

*The Permanent Representative of Austria
to the United Nations*

New York, 19 December 2007

No. 61.110/7/07

Excellency,

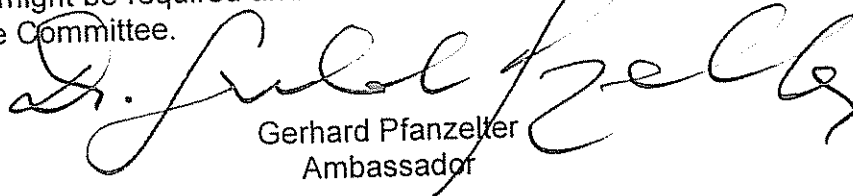
I am writing to you with reference to your letter S/AC.44/2007/ODA.OC.5 of 17 October 2007, by which you requested an update and further information/ clarifications on the information provided by Austria with regard to the implementation of SC Resolution 1540 (2004) as well as to Austria's 1540 Points of Contact.

With reference to paragraph 1 of OP 1 and related matters of the matrix (page 1) I declare that Austria does not possess any nuclear, chemical, biological or toxin weapons (Weapons of Mass Destruction).

For further updated information on Austria's efforts to implement SC Resolution 1540 (2004) please find attached to this letter Austria's 1540 matrix with updated data as well as additional information (see annex 1) which I kindly request to be included in the matrix. Austria's updated 1540 Points of Contact are contained in annex 2.

Furthermore, let me inform you that Austria has no objection to posting its attached 1540-matrix as complemented by the information contained in annex 1 as a public document on the Committee's website.

Let me assure you, Excellency, that Austria stands ready to provide any further information that might be required and will continue to engage in a transparent and open dialogue with the Committee.



Gerhard Pfanzeller
Ambassador

Enclosure

H.E.
Mr. Peter Burian
Chairman 1540 Committee
Secretariat of the 1540 Committee,
Secretariat Building, Room S-3055-I,
Attention: Mr. Vesselin Kostov,
United Nations,
New York, NY 10017.

Annex 1

The Permanent Mission of Austria requests the 1540 Committee to update the attached 1540-Matrix (which is not identical with the matrix transmitted by the 1540 Committee in its letter S/AC.44/2007/ODA.OC.5 of 17 October 2007) with the following additional information. The references listed below pertain to the attached 1540-Matrix.

➤ **OP 1 and related matters...**

Par. 1: Please update information according to Austria's declaration of non-possession of Weapons of Mass Destruction as contained in the present letter.

➤ **OP 2 - Biological Weapons (BW)**

Column National Legal Framework:

Par. 1-5: Please delete the existing data entry and put „Foreign Trade Act 2005 (Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction 1972)“ instead.

Par. 6-14: No data entry.

Column Enforcement:

Par. 1 to 3, 5, 7 and 13 should read “Penal Code, Section 177a”.

Par. 4, 6 and 9 to 12 should read „Penal Code, Section 177a and 12”.

Par. 8 should read „General criminal provisions, Penal Code, Section 89”.

➤ **OP 2 - Chemical Weapons (CW)**

Column National Legal Framework:

Par. 1-5: Please delete the existing data entry and put „Foreign Trade Act 2005 (Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction)“ instead.

Par. 6-14: No data entry.

Column Enforcement :

Par. 1 to 3, 5, 7 and 13 should read "Penal Code, Section 177a".
Par. 4, 6 and 9 to 12 should read „Penal Code, Section 177a and 12"
Par. 8 should read „General criminal provisions, Penal Code, Section 89".

➤ **OP 2 - Nuclear Weapons (NW)**

Column National Legal Framework:

Par. 1, 4 to 8 should read „Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999".

Column Enforcement:

Par. 1 to 3, 5 and 7 should read "Penal Code, Section 177a".
Par. 4 and 6 should read "Penal Code, Section 177b".
Par. 8 should read "Penal Code, Section 171 and 177b".
Par. 9 to 12 should read "Penal Code, Section 12, 171, 177a, 177b".
Par. 13 should read "Penal Code, Section 171, 177a, 177b".

➤ **OP 3 (a) and (b) – Account for/Secure/Physically Protect BW**

Column National Legal Framework:

Par. 1 to 4 should read „Foreign Trade Act 2005; Federal Act on Occupational Safety and Health Protection (ArbeitnehmerInnenschutzgesetz)".

Par. 1 and 3 please add to the existing data entry „Industrial Code (Gewerbeordnung)".

➤ **OP 3 (a) and (b) – Account for/Secure/Physically Protect CW**

Column National Legal Framework:

Par. 1 to 4 should read: „Foreign Trade Act 2005; Federal Act on Occupational Safety and Health Protection (ArbeitnehmerInnenschutzgesetz)".

Par. 1 and 3 please add to the existing data entry „Industrial Code (Gewerbeordnung)".

➤ **OP 3 (c) and (d) ... Controls of BW including related matters**

Column Enforcement :

Par. 1: Please delete "Austrian Customs" and put "Austrian Tax and Customs Administration" instead.
Par. 2: Please delete the existing data entry and put „Finance Ministry: Anti-Fraud Unit/Risk Information and Analysis Center" instead.

➤ **OP 3 (c) and (d) ... Controls of CW including related matters**

Column Enforcement :

Par. 1: Please delete "Austrian Customs" and put "Austrian Tax and Customs Administration" instead.

Par. 2: Please delete the current data entry and put instead "Finance Ministry: Anti-Fraud Unit/Risk Information and Analysis Center".

➤ **OP 3 (c) and (d) ... Controls of NW including related matters**

Column Enforcement :

Par. 1: Please delete "Austrian Customs" and put "Austrian Tax and Customs Administration" instead.

Par. 2: Please delete the existing data entry and put „Finance Ministry: Anti-Fraud Unit/Risk Information and Analysis Center" instead.

Annex 2

Austria – Points of contact concerning resolution 1540 (2004) as of 19 December 2007

1. Department II.8 – Disarmament, Non-proliferation and Arms Control

c/o Amb. Dr. Alexander Marschik
Head of Department
Federal Ministry for Foreign Affairs
Minoritenplatz 8
1014 Vienna
Austria

E-mail: abtii8@bmaa.gv.at
Phone: (+43) 501150-3356
Fax: (+43) 501159-3356

2. Department C2/2 – Export Control and Import Licenses

c/o Mr. Helmut Krehlik
Head of Department
Federal Ministry of Economics and Labour
Stubenring 1
1010 Vienna
Austria

E-mail: post@c22.bmwa.gv.at
Phone: (+43) 1 - 71100-0

3. Permanent Mission of Austria to the United Nations

c/o Mr. Christoph Wieland
First Committee Expert
600 Third Avenue, 31st floor
New York, N.Y. 10016

E-mail: new-york-ov@bmaa.gv.at
Phone: (917) 542 8400
Fax: (212) 949 1840

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

Austria

28 October 2004
08 November 2005

State:
Date of Report:
Date of Addendum 1:

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		EU Strategy against Proliferation of WMD	page 3 of the report
2 General statement on commitment to disarmament and non-proliferation	X	Has a wide range of legislative measures to prevent the proliferation of WMD, including by non-State actors.	page 2 of the report
3 General statement on non-provision of WMD and related materials to non-State actors	X	Deposit 10 August 1973	page 3 of the report http://disarmament.un.org:8080/TreatyStatus.nsf
4 Biological Weapons Convention (BWC)	X	Deposit 17 August 1995	
5 Chemical Weapons Convention (CWC)	X	Deposit 27 June 1969	
6 Nuclear Non-Proliferation Treaty (NPT)	X	Deposit 13 March 1998	page 6 of the report http://www.iaea.org/Publications/Documents/Conventions/cppn_status.pdf
7 Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Deposit 22 December 1988 . In force 21 January 1989	page 4 of the report http://disarmament.un.org:8080/TreatyStatus.nsf
8 Convention on Physical Protection of Nuclear Material (CPPNM)	X	Subscribed 25 November 2002 (acts as the Secretariat of HCOC)	page 5 of the report, http://www.iaea.org/About/Policy/MemberStates/index.html
9 Hague Code of Conduct (HCOC)	X	Deposit 9 May 1928	
10 Geneva Protocol of 1925	X	Since 1957	
11 International Atomic Energy Agency (IAEA)	X		
12 Nuclear Weapons Free Zone/Protocol(s)		EURATOM Treaty	page 5 of the report
13 Other Conventions/Treaties	X		

14 Other Arrangements	<p>X</p> <p>1. Zangger Committee 2. Nuclear Suppliers Group 3. Australia Group 4. MTCR 5. Wassenaar Arrangement</p>	page 3 of the report
15 Other	<p>X</p>	<p>Supports non-proliferation clause in the EU third country mixed agreements State Party of 12 UN Conventions against Terrorism: 1. <i>Convention on Offences and Certain Other Acts Committed On Board Aircraft ("Tokyo Convention", 1963--safety of aviation)</i> 2. <i>Convention for the Suppression of Unlawful Seizure of Aircraft ("Hague Convention", 1970--aircraft hijackings)</i> 3. <i>Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation</i> 4. <i>Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973- outlaws attacks on senior government officials and diplomats)</i> 5. <i>International Convention Against the Taking of Hostages</i> 6. <i>Convention on the Physical Protection of Nuclear Material ("Nuclear Materials Convention", 1980--combats unlawful taking and use of nuclear material)</i> 7. <i>Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Extends and supplements the Montreal Convention on Air Safety), (1988)</i> 8. <i>Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, (1988)</i> 9. <i>Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, (1988)</i> 10. <i>Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991--provides for the marking of plastic explosives)</i> 11. <i>International Convention for the Suppression of Terrorist Bombing (1997)</i> 12. <i>International Convention for the Suppression of the Financing of Terrorism (1999)</i></p> <p>page 9 of the report <u>UN Conventions</u></p>

OP 2 - Biological Weapons (BW)

Austria

State: 28 October 2004
 Date of Report: 08 November 2005
 Date of Addendum 1:

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	Penal Code, Section 177a	page 5 of the report page 2 of Addendum 1 <u>Federal Constitution</u>
2 acquire	X		X		
3 possess	X	1. The Federal Constitution, Art. 9 2. BWC Ratification Law	X	Penal Code, Section 177a	page 2 of Addendum 1
4 stockpile/store	X		?	Penal Code, Section 177a	page 5 of the report page 2 of Addendum 1
5 develop	X		X	Penal Code, Section 177a	page 2 of Addendum 1
6 transport			?		
7 transfer	X	1. The Federal Constitution, Art. 9 2. BWC Ratification Law	X	Penal Code, Section 177a	page 5 of the report
8 use			?	Penal Code, Section 177a	page 2 of Addendum 1
9 participate as an accomplice in a.m. activities			X		
10 assist in a.m. activities			X		page 5 of the report
11 finance a.m. activities			X	Penal Code, Section 177a	
12 a.m. activities related to means of delivery	X	1. The Federal Constitution, Art. 9 2. BWC Ratification Law	X		
13 involvement of non-State actors in a.m. activities			X	Penal Code, Section 177a	page 2 of Addendum 1
14 Other					

OP 2 - Chemical Weapons (CW)

Austria

28 October 2004
08 November 2005

State:
Date of Report:
Date of Addendum 1:

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. The Federal Constitution, Art. 9 2. CWC Ratification Law	X	Penal Code, Section 177a	page 5 of the report
2 acquire	X		X		
3 possess			X		
4 stockpile/store	X	1. The Federal Constitution, Art. 9 2. CWC Ratification Law	?	Penal Code, Section 177a	page 2 of Addendum 1
5 develop	X		X	Penal Code, Section 177a	page 5 of the report
6 transport			?	Penal Code, Section 177a	page 2 of Addendum 1
7 transfer	X	1. The Federal Constitution, Art. 9 2. CWC Ratification Law	X	Penal Code, Section 177a	page 5 of the report
8 use	X		?	Penal Code, Section 177a	page 2 of Addendum 1
9 participate as an accomplice in a.m. activities			X		
10 assist in a.m. activities	X	1. The Federal Constitution, Art. 9 2. CWC Ratification Law	X	Penal Code, Section 177a	page 5 of the report
11 finance a.m. activities			X		
12 a.m. activities related to means of delivery			X		
13 involvement of non-State actors in a.m. activities			X	Penal Code, Section 177a	page 3 of Addendum 1

14	Other		
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OP 2 - Nuclear Weapons (NW)

Austria

State: Austria
 Date of Report: 28 October 2004
 Date of Addendum 1: 08 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	Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999	X	Penal Code, Section 177a	page 5 of the report page 3 of Addendum 1
2 acquire	X	1. The Federal Constitution, Art. 9 2. NWC Ratification Law	X	Penal Code, Section 177a	page 5 of the report page 2 of Addendum 1 <u>Federal Constitution</u>
3 possess	?		?	Penal Code, Section 177a	page 2 of Addendum 1
4 stockpile/store	X	Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999	X	Penal Code, Section 177a	page 5 of the report page 3 of Addendum 1
5 develop	X		?	Penal Code, Section 177a	page 2 of Addendum 1
6 transport	X		X	Penal Code, Section 177a	page 5 of the report
7 transfer				Penal Code, Section 177a	pages 2 and 3 of Addendum 1
8 use	X	Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999	?	Penal Code, Section 177a	1
9 participate as an accomplice in a.m. activities			X		
10 assist in a.m. activities			X	Penal Code, Section 177a	page 5 of the report
11 finance a.m. activities			X		
12 a.m. activities related to means of delivery			X		
13 involvement of non-State actors in a.m. activities	X	Federal Constitutional Act for a Non-Nuclear Austria of 13 August 1999	X	Penal Code, Section 177a	page 3 of Addendum 1

14 Other		X	Nuclear Non-proliferation Act 1991 amended in 1996		pages 2 and 5 of the report page 3 of Addendum 1
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OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

Austria

28 October 2004
08 November 2005

State:
Date of Report:
Date of Addendum 1:

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	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	X	Directive 2000/54/EC			page 10 of the EU report
7 Measures to secure use	X				
8 Measures to secure storage	X				
9 Measures to secure transport	X	Council Directives 94/55/EEC and 96/49/EEC		X	Party to ADR and RID agreements
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports					
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	Directives 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

Austria

State: 28 October 2004
 Date of Report: 08 November 2005
 Date of Addendum 1:

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					
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	X				pages 10 of the EU report
7 Measures to secure use	X	Directive 98/42/EC			
8 Measures to secure storage	X				pages 10 and 11 of the EU report
9 Measures to secure transport	X	Council Directives 94/55/EEC and 96/49/EEC	X	Party to ADR and RID agreements	
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	X	Federal Ministry of Economy and Labour, National Agency for the CWC Implementation			www.opcw.org/docs/NationalIAauthorities.pdf

16	Reporting Schedule I, II and III chemicals to OPCW					
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/ regulations controlling chemical materials					
19	Other					

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

Austria

State: 28 October 2004
 Date of Report: 08 November 2005
 Date of Addendum 1:

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	Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom safeguards .	X	Nuclear Non-Proliferation Act provides requisite powers to the Federal Ministry for Economy and Labour	page 5 of the report page 3 of Addendum 1
2 Measures to account for use	X		X		
3 Measures to account for storage	X		X		page 3 of Addendum 1 <u>Regulation 302/2005</u>
4 Measures to account for transport	X	Commission regulation 302/2005			page 8 of the EU report
5 Other measures for accounting	X	1. Council Directives 2003/122/EURATOM 2. Directive 96/29/EURATOM			page 7 of the report page 4 of Addendum 1
6 Measures to secure production	X	Nuclear Non-Proliferation Act, Part 3	X	Criminal Code, Section 177b	pages 6 and 7 of the report
7 Measures to secure use	X	Nuclear Non-Proliferation Act, Part 3	X		pages 6 and 7 of the report
8 Measures to secure storage	X		X		
9 Measures to secure transport	X	1. Nuclear Non-Proliferation Act, Part 3 2. Council Directives 94/55/EEC and 96/49/EEC	X	1. Criminal Code, Section 177b 2. Directive 92/3 EURATOM: prior notification of shipments	pages 6 and 7 of the report pages 10 and 11 of the EU report
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports	X	Nuclear Non-Proliferation Act, Part 3	X	Criminal Code, Section 177b	page 6 of the report page 4 of Addendum 1
12 Licensing of nuclear installations/entities/use of materials	X	License issued by the Federal Ministry of Interior	X	Criminal Code, Section 177b	page 6 of the report page 4 of Addendum 1
13 Reliability check of personnel					

14	Measures to account for/secure/physically protect means of delivery					page 6 of the report page 4 of Addendum 1
15	National regulatory authority	X	1. Federal Ministry for Economics and Labour: safeguards and export control 2. Ministry of the Interior: physical protection			pages 3 and 5 of the report http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf http://www-ns.iaea.org/downloads/nw/meetings/code-conduct-signatories.pdf
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement: accession 31 July 1996 2. Additional Protocol: in force 30 April 2004			
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Expressed support to the IAEA DG			page 6 of the report
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Participates in the IAEA reporting system			
19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNIM					
21	Other			X	Interministerial committee: increased cooperation between licensing and enforcement authorities	page 7 of the report page 4 of Addendum 1

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

Austria

State: 28 October 2004
Date of Report: 08 November 2005
Date of Addendum 1:

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 2913/1992 (Community Customs Code) 2. Commission Regulation 2454/1993 (Implementing provisions to the Community Customs Code) 3. <i>EU Regulation no. 648 of 13 April 2005 (Security Amendment)</i>	X	<i>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 13</i> Austrian Customs	page 2 of the report page 12 and 13 of the EU report <u>Community Customs Code</u>
2 Technical support of border control measures			X	Finance Ministry: Department to combat fraud and Centre for risk analysis	page 2 of the report
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	1. Foreign Trade Act of 2005 2. Foreign Trade Decree 3. 1977 War Material Act		Federal Ministry of Economics and Labour 1. Criminal Code, Section 177a 2. Foreign Trade Act of 2005, Section 37-47	page 6 of the report page 2 of Addendum 1
4 Enforcement agencies/authorities			X		page 6 of the report page 2 of Addendum 1
5 Export control legislation in place	X	1. Foreign Trade Act of 2005 2. Foreign Trade Decree 3. 1977 War Material Act 4. EC Regulation 1334/2000 5. <i>Council Regulation (EC) No. 394 of 27 February 2006 current lists</i>	X		pages 2, 4, 5 and 6 of the report page 2 of Addendum 1
6 Licensing provisions	X				pages 2, 6 of the report
7 Individual licensing	X	1. <i>Commission Regulation (EC) No. 1334/2000, Articles 6 and 7</i> 2. <i>Council Regulation (EC) No. 394 of 27 February 2006 current lists</i>			page 14 of the EU report <u>EU Regulation 1334/2000</u>
8 General licensing	X				

9	Exceptions from licensing	X	Within the Community free circulation of all goods, exceptions are listed in Annex IV of Regulation 4504/2004 - 394 of 27 February 2006		page 14 of the EU report <u>Exceptions</u>
10	Licensing of deemed export/visa				page 6 of the report page 2 of Addendum 1 <u>Government website</u>
11	National licensing authority	X	Commission Regulation (EC) No. 1334/2000, Article 6	X	1. Federal Ministry of Interior: war material 2. Federal Ministry of Economic and Labour, <u>Division for Dual Use and Wassenaar Arrangement</u>
12	Interagency review for licenses	X	Commission Regulation (EC) No. 1334/2000, Article 7:	X	Advisory Board under Foreign Trade Act
13	Control lists	X	EC Regulation 1334/2000		page 6 of the report page 7 of the report
14	Updating of lists	X	Council Regulation (EC) No. 394 of 27 February 2006		page 14 of the EU report <u>EU Regulation 394/2006</u>
15	Inclusion of technologies	X	EC Regulation 4504/2004 394 of 27 February 2006		The lists of dual-use items set out in Annex I and Annex IV shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that each Member State has accepted as a member of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties .
16	Inclusion of means of delivery	X	EC Regulation 1334/2000		
17	End-user controls	X	EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14	X	Advisory board supply information on the end-user and end-use
18	Catch all clause	X	Commission Regulation (EC) No. 1334/2000, Article 9 Advisory Board is consulted	X	Advisory Board is consulted
19	Intangible transfers	X	1. Commission Regulation (EC) No. 1334/2000, Article 2 (b) (iii) 2. Foreign Trade Act of 2005		page 6 of the report page 4 of Addendum 1
20	Transit control	X	EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14: "At any stage, the competent customs authority is	X	page 5 of the report

21	Trans-shipment control	X	entitled to proceed with the necessary controls including physical inspection of the means of transport and the consignments"	X	Criminal Code, Section 177a	page 4 of Addendum 1	
22	Re-export control	X		X	Criminal Code, Section 177a	page 4 of Addendum 1	
23	Control of providing funds	X		Council Regulation (EC) No. 2580 of 27 December 2001	X	Criminal Code, Section 177a	page 4 of Addendum 1
24	Control of providing transport services				X	Criminal Code, Section 177a	page 4 of Addendum 1
25	Control of importation	X		EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14	X	Criminal Code, Section 177a	page 5 of the report EU Regulation no. 648/2005
26	Extraterritorial applicability				X	Penal Code, Section 64, para 4b	page 5 of the report
27	Other						

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

Austria

State: 28 October 2004
Date of Report: 08 November 2005
Date of Addendum 1:

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 2913/1992 (Community Customs Code) 2. Commission Regulation 2454/1993 (Implementing provisions to the Community Customs Code) 3. <i>EU Regulation no. 648 of 13 April 2005 (Security Amendment)</i>	X	<i>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 13</i> Austrian Customs	page 2 of the report page 12 and 13 of the EU report <u>Community Customs Code</u>
2 Technical support of border control measures			X	Finance Ministry: the Department to combat fraud and the Centre for risk analysis	page 2 of the report
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	1. Foreign Trade Act of 2005 2. Foreign Trade Decree 3. 1977 War Material Act		Federal Ministry of Economics and Labour	page 6 of the report page 2 of Addendum 1
4 Enforcement agencies/authorities			X	1. Criminal Code, Section 177a 2. Foreign Trade Act of 2005, Section 37 17	page 6 of the report page 2 of Addendum 1 pages 2, 4, 5 and 6 of the report
5 Export control legislation in place	X	1. Foreign Trade Act of 2005 2. Foreign Trade Decree 3. 1977 War Material Act 4. EC Regulation 1334/2000 5. <i>Council Regulation (EC) No. 394 of 27 February 2006 current lists</i>	X		page 2 of Addendum 1
6 Licensing provisions	X	1. <i>Commission Regulation (EC) No. 1334/2000, Articles 6 and 7</i> 2. <i>Council Regulation (EC) No. 394 of 27 February 2006 current lists</i>			pages 2, 6 of the report
7 Individual licensing	X				page 14 of the EU report <u>EU Regulation 1334/2000</u>
8 General licensing	X				

9	Exceptions from licensing	X	Within the Community free circulation of all goods, exceptions are listed in Annex IV of Regulation 4504/2004 - 394 of 27 February 2006			page 14 of the EU report <u>Exceptions</u>
10	Licensing of deemed export/visa					
11	National licensing authority	X	Commission Regulation (EC) No. 1334/2000, Article 6	X	1. Federal Ministry of Interior: war material 2. Federal Ministry of Economic and Labour, <i>Division for Dual Use and Wassenaar Arrangement</i>	page 6 of the report page 2 of Addendum 1 <u>Government website</u>
12	Interagency review for licenses	X	Commission Regulation (EC) No. 1334/2000, Article 7:	X	Advisory Board under Foreign Trade Act	page 6 of the report
13	Control lists	X	EC Regulation 1334/2000			page 7 of the report
14	Updating of lists	X	Council Regulation (EC) No. 394 of 27 February 2006		<i>The lists of dual-use items set out in Annex I and Annex IV shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that each Member State has accepted as a member of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties.</i>	page 14 of the EU report <u>EU Regulation 394/2006</u>
15	Inclusion of technologies	X	EC Regulation 4504/2004 394 of 27 February 2006			
16	Inclusion of means of delivery	X	EC Regulation 1334/2000			
17	End-user controls	X	EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14	X	Advisory board supply information on the end-user and end-use	
18	Catch all clause	X	Commission Regulation (EC) No. 1334/2000, Article 9 Advisory Board is consulted	X	Advisory Board is consulted	page 6 of the report
19	Intangible transfers	X	1. Commission Regulation (EC) No. 1334/2000, Article 2 (b) (iii) 2. Foreign Trade Act of 2005			page 4 of Addendum 1

20	Transit control	X	<i>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14: "At any stage, the competent customs authority is entitled to proceed with the necessary controls including physical inspection of the means of transport and the consignments"</i>	X	Criminal Code, Section 177a	page 5 of the report
21	Trans-shipment control	X		X	Criminal Code, Section 177a	page 4 of Addendum 1
22	Re-export control	X		X	Criminal Code, Section 177a	page 4 of Addendum 1
23	Control of providing funds	X	<i>Council Regulation (EC) No. 2580 of 27 December 2001</i>	X	Criminal Code, Section 177a	page 4 of Addendum 1 <u><i>EU Regulation No. 2580/2001</i></u>
24	Control of providing transport services			X	Criminal Code, Section 177a	page 4 of Addendum 1
25	Control of importation	X	<i>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</i>	X	Criminal Code, Section 177a	page 5 of the report
26	Extraterritorial applicability			X	<i>Penal Code, Section 64, para 4b</i>	page 5 of the report
27	Other					

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

Austria

State: 28 October 2004
Date of Report: 08 November 2005
Date of Addendum 1:

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 2913/1992 (Community Customs Code) 2. Commission Regulation 2454/1993 (Implementing provisions to the Community Customs Code) 3. <i>EU Regulation no. 648 of 13 April 2005 (Security Amendment)</i>	X	<i>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 13</i> Austrian Customs	page 2 of the report page 12 and 13 of the EU report <u>Community Customs Code</u>
2 Technical support of border control measures			X	Finance Ministry: the Department to combat fraud and the Centre for risk analysis	page 2 of the report
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	1. Foreign Trade Act of 2005 2. Foreign Trade Decree 3. 1977 War Material Act			page 6 of the report page 2 of Addendum 1
4 Enforcement agencies/authorities			X	Federal Ministry of Economics and Labour	page 6 of the report page 2 of Addendum 1
5 Export control legislation in place	X	1. Foreign Trade Act of 2005 2. Foreign Trade Decree 3. 1977 War Material Act 4. EC Regulation 1334/2000 5. <i>Council Regulation (EC) No. 394 of 27 February 2006 current lists</i> 6. <i>Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom Safeguards, Chap. IV Art. 20</i>	X	1. Criminal Code, Section 177a 2. Foreign Trade Act of 2005, Section 37 17	pages 2, 4, 5 and 6 of the report page 2 of Addendum 1

6	Licensing provisions	X	<p>1. Foreign Trade Act of 2005 1995</p> <p>2. Foreign Trade Decree</p> <p>3. 1977 War Material Act</p> <p>4. EC Regulation 1334/2000</p> <p>5. Council Regulation (EC) No. 394 of 27 February 2006 current lists</p>			pages 2, 6 of the report
7	Individual licensing	X	EC Regulation 1334/2000, Art. 21 and Annex 4: items listed in Zangger and NSG Part I lists			page 4 of Addendum 1
8	General licensing	X	Council Regulation (EC) No. 394 of 27 February 2006 current lists			
9	Exceptions from licensing	X	Within the Community free circulation of all goods, exceptions are listed in Annex IV of Regulation 4504/2004 - 394 of 27 February 2006			page 14 of the EU report <u>Exceptions</u>
10	Licensing of deemed export/visa					
11	National licensing authority	X	Commission Regulation (EC) No. 1334/2000, Article 6	X	1. Federal Ministry of Interior: war material 2. Federal Ministry of Economic and Labour, Division for Dual Use and Wassenaar Arrangement	page 6 of the report page 2 of Addendum 1 <u>Government website</u>
12	Interagency review for licenses	X	Commission Regulation (EC) No. 1334/2000, Article 7:	X	Advisory Board under Foreign Trade Act	page 6 of the report
13	Control lists	X	EC Regulation 1334/2000			page 7 of the report
14	Updating of lists	X	Council Regulation (EC) No. 394 of 27 February 2006		<i>The lists of dual-use items set out in Annex I and Annex IV shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that each Member State has accepted as a member of the international non-proliferation regimes and export control arrangements at the certification of</i>	
15	Inclusion of technologies	X	EC Regulation 4504/2004 394 of 27 February 2006			page 14 of the EU report <u>EU Regulation 394/2006</u>
16	Inclusion of means of delivery	X	EC Regulation 1334/2000			

17	End-user controls	X	EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14	X	Advisory board supply information on the end-user and end-use	
18	Catch all clause	X	Commission Regulation (EC) No. 1334/2000, Article 9 Advisory Board is consulted	X	Advisory Board is consulted	page 6 of the report
19	Intangible transfers	X	1. Commission Regulation (EC) No. 1334/2000, Article 2 (b) (iii) 2. Foreign Trade Act of 2005			page 4 of Addendum 1
20	Transit control	X	EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14: "At any stage, the competent customs authority is entitled to proceed with the necessary controls including physical inspection of the means of transport and the consignments"	X	Criminal Code, Section 177b	page 7 of the report
21	Trans-shipment control	X		X	Criminal Code, Section 177b	page 5 of Addendum 1
22	Re-export control	X		X	Criminal Code, Section 177b	page 7 of the report page 5 of Addendum 1
23	Control of providing funds	X	Council Regulation (EC) No. 2580 of 27 December 2001	X	Criminal Code, Section 177b	page 5 of Addendum 1
24	Control of providing transport services	X	Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom Safeguards, Chap. V Arts: 25 and 26	X	Criminal Code, Section 177b	page 5 of Addendum 1
25	Control of importation	X	1. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14 2. Commission Regulation (EURATOM) n. 302/2005 of 8 February 2005 on the application of Euratom Safeguards, Chap. IV Art. 21	X	Criminal Code, Section 177b	page 7 of the report
26	Extraterritorial applicability			X	Penal Code, Section 64, para 4b	page 5 of the report
27	Other					

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

State: **Austria**

28 October 2004

Date of Report:

08 November 2005

Date of Addendum 1:

Can information be provided on the following issues ?	YES	Remarks
1 Control lists - items (goods/ equipment/ materials/ technologies)	X	EC Regulation 1334/2000 - Annexes of the EU dual-use regulations are directly applicable in Austria
2 Control lists - other	X	Foreign Trade Decree
3 Assistance offered	X	Exploring possibilities to provide assistance through the IAEA
4 Assistance requested		
5 Assistance in place (bilateral/plurilateral/multilateral)	X	Has provided bilateral and multilateral assistance on export control through the IAEA and the OPCW
6 Information for industry	X	Federal Ministry for Economic Affairs and Labour undertakes regular compliance visits to Austrian exporters; governmental awareness programme to provide advice and assistance to industry and academia
7 Information for the public	X	Information disseminated through Ministry for Economic Affairs and Labour website, publications and leaflets