

From: Mads Juul-Nyholm
Sent: 01 July 2013 10:47
To: 'sc-1540-Committee@un.org'
Subject: Denmark: Update - new Danish regulation addressing the UNSCR 1540 - Matrix

To the 1540 Committee,

Denmark has passed a law/regulation addressing the UNSCR 1540 in regard to securing biological substances, delivery systems and related materials that is not currently registered in the 1540 database. Please find attached an updated matrix referring to OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10.

In regard to the list of legislative documents (<http://www.un.org/en/sc/1540/national-implementation/legislative-database/list-of-legislative-documents.shtml>) please add the following legislation addressing the UNSCR 1540 in regard to BW/the biological area:

- Act of Parliament No 474, 17 June 2008 - Lov om sikring af visse biologiske stoffer, fremføringsmidler og relateret material (Act on securing specific biological substances, delivery systems and related materials – unofficial translation)
<https://www.retsinformation.dk/Forms/R0710.aspx?id=120343>
- Executive order 981, 2009 - Executive Order on securing specific biological substances, delivery systems and related materials
http://uk.biosikring.dk/fileadmin/user_upload/PDF_FILER/Biosikringsdokumenter/en.pdf

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

State:
Date of Report:

Denmark

07. December

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			
3 General statement on non-provision of WMD and related materials to non-State actors			
4 Biological Weapons Convention (BWC)			
5 Chemical Weapons Convention (CWC)			
6 Nuclear Non-Proliferation Treaty (NPT)			
7 Comprehensive Nuclear Test Ban Treaty (CTBT)			
8 Convention on Physical Protection of Nuclear Material (CPPNM)			
9 Hague Code of Conduct (HCOC)			
10 Geneva Protocol of 1925			
11 International Atomic Energy Agency (IAEA)			
12 Nuclear Weapons Free Zone/ Protocol(s)			
13 Other Conventions/Treaties			
14 Other Arrangements			
15 Other			

OP 2 - Biological Weapons (BW)

State:
Date of Report:

Denmark
07. December

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	Executive order 981, 2009, §4	x	Executive order 981, 2009, §24	
2 acquire	x	Executive order 981, 2009, §4	x	Executive order 981, 2009, §24	
3 possess	x	Executive order 981, 2009, §4	x	Executive order 981, 2009, §24	
4 stockpile/store	x	Executive order 981, 2009, §4	x	Executive order 981, 2009, §24	
5 develop	x	Executive order 981, 2009, §4	x	Executive order 981, 2009, §24	
6 transport	x	Executive order 981, 2009, §16	x	Executive order 981, 2009, §24	
7 transfer	x	Executive order 981, 2009, §19	x	Executive order 981, 2009, §24	
8 use	x	Executive order 981, 2009, §4	x	Executive order 981, 2009, §24	
9 participate as an accomplice in a.m. activities	x	Executive order 981, 2009, §§4, 16 & 19	x	Executive order 981, 2009, §24	
10 assist in a.m. activities	x	Executive order 981, 2009, §§4, 16 & 19	x	Executive order 981, 2009, §24	
11 finance a.m. activities					
12 a.m. activities related to means of delivery	x	Executive order 981, 2009, §§4, 16 & 19	x	Executive order 981, 2009, §24	
13 involvement of non-State actors in a.m. activities	x	Act of Parliament No 474, 17 June 2008 & Executive order 981, 2009.	x	Executive order 981, 2009, §24	
14 Other					

OP 2 - Chemical Weapons (CW)

State:
Date of Report:

{State's name}

{date}

	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					
2	acquire					
3	possess					
4	stockpile/store					
5	develop					
6	transport					
7	transfer					
8	use					
9	participate as an accomplice in a.m. activities					
10	assist in a.m. activities					
11	finance a.m. activities					
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities					
14	Other					

OP 2 - Nuclear Weapons (NW)

State:
Date of Report:

{State's name}

{date}

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					
2 acquire					
3 possess					
4 stockpile/store					
5 develop					
6 transport					
7 transfer					
8 use					
9 participate as an accomplice in a.m. activities					
10 assist in a.m. activities					
11 finance a.m. activities					
12 a.m. activities related to means of delivery					
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:
Date of Report:

Denmark
07. December

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	x	Executive order 981, 2009, §§4 & 17	x	Executive order 981, 2009, §24	
2	Measures to account for use	x	Executive order 981, 2009, §6	x	Executive order 981, 2009, §24	
3	Measures to account for storage	x	Executive order 981, 2009, §18	x	Executive order 981, 2009, §24	
4	Measures to account for transport	x	Executive order 981, 2009, §16	x	Executive order 981, 2009, §24	
5	Other measures for accounting	x	Executive order 981, 2009, §§18 & 19	x	Executive order 981, 2009, §24	
6	Measures to secure production	x	Executive order 981, 2009, §17	x	Executive order 981, 2009, §24	
7	Measures to secure use	x	Executive order 981, 2009, §17	x	Executive order 981, 2009, §24	
8	Measures to secure storage	x	Executive order 981, 2009, §17 & 18	x	Executive order 981, 2009, §24	
9	Measures to secure transport	x	Executive order 981, 2009, §16	x	Executive order 981, 2009, §24	
10	Other measures for securing	x	Executive order 981, 2009, §20	x	Executive order 981, 2009, §24	
11	Regulations for physical protection of facilities/materials/ transports	x	Act of Parliament No 474, 17 June 2008 & Executive order 981, 2009.	x	Executive order 981, 2009, §24	
12	Licensing/registration of facilities/persons handling biological materials	x	Executive order 981, 2009, §§4 & 11	x	Executive order 981, 2009, §24	
13	Reliability check of personnel	x	Executive order 981, 2009, §11	x	Executive order 981, 2009, §24	
14	Measures to account for/secure/physically protect means of delivery	x	Executive order 981, 2009, §§15, 17, 18 & 19	x	Executive order 981, 2009, §24	
15	Regulations for genetic engineering work	x	Act of Parliament No 474, 17 June 2008 & Executive order 981, 2009.	x	Executive order 981, 2009, §24	

16	Other legislation/ regulations related to safety and security of biological materials				
17	Other				

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

State:

{State's name}

Date of Report:

{date}

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					
7 Measures to secure use					
8 Measures to secure storage					
9 Measures to secure transport					
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					
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

State:

{State's name}

Date of Report:

{date}

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					
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					
8 Measures to secure storage					
9 Measures to secure transport					
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports					
12 Licensing of nuclear installations/entities/use of materials					
13 Reliability check of personnel					
14 Measures to account for/secure/ physically protect means of delivery					
15 National regulatory authority					
16 IAEA Safeguards Agreements					

17	IAEA Code of Conduct on Safety and Security of Radioactive Sources				
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources				
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**

State:
Date of Report:

{State's name}
{date}

	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					
2	Technical support of border control measures					
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities					
5	Export control legislation in place					
6	Licensing provisions					
7	Individual licensing					
8	General licensing					
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority					
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				
18	Catch all clause				
19	Intangible transfers				
20	Transit control				
21	Trans-shipment control				
22	Re-export control				
23	Control of providing funds				
24	Control of providing transport services				
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:
Date of Report:

{State's name}

{date}

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					
2 Technical support of border control measures					
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4 Enforcement agencies/authorities					
5 Export control legislation in place					
6 Licensing provisions					
7 Individual licensing					
8 General licensing					
9 Exceptions from licensing					
10 Licensing of deemed export/visa					
11 National licensing authority					
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				
18	Catch all clause				
19	Intangible transfers				
20	Transit control				
21	Trans-shipment control				
22	Re-export control				
23	Control of providing funds				
24	Control of providing transport services				
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 NW including Related Materials**

State:
Date of Report:

{State's name}

{date}

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					
2 Technical support of border control measures					
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4 Enforcement agencies/authorities					
5 Export control legislation in place					
6 Licensing provisions					
7 Individual licensing					
8 General licensing					
9 Exceptions from licensing					
10 Licensing of deemed export/visa					
11 National licensing authority					
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				
18	Catch all clause				
19	Intangible transfers				
20	Transit control				
21	Trans-shipment control				
22	Re-export control				
23	Control of providing funds				
24	Control of providing transport services				
25	Control of importation				
26	Extraterritorial applicability				
27	Other				

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

State:

Denmark

Date of Report:

07. December

Can information be provided on the following issues ?		YES		Remarks
1	Control lists - items (goods/ equipment/ materials/ technologies)	X	An appendix to the executive order 981 (2009) is the Danish control list on biological agents, delivery systems and related material.	
2	Control lists - other			
3	Assistance offered			
4	Assistance requested	X	Guide to Executive order 981, 2009, §20 (when to contact the Danish Centre of Biosecurity and Biopreparedness ect.).	
5	Assistance in place (bilateral/plurilateral/multilateral)	X	Education and awareness raising programmes aimed at students and scientist as a reach out initiative to create awareness on possible misuse of biological agents (by the Danish Centre of Biosecurity and Biopreparedness). Through the programme, students and scientists (in the life sciences) are being taught how to reduce the threat of misuse of dual use material, how to handle their own technology control and the obligations they have working in the life sciences.	
6	Information for industry	X	Education of security managers (mandatory), including information regarding obligations, requirements and possible solutions. Information given during inspections.	
7	Information for the public	X	Comprehensive information on biosecurity available at: http://uk.biosikring.dk	