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to the United Nations**

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New York, 15 décembre 2007

Encl.

La Mission permanente de la Belgique auprès de l'Organisation des Nations Unies présente ses compliments au Président du Comité du Conseil de Sécurité créé par la résolution 1540 (2004) et a l'honneur de se référer à votre note S/AC.44/2007/ODA.OC.7 du 17 octobre 2007.

En réponse à la note susmentionnée, la Mission fait parvenir, sous ce pli, les informations actualisées sur les mesures prises par la Belgique pour mettre en oeuvre la résolution précitée.

Johan VERBEKE
Ambassadeur
Représentant Permanent de la
Belgique auprès des Nations Unies

Son Excellence Monsieur Peter Burian
Président du Comité du Conseil de Sécurité créé par la résolution 1540 (2004)
Permanent Mission of the Slovak Republic to the United Nations
801 Second Avenue, 12th floor
New York, NY 10017

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

Belgium

State:

Date of Report:

Date of Addendum 1:

26 October 2004

6 December 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	<input checked="" type="checkbox"/>	European Union Strategy against the Proliferation of WMD	page 9 of the EU report
3 General statement on non-provision of WMD and related materials to non-State actors	<input checked="" type="checkbox"/>	No assistance in any form to non-State actors	page 2 of the report
4 Biological Weapons Convention (BWC)	<input checked="" type="checkbox"/>	Entry into force 15 March 1979	page 8 of the report page 2 of Addendum 1
5 Chemical Weapons Convention (CWC)	<input checked="" type="checkbox"/>	Entry into force 16 June 1997	page 8 of the report page 2 of Addendum 1
6 Nuclear Non-Proliferation Treaty (NPT)	<input checked="" type="checkbox"/>	Loi du 14 Mars 1975, Entrée en vigueur le 2 mai 1975	page 8 of the report page 2 of Addendum 1
7 Comprehensive Nuclear Test Ban Treaty (CTBT)	<input checked="" type="checkbox"/>	Deposit 29 June 1999	http://disarmament.un.org:8080/TreatyStatus.nsf
8 Convention on Physical Protection of Nuclear Material (CPPNIM)	<input checked="" type="checkbox"/>	In force 06 October 1991, ratification procedure of amendment July 2005 is ongoing	page 5 of the report
9 Hague Code of Conduct (HCOC)	<input checked="" type="checkbox"/>	Subscribed 25 November 2002	page 8 of the report
10 Geneva Protocol of 1925	<input checked="" type="checkbox"/>	Deposit 04 December 1928	http://disarmament.un.org:8080/TreatyStatus.nsf
11 International Atomic Energy Agency (IAEA)	<input checked="" type="checkbox"/>	Since 1958	pages 8 and 9 of the report page 2 of Addendum 1
12 Nuclear Weapons Free Zone/ Protocol(s)			
13 Other Conventions/Treaties	<input checked="" type="checkbox"/>	EURATOM Treaty entry into force 11 January 1958	page 3 of the report page 2 of Addendum 1

- 1. Nuclear Suppliers Group (NSG)
- 2. Zangger Committee (ZC)
- 3. Australia Group (AG)
- 4. Missile Technology Control Regime (MTCR)
- 5. Wassenaar Arrangement (WA)
- 6. Proliferation Security Initiative (PSI)

14 Other Arrangements

X

pages 9 and 10 of the report

- 1. EU Council Decision of 17 November 2003 to include WMD provisions in Agreements with third countries

15 Other

X

page 6 of the EU report
[UN Conventions](#)

- 2. *State Party to 12 International Conventions and Protocols on Terrorism*

OP 2 - Biological Weapons (BW)

State: **Belgium**
 Date of Report: 26 October 2004
 Date of Addendum 1: 6 December 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	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Act of 10 July 1978 2. Act on terrorist offences of 19 December 2003, Art. 3, para. 3 point 3°	X	1. Act of 10 July 1978, Article 2 2. Act on terrorist offences of 19 December 2003		pages 2 and 3 of the report page 3 of Addendum 1 <u>Act of 19 December 2003 (link below)</u>	
2 acquire	X		X				
3 possess	X	1. Act of 10 July 1978 2. Act on terrorist offences of 19 December 2003, Art. 3, para. 3 point 3°	X	Act on terrorist offences of 19 December 2003, Art. 4		page 3 of Addendum 1	
4 stockpile/store	X	Act of 10 July 1978	X				
5 develop	X	1. Act of 10 July 1978 2. Act on terrorist offences of 19 December 2003, Art. 3, para. 3 point 3°	X	1. Act of 10 July 1978, Article 2 2. Act on terrorist offences of 19 December 2003		pages 2 and 3 of the report page 3 of Addendum 1	
6 transport	X	Act on terrorist offences of 19 December 2003, Art. 3, para. 3 point 3°	X	Act on terrorist offences of 19 December 2003, Article 4		page 4 of Addendum 1 <u>Act 19 December 2003</u>	
7 transfer	X	Act of 10 July 1978 + EU Regulation 1334/2000	X	1. Act of 10 July 1978, Article 2 2. Act on terrorist offences of 19 December 2003		pages 2 and 3 of the report page 3 of Addendum 1	
8 use	X	Act on terrorist offences of 19 December 2003, Art. 3, para. 3 point 3°	X	Act on terrorist offences of 19 December 2003, Article 3		pages 2 and 3 of the report <u>Act of 19 December 2003</u>	
9 participate as an accomplice in a.m. activities	X	Act on terrorist offences of 19 December 2003, Art. 5	X	Act on terrorist offences of 19 December 2003, Article 6		page 4 of Addendum 1 <u>Act 19 December 2003</u>	

10	assist in a.m. activities	X	Act of 10 July 1978 1. <i>The Constitution of the Kingdom of Belgium, Article 34</i> 2. <i>Act on terrorist offences of 19 December 2003, Art. 5</i>	X	1. Act of 10 July 1978, Article 2 2. Act on terrorist offences of 19 December 2003	pages 2 and 3 of the report <u>Constitution</u>
11	finance a.m. activities	X	Act of 19 december 2003	X	Act of 19 December 2003	pages 2 and 3 of the report page 3 of Addendum 1
12	a.m. activities related to means of delivery	X	Act of 10 July 1978	X	1. Act of 10 July 1978, Article 2 2. Act on terrorist offences of 19 December 2003	pages 2 and 3 of the report page 3 of Addendum 1
13	involvement of non-State actors in a.m. activities	X	<i>Act on terrorist offences of 19 December 2003, Art. 6</i>	X	Act on terrorist offences of 19 December 2003	pages 2 and 3 of the report
14	Other					

OP 2 - Chemical Weapons (CW)

State: **Belgium**

Date of Report: 26 October 2004

Date of Addendum 1: 6 December 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. <i>The Constitution of the Kingdom of Belgium, Article 34</i>	X		
2 acquire	X	2. <i>Act on terrorist offences of 19 December 2003</i> <i>Ratification : Act of 20 december 1996</i> <i>CWC Article VII : Cooperation agreement of 2 March 2007.</i> <i>Parliamentary procedures at regional level ongoing</i>	X		pages 2 and 3 of the report <u>Constitution</u>
3 possess	X				
4 stockpile/store	X	<i>CWC Article VII : Cooperation agreement of 2 March 2007.</i> <i>Parliamentary procedures at regional level ongoing</i>	X		<u>page 5 of Addendum 1</u> <u>Act of 19 December 2003</u>
5 develop	X	<i>Act on terrorist offences of 19 December 2003, Art. 3, para. 3 point 3° + CWC Article VII : Cooperation agreement of 2 March 2007. Parliamentary procedures at regional level ongoing</i>	X		Act on terrorist offences of 19 December 2003, Art. 4

OP 2 - Nuclear Weapons (NW)

State: **Belgium**

Date of Report: 26 October 2004

Date of Addendum 1: 6 December 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. <i>The Constitution of the kingdom of Belgium, Article 34</i>	X	Act on terrorist offences of 19 December 2003, Art. 4	pages 2 and 3 of the report <u>Constitution</u>
2 acquire	X	2. <i>Act on terrorist offences of 19 December 2003, Art. 3, para. 3</i>	X		
3 possess	X	point 3°	X		
4 stockpile/store			X	Act on terrorist offences of 19 December 2003, Art. 4	
5 develop	X	<i>Act on terrorist offences of 19 December 2003, Art. 3, para. 3 point 3°</i>	X	<i>Act on terrorist offences of 19 December 2003, Art. 4</i>	<u>Act of 19 December 2003</u>
6 transport	X	<i>Act on terrorist offences of 19 December 2003, Art. 3, para. 3 point 3°</i>	X		pages 2 and 3 of the report <i>Act of 19 December 2003 (link below)</i>
7 transfer	X		?	Act on terrorist offences of 19 December 2003, Art. 4	
8 use	X		X		
9 participate as an accomplice in a.m. activities	X	<i>Act on terrorist offences of 19 December 2003, Art. 5</i>	X	Act on terrorist offences of 19 December 2003, Arts. 5 and 7	<u>Act of 19 December 2003</u>
10 assist in a.m. activities	X		X		pages 2 and 3 of the report
11 finance a.m. activities	X	Act of 19 December 2003	X	Act of 19 December 2003, Arts. 6 and 7	pages 2 and 3 of the report <u>Law of 11 January 1993</u>

Ce point est partiellement couvert pour ce qui concerne les activités relatées aux exportations
Loi du 8 Aout 1991 et Règlement du Conseil 1334/2000 sur les exportations des biens à double usage

12 a.m. activities related to means of delivery

X

Act on terrorist offences of 19 December 2003, Art. 6

X

Act on terrorist offences of 19 December 2003

pages 2 and 3 of the report

13 involvement of non-State actors in a.m. activities

14 Other

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

State: **Belgium**
 Date of Report: 26 October 2004
 Date of Addendum 1: 6 December 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	<input checked="" type="checkbox"/>				
7 Measures to secure use	<input checked="" type="checkbox"/>	Directive 2000/54/EC			page 10 of the EU report
8 Measures to secure storage	<input checked="" type="checkbox"/>				
9 Measures to secure transport	<input checked="" type="checkbox"/>	Council Directive 94/55/EEC and 96/49/EEC	<input checked="" type="checkbox"/>	Party to ADR and RID agreements	pages 10 and 11 of the EU report
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports					
Licensing/registration of					
12 facilities/persons handling biological materials	<input checked="" type="checkbox"/>	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

Directive 89/391/EC

17 Other

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

State: **Belgium**

Date of Report: 26 October 2004

Date of Addendum 1: 6 December 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 YES if YES, indicate source document	Enforcement: civil/criminal penalties, and others YES if YES, indicate source document	Remarks
1 Measures to account for production			
2 Measures to account for use			
3 Measures to account for storage			
4 Measures to account for transporting			
5 Other measures for accounting			
6 Measures to secure production	<input checked="" type="checkbox"/>		
7 Measures to secure use	<input checked="" type="checkbox"/>	Directive 98/24/EC	page 10 of the EU report
8 Measures to secure storage	<input checked="" type="checkbox"/>		
9 Measures to secure transport	<input checked="" type="checkbox"/>	Council Directive 94/55/EEC and 96/49/EEC	pages 10 and 11 of the EU report
10 Other measures for securing			
11 Regulations for physical protection of facilities/materials/ transports			
12 Licensing of chemical installations/entities/use of materials			
13 Reliability check of personnel			
14 Measures to account for/secure/physically protect means of delivery			
15 National CWC authority	<input checked="" type="checkbox"/>	Ministry of Foreign Affairs	page 5 of the report

16 Reporting Schedule I, II and III chemicals to OPCW

X Declaration required from installations concerned

page 9 of Addendum 1

17 Account for, secure or physically protect old chemical weapons

Accounting: Declaration required from MOD to OPCW for regular inspections

18 Other legislation/ regulations controlling chemical materials

Preliminary draft of a law implementing the CWC will be submitted to the legislature

X Routine inspections by OPCW

pages 3 and 5 of the report

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

Belgium

State:

Date of Report:

26 October 2004

Date of Addendum 1:

6 December 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 Act of 15 April 1994, article 49 and following (criminal penalties and administrative penalties): the inspectors of the Federal Agency for Nuclear Control (FANC) have the status of law enforcement officer (LEO). A breach of

2 Measures to account for use 2. Act of 15 April 1994
3. Royal Decree of 20 July 2001

3 Measures to account for storage 4. EURATOM Regulation No 302/2005 of 8 February 2005 5, 5, X
Act of 20 July 1978
Act of 15 April 1994 (art 49 & following)6, Royal decree of 20 July 2001(art 80)
7, Act of 1st June 2005

4 Measures to account for transport X
enforcement officers of FANC may officially report to the public prosecutor, who can initiate a penal procedure; Act of 1st June 2005 (art 17 & following); Act of 20 July 1978 (art 12); Act of 1st June 2005 (art 17 & following)

5 Other measures for accounting X
1. Council Directive 2003/122/ EURATOM of 22 December 2003, Article 5
2. Council Directive 96/29/EURATOM of 13 May 1996, Article 3
royal decree of 20 July 2001 (art 75ter & 80), enforcement by the law of 15 april 1994, art 49 & following

6 Measures to secure production X
royal decree of 20 July 2001 (art 80), enforcement by the law of 15 april 1994 (art 49 & following)

page 8 of the EU report
Council Directive
no.122/2003

7 Measures to secure use	X	<p>1. Council Directive 96/29/EURATOM of 13 May 1996, Articles 2, 18, 19 and 20</p> <p>2. Royal Decree of 20 July 2001</p> <p>3. Act of 2 April 2003</p> <p>4. Act of 11 December 1998; 5. royal decree of 20 July 2001, art 80</p>	X	<p>Penalties under the Act of 15 april 1994, art 49 & following (criminal & administrative penalties); royal decree of 20 July 2001 (art 80)</p>	<p>page 4 of the report page 12 of Addendum 1 <u>Council Directive 96/29/EURATOM</u></p>
8 Measures to secure storage	X	<p>Act of 15 april 1994 1. International Regulations concerning the Carriage of Dangerous Goods by Rail</p> <p>2. European Agreement concerning the International Carriage of Dangerous Goods by Road</p> <p>3. Regulations regarding the Transportation of Dangerous Goods on Ocean-going Vessels</p> <p>4. Regulations for the Carriage of Dangerous Goods on the Rhine; 5. Royal Decree of 20 July 2001, art 80</p>	X	<p>Prior authorisation of shipments by FANC is mandatory. If these provisions are not met, the Agency can impose corrective actions. A breach of compliance with the law or with the regulation can constitute a criminal offence, and the law enforcement officers of FANC may officially report to the public prosecutor, who can initiate a penal procedur. Penalties under the Act of 15 april 1994, art 49 & following (criminal & administrative penalties).</p>	<p>page 5 of the report</p>
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports	?	<p>Act of 24 July 1984 on CPPNM, amended by the Act of 17 April 1986. The Act of 02 April 2003, to wich implementation decrees are being developed. Draft legislation on the amended CPPNM of July 2005;</p>		<p>Act of 17 April 1986 (amendment of penal code implementing CPPNM) and Act of 2 April 2003</p>	<p>page 6 of the report page 13 of Addendum 1</p>
12 Licensing of nuclear installations/entities/use of materials	X	<p>Authorization by AFCN (Royal Decree of 20 July 2001)</p>	X	<p>1. AFCN inspectors are officers of the criminal police and can report to the public prosecutor</p> <p>2. Violations are punishable under the act of 15 april 1994 and the royal decree of 20 July 2001, art. 80</p>	<p>pages 3 and 4 of the report</p>

13 Reliability check of personnel	X	1, Act of 11 december 1998 and Council Directive 2003/122/ EURATOM of 22 December 2003, Article 8 and Council Directive 96/29/EURATOM of 13 May 1996, Article 22; Act of 11 december 1998	act of 11 december 1998, art 24	page 8 of the EU report <u>Council Directive</u> <u>no.122/2003</u>
14 Measures to account for/secure/ physically protect means of delivery				
15 National regulatory authority	X	Federal Agency for Nuclear Control - AFCN (Act of 20 July 1978 amended by Act of 15 April 1994) 1. Safeguards Agreement concluded 05 April 1973 2. Additional Protocol in force 30 April 2004 and act of 20 July 1978 ("safeguards act") and of 1st June 2005 ("additional protocol act")	art 12 of the act of 20 July 1978 and art 17 & following of the act of 1st June 2005.	pages 3, 4 and 5 of the report
16 IAEA Safeguards Agreements	X			
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 http://www.iaea.org/About/Policy/GC/GC42/Documents/lc42-17.html
18 IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to Database Programme		
19 Other Agreements related to IAEA				
Additional national				
20 legislation/regulations related to nuclear materials including CPPNM	X	act of 17 april 1986 and draft legislation on the amended CPPNM, and draft legislation on amended CPPNM of 8 July 2005	Offences incorporate in Penal Code by Act of 17 April 1986, including extraterritorial applicability	page 6 of the report page 13 of Addendum 1
21 Other				

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

State: **Belgium**
Date of Report: 26 October 2004
Date of Addendum 1: 6 December 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. Council Regulation (EEC) No. 2913/92 of 12 October 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. Act of 11 September 1962 as amended

pages 6 and 7 of the report
page 12 and 13 of the EU report
Community Customs Code

1 Border control

Act of 11 September 1962 as amended

2 Technical support of border control measures

3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology

Act of 05 August 1991 as amended

page 7 of the report

1. Act of 5 August 1991 as amended

2. Act of 11 September 1962 as amended

3. *enforcement officers: The Belgian Customs and Excise Administration, the Economic Inspection and any official specifically designated by the competent Minister under the act of 5 August 1991*

page 8 of EU report
page 15 of Addendum 1

4 Enforcement agencies/authorities

5	Export control legislation in place	X	<p>1. Commission Regulation (EC) No. 1334/2000, Articles 6 and 7</p> <p>2. Council Regulation (EC) No. 1504/2004- current lists</p> <p>3. Ministerial Order of 28 September 2000</p> <p>4. Act of 05 August 1991 as amended</p> <p>5. Royal Decree of 08 March 1993 as amended</p> <p>1. Commission Regulation (EC) No. 1334/2000, Articles 6 and 7</p>	X	<p>1. Act of 11 September 1962 as amended</p> <p>2. Act of 05 August 1991 as amended</p> <p>the act of 11 september 1962 and of 5 August 1991 refer to the general EU Regulation 1334/2000</p>	<p>page 7 of the report</p> <p>page 14 of the EU report</p>
6	Licensing provisions	X	<p>4. Act of 05 August 1991 as amended</p> <p>5. Royal Decree of 08 March 1993 as amended</p> <p>1. Commission Regulation (EC) No. 1334/2000, Articles 6 and 7</p>	X	<p>the act of 11 september 1962 and of 5 August 1991 refer to the general EU Regulation 1334/2000</p>	
7	Individual licensing	X	<p>For the Brussels Capital Region (cities with postal codes 1000 up to 1299)</p> <p>Ministère de la Région de Bruxelles-Capitale</p> <p>Direction des Relations Extérieures-cellule licences-</p> <p>City-Center, Bld du Jardin Botanique 20</p> <p>BE-1035 Bruxelles</p> <p>For the Walloon Region (cities with postal codes 1300 up to 1499 and 4000 up to 7999)</p> <p>Ministère de la Région Wallonne</p> <p>Direction Générale Economie et Emploi</p> <p>Direction Gestion des Licences</p> <p>Ch de Louvain 14, BE-5000 Namur</p> <p>For the Flanders Region (cities with postal codes 1500 up to 3999 and 8000 up to 9999)</p> <p>Vlaamse Overheid</p> <p>Departement internationaal</p> <p>Vlaanderen</p> <p>Dienst Controle Wapenhandel</p> <p>Boudewijnlaan 30, BE-1000 Brussel</p>			
11	National licensing authority					

12	Interagency review for licenses	art 9 of EU regulation 1334/2000 and cooperation agreement of 17 July 2007 between the FPS Foreign Affairs & the Flemish, Walloon & Brussels Region (licensing authorities)	
13	Control lists	Council Regulation (EC) No. 1504/2004	X
14	Updating of lists	Regularly updated	X
15	Inclusion of technologies	Council Regulation (EC) No. 1504/2004	X
16	Inclusion of means of delivery	Council Regulation (EC) No. 1504/2004	X
17	End-user controls	<u>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Commission Regulation (EC) No. 1334/2000, Article 9</u>	X
18	Catch all clause		X
19	Intangible transfers	<u>Commission Regulation (EC) No. 1334/2000, Article 2 (b) (iii)</u>	X
20	Transit control	<u>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</u> 1. Ministerial Decree of 28 September 2000 2. Ministerial Order of 28 September 2000: license required 3. Act of 5 August 1991 as amended 4. Royal Decree of 8 March 1993 as amended	X
21	Trans-shipment control	1. Act of 5 August 1991 as amended 2. Royal Decree of 8 March 1993 as amended	X
22	Re-export control	1. Act of 5 August 1991 as amended 2. Royal Decree of 8 March 1993 as amended	X
23	Control of providing funds		
24	Control of providing transport services		

page 14 of the EU report
EU Regulation 1504/2004

EU Regulation no. 648/2005

EU Regulation 1334/2000

EU Regulation no. 648/2005

page 17 of Addendum 1

page 17 of Addendum 1

1. Act of 11 September 1962 as amended
2. Act of 05 August 1991 as amended

page 7 of the report

X

1. Act of 05 August 1991 as amended
2. Royal Decree of 08 March 1993 as amended

X

Act of 05 August 1991 as amended;
Art. 488bis Penal Code (implementing CPPNM); Art 136 ter and fol. Penal Code (implementing Statute ICC); Art 12bis Code Penal procedure (establishing extraterritoriality for certain offences).

Act of 05 August 1991 as amended;
Art. 488bis Penal Code (implementing CPPNM); Art 136 ter and fol. Penal Code (implementing Statute ICC); Art 12bis Code Penal procedure (establishing extraterritoriality for certain offences).

25 Control of importation

26 Extraterritorial applicability

27 Other

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

State: **Belgium**

Date of Report: 26 October 2004

Date of Addendum 1: 6 December 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. Council Regulation (EEC) No.

2913/92 of 12 October 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. Act of 11 September 1962 as amended

pages 6 and 7 of the report
page 12 and 13 of the EU
report

Community Customs Code

1 Border control

Act of 11 September 1962 as amended

2 Technical support of border control measures

Control of brokering, trading in,

3 negotiating, otherwise assisting in sale of goods and technology

Act of 05 August 1991 as amended

page 7 of the report

1. Act of 5 August 1991 as amended

2. Act of 11 September 1962 as amended

3. *enforcement officers: The Belgian Customs and Excise Administration, the Economic Inspection and any official specifically designated by the competent Minister under the act of 5 August 1991*

page 18 of Addendum 1

4 Enforcement agencies/authorities

1. Act of 5 August 1991 as amended
2. Act of 11 September 1962 as amended

1. Council Regulation (EC) No. 1334/2000 of 22 June 2000

2. Ministerial Order of 28 September 2000

5 Export control legislation in place

1. Act of 11 September 1962 as amended

page 7 of the report

2. Act of 05 August 1991 as amended

X

the act of 11 september 1962 and of 5 August 1991 refer to the general customs & accise act: a fine worth the value of the goods, forfeiture of the goods or emprisonment (max 5 years under act of 5 August 1991)

3. Act of 05 August 1991 as amended

X

4. Royal Decree of 08 March 1993 as

- 1. *Commission Regulation (EC) No. 1334/2000, Articles 6 and 7*
- 2. *Council Regulation (EC) No. 1504/2004- current lists*

Community General Export Authorisation defined by Regulation 1504/2004

X

6 Licensing provisions

7 Individual licensing

8 General licensing

9 Exceptions from licensing

10 Licensing of deemed export/visa

For the Brussels Capital Region
(cities with postal codes 1000 up to
1299)
Ministère de la Région de Bruxelles-
Capitale
Direction des Relations Extérieures-
cellule licences-
City-Center, Bld du Jardin Botanique
20
BE-1035 Bruxelles
For the Walloon Region (cities with
postal codes 1300 up to 1499 and
4000 up to 7999)
Ministère de la Région Wallonne
Direction Générale Economie et
Emploi
Direction Gestion des Licences
Ch de Louvain 14, BE-5000 Namur
For the Flanders Region (cities with
postal codes 1500 up to 3999 and
8000 up to 9999)
Vlaamse Overheid
Departement internationaal
Vlaanderen
Dienst Controle Wapenhandel
Boudewijnlaan 30, BE-1000 Brussel

11 National licensing authority

art 9 of EU regulation 1334/2000 and
cooperation agreement of 17 July
2007 between the FPS Foreign
Affairs & the Flemish, Walloon &
Brussels Region (licensing
authorities)
Council Regulation (EC) No.
1504/2004
Regularly updated
Council Regulation (EC) No.
1504/2004
Council Regulation (EC) No.
1504/2004

12 Interagency review for licenses

- 13 Control lists
- 14 Updating of lists
- 15 Inclusion of technologies
- 16 Inclusion of means of delivery

17	End-user controls	X	<u>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Commission Regulation (EC) No. 1334/2000, Article 9</u>	
18	Catch all clause	X		
19	Intangible transfers	X	<u>Commission Regulation (EC) No. 1334/2000, Article 2 (b) (iii)</u>	<u>EU Regulation 1334/2000</u>
20	Transit control	X	<u>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</u>	<u>EU Regulation no. 648/2005</u>
21	Trans-shipment control	X	1. Ministerial Decree of 28 September 2000 2. Ministerial Order of 28 September 2000—license-required 3. Act of 5 August 1991 as amended 4. Royal Decree of 8 March 1993 as amended	1. Act of 5 August 1991 as amended 2. Royal Decree of 8 March 1993 as amended page 17 of Addendum 1
22	Re-export control	?	article 2 b) of regulation 1334/2000 export also means re-export under article 182 of community customs law (art. 2 b)ii))	1. Act of 5 August 1991 as amended 2. Royal Decree of 8 March 1993 as amended page 20 of Addendum 1
23	Control of providing funds			
24	Control of providing transport services			
25	Control of importation	X	1. Act of 05 August 1991 as amended 2. Royal Decree of 08 March 1993 as amended	1. Act of 11 September 1962 as amended 2. Act of 05 August 1991 as amended page 7 of the report
26	Extraterritorial applicability		Act of 05 August 1991 as amended; Art. 488bis Penal Code (implementing CPPNM); Art 136 ter and fol. Penal Code (implementing Statute ICC); Art 12bis Code Penal procedure (establishing extraterritoriality for certain offences).	Act of 05 August 1991 as amended; Art. 488bis Penal Code (implementing CPPNM); Art 136 ter and fol. Penal Code (implementing Statute ICC); Art 12bis Code Penal procedure (establishing extraterritoriality for certain offences).

? Preliminary draft of a law implementing the CWC will be submitted to the legislature

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

State: **Belgium**

Date of Report: 26 October 2004

Date of Addendum 1: 6 December 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		

1. Council Regulation (EEC) No. 2913/92 of 12 October 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. Act of 11 September 1962 as amended

megaports initiative: detection of containers on illicit nuclear or radioactive substances

Act of 11 September 1962 as amended

pages 6 and 7 of the report
page 12 and 13 of the EU report
Community Customs Code

1 Border control

2 Technical support of border control measures

3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology

Act of 05 August 1991 as amended

1. Act of 5 August 1991 as amended

2. Act of 11 September 1962 as amended

3. enforcement officers: The Belgian Customs and Excise Administration, the Economic Inspection and any official specifically designated by the competent Minister under the act of 5 August 1991

4 Enforcement agencies/authorities

page 18 of Addendum 1

5 Export control legislation in place	X	<p>1. Council Regulation (EC) No. 1334/2000 of 22 June 2000</p> <p>2. Ministerial Order of 28 September 2000</p> <p>3. Act of 05 August 1991 as amended</p> <p>4. Royal Decree of 08 March 1993 as amended</p> <p>5. Act of 09 February 1981</p>	<p>1. Act of 11 September 1962 as amended</p> <p>2. Act of 05 August 1991 as amended</p>	page 7 of the report
6 Licensing provisions	X			
7 Individual licensing		<p>1. <i>Commission Regulation (EC) No. 1334/2000, Articles 6 and 7</i></p> <p>2. <i>Council Regulation (EC) No. 1504/2004- current lists</i></p>	<p>the act of 11 september 1962 and of 5 August 1991 refer to the general customs & accise act: a fine worth the value of the goods, forfeiture of the goods or emprisonment (max 5 years under act of 5 August 1991)</p>	
8 General licensing				
9 Exceptions from licensing	X	<p>Community General Export Authorisation defined by Regulation 1504/2004</p>		page 14 of the EU report
10 Licensing of deemed export/visa				

For the Brussels Capital Region
(cities with postal codes 1000 up to
1299)
Ministère de la Région de Bruxelles-
Capitale
Direction des Relations Extérieures-
cellule licences-
City-Center, Bld du Jardin Botanique
20
BE-1035 Bruxelles
For the Walloon Region (cities with
postal codes 1300 up to 1499 and
4000 up to 7999)
Ministère de la Région Wallonne
Direction Générale Economie et
Emploi
Direction Gestion des Licences
Ch de Louvain 14, BE-5000 Namur
For the Flanders Region (cities with
postal codes 1500 up to 3999 and
8000 up to 9999)
Vlaamse Overheid
Departement internationaal
Vlaanderen
Dienst Controle Wapenhandel
Boudewijnlaan 30, BE-1000 Brussel

11 National licensing authority

			Members should consult with other members before issuing licenses. The inter-ministerial Advisory Commission on the Non-proliferation of Nuclear Weapons (CANPAN) considers export applications for articles included in the NSG lists (INFCIRC/254/Parts I and II). In the case of a negative response from CANPAN, the relevant minister may not authorize export. On the other hand, in the case of a positive response from CANPAN, the relevant minister may decide not to authorize export.		
12	Interagency review for licenses	X	Advisory Commission on the Non-proliferation of Nuclear Weapons (CANPAN): Departments of Energy, of Economics and Research, of Foreign Affairs, of Foreign Trade, of Defence, and State Security and AFCN	X	page 15 of the EU report page 22 of Addendum 1
13	Control lists	X	Council Regulation (EC) No. 1504/2004		
14	Updating of lists	X	Regularly updated	X	CANPAN: recommendations for update page 14 of the EU report <u>EU Regulation 1504/2004</u>
15	Inclusion of technologies	X	Council Regulation (EC) No. 1504/2004		
16	Inclusion of means of delivery	X	Council Regulation (EC) No. 1504/2004		
17	End-user controls	X	<u>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Commission Regulation (EC) No. 1334/2000, Article 9</u>		<u>EU Regulation no. 648/2005</u>
18	Catch all clause	X			
19	Intangible transfers	X	Commission Regulation (EC) No. 1334/2000, Article 2 (b) (iii)	X	<u>EU Regulation 1334/2000</u> Act of 11 September 1962 as amended
20	Transit control	X	<u>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</u>	?	<u>EU Regulation no. 648/2005</u> 1. Act of 11 September 1962 as amended 2. Act of 05 August 1991 as amended 3. Transit license required

21	Trans-shipment control	X	<p>1. Ministerial Decree of 28 September 2000</p> <p>2. Ministerial Order of 28 September 2000--license-required</p> <p>3. Act of 5 August 1991 as amended</p> <p>4. Royal Decree of 8 March 1993 as amended</p>	<p>1. Act of 5 August 1991 as amended</p> <p>2. Royal Decree of 8 March 1993 as amended</p>	page 23 of Addendum 1
22	Re-export control	?	<p>article 2 b) of regulation 1334/2000 export also means re-export under article 182 of community customs law (art. 2 b)ii))</p>	<p>1. Act of 5 August 1991 as amended</p> <p>2. Royal Decree of 8 March 1993 as amended</p>	page 23 of Addendum 1
23	Control of providing funds			<p>Prior authorisation of shipments by FANC is mandatory. If these provisions are not met, the Agency can impose corrective actions. A breach of compliance with the law or with the regulation can constitute a criminal offence, and the law enforcement officers of FANC may officially report to the public prosecutor, who can initiate a penal procedure. Penalties under the Act of 15 april 1994, art 49 & following(criminal & administrative penalties); royal decree of 20 July 2001 (art 80), art 4 of the act of 17 april 1986 amending the penal code (art 488bis)</p>	
24	Control of providing transport services		<p>act of 15 april 1994, art 3-6, 9, 10, 14, 18, 18bis & 28; royal decree of 20 July 2001, art 56 to 60</p>		
25	Control of importation	X	<p>1. Act of 05 August 1991 as amended</p> <p>2. Royal Decree of 08 March 1993 as amended</p>	<p>1. Act of 11 September 1962 as amended</p> <p>2. Act of 05 August 1991 as amended</p>	page 7 of the report

Act of 05 August 1991 as amended;
Art. 488bis Penal Code
(implementing CPPNM); Art 136 ter
and fol. Penal Code (implementing
Statute ICC); Art 12bis Code Penal
procedure (establishing
extraterritoriality for certain offences).

Act of 05 August 1991 as amended;
Art. 488bis Penal Code
(implementing CPPNM); Art 136 ter
and fol. Penal Code (implementing
Statute ICC); Art 12bis Code Penal
procedure (establishing
extraterritoriality for certain offences).

Review of legislation concerning
nuclear export controls

?

27 Other

page 8 of the report

26 Extraterritorial applicability

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

State: **Belgium**
 Date of Report: 26 October 2004
 Date of Addendum 1: 6 December 2005

Can information be provided on the following issues ?	YES	Remarks
1 Control lists - items (goods/equipment/materials/technologies)	X	Council Regulation (EC) No. 1334/2000 of 22 June 2000 setting a Community regime for the control of exports of dual-use items and technology reproduces lists from NSG, ZC, MTCR, WA and AG. page 9 of the report
2 Control lists - other		
3 Assistance offered		participation of licensing & enforcement authorities in EU outreach on dual-use export controls (implemented through BAFA - Germany)
4 Assistance requested		none
5 Assistance in place (bilateral/plurilateral/multilateral)	X	EU contribution to G 8 Global Partnership to enhance nuclear safety and security, chemical weapons destruction, re-employment of former scientists, export control and border security; national contributions to chemical demilitarisation (MOU with UK) and nuclear safety (BERD-EBRD) in the framework of the G8 global partnership page 6 of the EU report
6 Information for industry	X	National authorities are in close contact with the chemical industry and its professional federation concerning activities non prohibited by the Convention and its verification regime. Authorities also work closely with the nuclear sector to keep operators informed of worldwide developments in the concepts of non-proliferation and physical protection. The sector is also consulted when laws and regulations in this field are being drafted. page 10 of the report
7 Information for the public		http://fiscus.fgov.be/interfdafr www.diplomatie.be www.fanc.fgov.be www.vlaanderen.be/wapenhandel

