		page 8 of the report
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Expressed support to IAEA DG		http://www-ns.iaea.org/downloads/rw/meetings/code-conduct-signatories.pdf
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Participates in Database Programme		http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html
19	Other Agreements related to IAEA				
20	Additional national legislation/regulations related to nuclear materials including CPPNM				
21	Other				

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

Netherlands

State:

Date of Report: 28 October 2004

Date of Addendum 1: 16 November 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. EU Council Regulation 2913/1992 (Community Customs Code) 2. EU Commission Regulation 2454/1993 (Implementing Provisions of Community Customs Code)	X	Examination/inspection of goods, documents, accounts, records, means of transport, luggage, etc: monitoring containers for radioactive material and x-raying containers in the Port of Rotterdam	pages 5 and 6 of the report and page 12 of the EU report
2 Technical support of border control measures			X	Port of Rotterdam technical equipment will ultimately allow to monitor 90 % of all containers, also two advanced X-ray scanners are available	page 5 of the report
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Decree on Financial Involvement concerning Strategic Goods: military materials Foreign-Financial-Relations-Act-1994: license requirement for financial transactions involving transit and brokering of war materials	X	Economic Offences Act, Art. 1 (1)	page 6 of the report page 10 of Addendum 1
4 Enforcement agencies/authorities	X	Import and Export Act, article 19: FIOD-ECD (export) and Customs	X	1. Economic Offences Act, Arts. 17 to 27 2. Act regarding Supervisory Provisions	page 10 of Addendum 1

5	Export control legislation in place	X	<p>1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items</p> <p>2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items</p>	X	<p>1. Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties</p> <p>2. Economic Offences Act: degree of penalty</p>	<p>page 6 of the report</p> <p>page 10 of Addendum 1</p>
6	Licensing provisions	X	<p>EC Dual-use Export Control Regulation No. 1334/2000</p>	X	<p>1. Strategic Goods (Import and Export) Decree</p> <p>2. Economic Offences Act: degree of penalty</p>	<p>page 14 of the EU report</p> <p>page 10 of Addendum 1</p>
7	Individual licensing	X	<p>1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items</p> <p>2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items</p> <p>3. Decree on Financial Involvement concerning Strategic Goods: military materials</p>			<p>page 10 of Addendum 1</p>
8	General licensing	X	<p>1. EU Council Regulation 1504/2002-1334/2000</p> <p>2. With regard to Belgium and Luxembourg the Strategic Goods (Import and Export) Decree is not in force due to special Customs arrangements under the Benelux Treaty</p>			<p>page 14 of the EU report</p> <p>page 11 of Addendum 1</p>
9	Exceptions from licensing	X				
10	Licensing of deemed export/visa					
11	National licensing authority	X	<p>Central Im-Export Agency (Centrale Dienst In- en Uitvoer)</p> <p>EU Member States consult each other</p>			<p>page 11 of Addendum 1</p> <p>page 15 of the EU report</p> <p>page 11 of Addendum 1</p> <p>page 15 of the EU report</p> <p>page 11 of Addendum 1</p> <p>page 14 of the EU report</p> <p>page 11 of Addendum 1</p>
12	Interagency review for licenses	X				
13	Control lists	X	<p>1. EU Council Regulation 1504/2002-1334/2000, Annexes 1 and 4</p> <p>2. Netherlands Military Goods List</p>			
14	Updating of lists	X				

15	Inclusion of technologies	X	Strategic Goods (Import and Export) Decree : military technology	X	Economic Offences Act, Art. 1 (1) Strategic Goods (Import and Export) Decree: right to carry-out controls, to investigate and prosecute criminal offences and impose penalties	page 6 of the report page 11 of Addendum 1
16	Inclusion of means of delivery	X	1. Strategic Goods (Import and Export) Decree : military goods technology 2. EU Council Regulation 1334/2000	X	Economic Offences Act, Art. 1 (1) Strategic Goods (Import and Export) Decree: right to carry-out controls, to investigate and prosecute criminal offences and impose penalties	pages 6 and 7 of the report page 11 of Addendum 1
17	End-user controls	X	1. Strategic Goods (Import and Export) Decree : military goods 2. EU Council Regulation 1334/2000	X	Economic Offences Act, Art. 1 (1)	page 11 of Addendum 1
18	Catch all clause	X	Authorization of non-listed items: Im- and Export Act, article 2a(6)	X	Economic Offences Act, Art. 1 (1)	page 15 of the EU report page 11 of Addendum 1
19	Intangible transfers	X	1. Strategic Goods (Import and Export) Decree : military goods 2. EU Council Regulation 1334/2000	X	Economic Offences Act, Art. 1 (1)	page 11 of Addendum 1
20	Transit control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, Art. 1 (1) Strategic Goods (Import and Export) Decree: right to carry-out controls, to investigate and prosecute criminal offences and impose penalties	page 6 of the report page 12 of Addendum 1
21	Trans-shipment control	X	Strategic Goods (Import and Export) Decree : military materials, military technology and dual-use items	X	Economic Offences Act, Art. 1 (1)	page 12 of Addendum 1
22	Re-export control	X	Strategic Goods (Import and Export) Decree : military materials, military technology and dual-use items	X	Economic Offences Act, Art. 1 (1)	page 12 of Addendum 1

23	Control of providing funds	X	Foreign Financial Relations Act 1994: license requirement for financial transactions involving transit and brokering of war materials	X	Economic Offences Act, Art. 1 (1)	page 6 of the report page 12 of Addendum 1
24	Control of providing transport services					
25	Control of importation	X	Strategic Goods (Import and Export): import controls of military materials, military technology, and dual-use items	X	Strategic Goods (Import and Export): Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties	page 6 of the report
26	Extraterritorial applicability					
27	Other	?	1. New customs legislation will be developed 2. Establishing a contiguous zone for carrying out checks in an earlier stage of the logistic chain is in process			page 6 of the report

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

Netherlands

State:

Date of Report:

28 October 2004

Date of Addendum 1:

16 November 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. EU Council Regulation 2913/1992 (Community Customs Code) 2. EU Commission Regulation 2454/1993 (Implementing Provisions of Community Customs Code) 3. New customs legislation will be developed	X	Examination/inspection of goods, documents, accounts, records, means of transport, luggage, etc: monitoring containers for radioactive material and x-raying containers in the Port of Rotterdam	pages 5 and 6 of the report and page 12 of the EU report
2 Technical support of border control measures			X	Port of Rotterdam technical equipment will ultimately allow to monitor 90 % of all containers, also two advanced X-ray scanners are available	page 5 of the report
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Decree on Financial Involvement concerning Strategic Goods: military materials Foreign-Financial-Relations-Act-1994: license requirement for financial transactions involving transit and brokering of war materials	X	Economic Offences Act, Art. 1 (1)	page 6 of the report page 13 of Addendum 1
4 Enforcement agencies/authorities	X	Import and Export Act, article 19: FIOD-ECD (export) and Customs	X	1. Economic Offences Act, Arts. 17 to 27 2. Act regarding Supervisory Provisions	page 13 of Addendum 1

5	Export control legislation in place	X	1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items 2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items	X	1. Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties 2. Economic Offences Act: degree of penalty	page 6 of the report page 13 of Addendum 1
6	Licensing provisions	X	EC Dual-use Export Control Regulation No. 1334/2000	X	1. Strategic Goods (Import and Export) Decree 2. Economic Offences Act: degree of penalty	page 14 of the EU report page 13 of Addendum 1
7	Individual licensing	X	1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items 2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items 3. Decree on Financial Involvement concerning Strategic Goods: military materials			page 13 of Addendum 1
8	General licensing	X	1. EU Council Regulation 4504/2002-1334/2000 2. With regard to Belgium and Luxembourg the Strategic Goods (Import and Export) Decree is not in force due to special Customs arrangements under the Benelux Treaty			page 14 of the EU report page 14 of Addendum 1
9	Exceptions from licensing	X				
10	Licensing of deemed export/visa					
11	National licensing authority	X	Central Im-Export Agency (Centrale Dienst In- en Uitvoer), based on CWC Implementation Decree, Art. 14			page 14 of Addendum 1
12	Interagency review for licenses	X	EU Member States consult each other			page 15 of the EU report page 14 of Addendum 1

13	Control lists	X	1. EU Council Regulation 1504/2002-1334/2000, Annexes 1 and 4 2. Netherlands Military Goods List			page 15 of the EU report page 14 of Addendum 1 page 14 of the EU report page 14 of Addendum 1
14	Updating of lists	X				
15	Inclusion of technologies	X	Strategic Goods (Import and Export) Decree : military technology	X	Economic Offences Act, Art. 1 (1) Strategic Goods (Import and Export) Decree: right to carry-out controls, to investigate and prosecute criminal offences and impose penalties	page 6 of the report page 14 of Addendum 1
16	Inclusion of means of delivery	X	1. Strategic Goods (Import and Export) Decree : military goods technology 2. EU Council Regulation 1334/2000	X	Economic Offences Act, Art. 1 (1) Strategic Goods (Import and Export) Decree: right to carry-out controls, to investigate and prosecute criminal offences and impose penalties	pages 6 and 7 of the report page 14 of Addendum 1
17	End-user controls	X	1. Strategic Goods (Import and Export) Decree : military goods 2. EU Council Regulation 1334/2000	X	Economic Offences Act, Art. 1 (1)	page 14 of Addendum 1
18	Catch all clause	X	Authorization of non-listed items: Im- and Export Act, Article 2a(6) 1. Strategic Goods (Import and Export) Decree : military goods 2. EU Council Regulation 1334/2000	X	Economic Offences Act, Art. 1 (1)	page 15 of the EU report page 14 of Addendum 1
19	Intangible transfers	X		X	Economic Offences Act, Art. 1 (1)	page 14 of Addendum 1
20	Transit control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, Art. 1 (1) Strategic Goods (Import and Export) Decree: right to carry-out controls, to investigate and prosecute criminal offences and impose penalties	page 6 of the report page 14 of Addendum 1
21	Trans-shipment control	X	Strategic Goods (Import and Export) Decree : military materials, military technology and dual-use items Strategic Goods (Import and Export) Decree : military materials, military technology and dual-use items	X	Economic Offences Act, Art. 1 (1)	page 14 of Addendum 1
22	Re-export control	X		X	Economic Offences Act, Art. 1 (1)	page 15 of Addendum 1

23	Control of providing funds	X	Foreign Financial Relations Act 1994: license requirement for financial transactions involving transit and brokering of war materials	X	Economic Offences Act, Art. 1 (1)	page 6 of the report page 15 of Addendum 1
24	Control of providing transport services					
25	Control of importation	X	Strategic Goods (Import and Export): only for certain chemicals coming from non-States Parties to the CWC import-controls-of-military-materials, military-technology, and dual-use-items	X	Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties	page 6 of the report page 15 of Addendum 1
26	Extraterritorial applicability					
27	Other	?	1. New customs legislation will be developed 2. Establishing a contiguous zone for carrying out checks in an earlier stage of the logistic chain is in process			page 6 of the report

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

Netherlands

State:

Date of Report:

28 October 2004

Date of Addendum 1:

16 November 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. EU Council Regulation 2913/1992 (Community Customs Code) 2. EU Commission Regulation 2454/1993 (Implementing Provisions of Community Customs Code) 3. New customs legislation will be developed	X	Examination/inspection of goods, documents, accounts, records, means of transport, luggage, etc: monitoring containers for radioactive material and x-raying containers in the Port of Rotterdam	pages 5 and 6 of the report and page 12 of the EU report
2 Technical support of border control measures			X	Port of Rotterdam technical equipment will ultimately allow to monitor 90 % of all containers, also two advanced X-ray scanners are available	page 5 of the report
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Decree on Financial Involvement concerning Strategic Goods: military materials Foreign Financial Relations Act-1994: license requirement for financial transactions involving transit and brokering of war materials	X	Economic Offences Act, Art. 1 (1)	page 6 of the report page 16 of Addendum 1
4 Enforcement agencies/authorities	X	Import and Export Act, article 19: FIOD-ECD (export) and Customs	X	1. Economic Offences Act, Arts. 17 to 27 2. Act regarding Supervisory Provisions	page 16 of Addendum 1

5	Export control legislation in place	X	1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items 2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items	X	1. Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties 2. Economic Offences Act: degree of penalty	page 6 of the report page 16 of Addendum 1
6	Licensing provisions	X	EC Dual-use Export Control Regulation No. 1334/2000	X	1. Strategic Goods (Import and Export) Decree 2. Economic Offences Act: degree of penalty	page 14 of the EU report page 16 of Addendum 1
7	Individual licensing	X	1. Strategic Goods (Import and Export) Decree: import, export, transit controls of military materials, military technology, and dual-use items 2. EC Dual-use Export Control Regulation No. 1334/2000: applies to dual-use items 3. Decree on Financial Involvement concerning Strategic Goods: military materials			page 17 of Addendum 1
8	General licensing	X	1. EU Council Regulation 4504/2002-1334/2000 2. With regard to Belgium and Luxembourg the Strategic Goods (Import and Export) Decree is not in force due to special Customs arrangements under the Benelux Treaty			page 14 of the EU report page 17 of Addendum 1
9	Exceptions from licensing	X				
10	Licensing of deemed export/visa					
11	National licensing authority	X	Central Im-Export Agency (Centrale Dienst In- en Uitvoer)			page 17 of Addendum 1
12	Interagency review for licenses	X	EU Member States consult each other			page 15 of the EU report page 17 of Addendum 1

13	Control lists	X	1. EU Council Regulation 4504/2002-1334/2000, Annexes 1 and 4 2. Netherlands Military Goods List			page 15 of the EU report page 17 of Addendum 1 page 14 of the EU report page 17 of Addendum 1
14	Updating of lists	X				
15	Inclusion of technologies	X	Strategic Goods (Import and Export) Decree : military technology	X	Economic Offences Act, Art. 1 (1) Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties	page 6 of the report page 17 of Addendum 1
16	Inclusion of means of delivery	X	1. Strategic Goods (Import and Export) Decree : military goods technology 2. EU Council Regulation 1334/2000	X	Economic Offences Act, Art. 1 (1) Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties	pages 6 and 7 of the report page 17 of Addendum 1
17	End-user controls	X	1. Strategic Goods (Import and Export) Decree : military goods 2. EU Council Regulation 1334/2000	X	Economic Offences Act, Art. 1 (1)	page 17 of Addendum 1
18	Catch all clause	X	Authorization of non-listed items: Im- and Export Act, Article 2a(6) 1. Strategic Goods (Import and Export) Decree : military goods 2. EU Council Regulation 1334/2000	X	Economic Offences Act, Art. 1 (1)	page 15 of the EU report page 17 of Addendum 1
19	Intangible transfers	X		X	Economic Offences Act, Art. 1 (1)	page 17 of Addendum 1
20	Transit control	X	Strategic Goods (Import and Export) Decree: transit controls of military materials, military technology, and dual-use items including penalties	X	Economic Offences Act, Art. 1 (1) Strategic Goods (Import and Export) Decree: right to carry out controls, to investigate and prosecute criminal offences and impose penalties	page 6 of the report page 17 of Addendum 1
21	Trans-shipment control	X	Strategic Goods (Import and Export) Decree : military materials, military technology and dual-use items Strategic Goods (Import and Export) Decree : military materials, military technology and dual-use items	X	Economic Offences Act, Art. 1 (1)	page 18 of Addendum 1
22	Re-export control	X		X	Economic Offences Act, Art. 1 (1)	page 18 of Addendum 1

23	Control of providing funds	X	Foreign Financial Relations Act 1994: license requirement for financial transactions involving transit and brokering of war materials	X	Economic Offences Act, Art. 1 (1)	page 6 of the report page 18 of Addendum 1
24	Control of providing transport services					
25	Control of importation	X	Strategic Goods (Import and Export)- import controls of military materials, military technology and dual-use items	X	Strategic Goods (Import and Export)- Decree: fight to carry out controls, to investigate and prosecute criminal offences and impose penalties	page 6 of the report page 18 of Addendum 1
26	Extraterritorial applicability					
27	Other	?	1. New customs legislation will be developed 2. Establishing a contiguous zone for carrying out checks in an earlier stage of the logistic chain is in process			page 6 of the report

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

State:

Netherlands

Date of Report:

28 October 2004

Date of Addendum 1:

16 November 2005

Can information be provided on the following issues ?	YES	Remarks
1 Control lists - items (goods/equipment/materials/technologies)	X	National control lists following the regimes of Zangger Committee, Nuclear Suppliers Group, Australia Group, Wassenaar Arrangement and Missile Technology Control Regime
2 Control lists - other		
3 Assistance offered	X	Netherlands is prepared to provide assistance to States lacking legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the provisions of the resolution; requests on assistance should be directed to the head of the Division of Nuclear Affairs and Non-proliferation of the Security Policy Department of the Netherlands Ministry of Foreign Affairs
4 Assistance requested		
5 Assistance in place (bilateral/plurilateral/multilateral)	X	Netherlands has provided funds for and participated in seminars to encourage States to become party to the CWC; EU contributes to G8 Global partnership
6 Information for industry	X	Awareness programmes for Dutch companies, universities or research institutions; education of industries to comply with export control and CWC obligations; also meetings with industry on EU level
7 Information for the public	X	Information on government websites, publications and leaflets