

A comprehensive comparison of the –

- *Georgetown/CARICOM Model Strategic Trade Control Act*
- *OPCW Implementation Kit for the Chemical Weapons Convention*
- *VERTIC Sample Act for National Implementation of the Biological Weapons Convention*
- *Indonesia-VERTIC National Legislation Implementation Kit on Nuclear Security*

I. UNSCR 1540 OP 2 – Nuclear Weapons (NW) ¹ , Chemical Weapons (CW) and Biological Weapons (BW): Does national legislation exist which prohibits persons or entities to engage in one of the following activities? ² Can violators be penalized?					
UNSCR 1540 Matrix	Georgetown/CARICOM Model Act ³	VERTIC BWC Sample Act ⁴	OPCW CWC Implementation Kit ⁵	Indonesia-VERTIC Nuclear Security Implementation Kit ⁶	
I-1 Manufacture/ produce	<p><i>Section 8: Relevant Domestic Activities Related To Controlled Items</i> “(1) No person shall, without a prescribed permit, acquire, possess, develop, transport, transfer, or use controlled items. ...”</p> <p><i>Section 13:</i> (1) The relevant Authority may, after considering the application for a permit under subsection 12(1) and any additional documents or information provided under subsection 12(2) and being satisfied that all the requirements have been fulfilled, grant the permit or refuse to grant the permit in accordance with the regulations made under this Act...”</p> <p><i>Annex 5. Regulations Establishing the Guidelines of Granting a Permit or a Special Permit Under Section 13(1) of the Act</i> “1. Authorized officers shall refuse to grant permits or special permits for any relevant domestic activity or any relevant international trade activity under section 13(1)— (1) Where the said activity is deemed to be: ... 1. (c) Supportive of proliferation of weapons of mass destruction; or ...”</p> <p><i>Section 20. Enforcement</i> “(1) Without prejudice to the powers of the authorized officers under any other national law, the enforcement powers provided under this Section shall be available to the authorized officers of [State’s name]. The authorized officers of [State’s name] shall have the following powers, for the purpose of enforcement of this Act, including but not limited to: (a) to receive and consider any report of the commission of an offence under this Act; (b) to demand the production of any permit, record or other document under this Act; (c) to inspect, including making copies of or taking extracts from a permit, record or other document under this Act; (d) to investigate any offence under this Act; (e) to prosecute suspected violations of this Act; and (f) to examine and seize any controlled items or unlisted items together with any container, package, conveyance or other article in which the controlled items or unlisted items are stored, kept or found,</p>	<p><i>Section 5. Misuse of biological agents and toxins</i> “(1) Every person commits an offence who knowingly – (a) develops, produces, otherwise acquires, stockpiles, possesses, transports, retains any biological or toxin weapon, or transfers, directly or indirectly, to anyone, any biological or toxin weapon; ... (3) Every person commits an offence who – (a) develops, acquires, manufactures, possesses, stores, transports, transfers or uses controlled agents or toxins – i. without a license granted by the [RESPONSIBLE AUTHORITY] under section 11 of this [ACT, STATUTE, ORDINANCE, LAW], ii. in violation of the conditions of a license granted by the [RESPONSIBLE AUTHORITY] under section 11 of this [ACT, STATUTE, ORDINANCE, LAW], or iii. in violation of any other provision of section 11 of this [ACT, STATUTE, ORDINANCE, LAW]; ...”</p> <p><i>Section 26. Criminal and civil penalties:</i> “(1) In addition to any penalties that may apply under other provisions of law, including for violations of the criminal, licensing, transfer control laws of [COUNTRY NAME], the penalties in subsections (3)-(8) shall apply for violations by individuals and entities of Parts B, C and D of this [ACT, STATUTE, ORDINANCE, LAW] and the regulations issued hereunder. ...”</p> <p><i>Misuse of biological agents and toxins</i> “(3) Every person who commits an offence under section 5 of this [ACT, STATUTE, ORDINANCE, LAW] is guilty of an offence and liable upon conviction to – (a) in the case of an individual, imprisonment for a term not exceeding [PERIOD] years or to a fine not exceeding [AMOUNT] or both; or (b) in the case of an individual, where the offence results in death, [LIFE IMPRISONMENT]; or (c) in the case of an entity, a fine not exceeding [AMOUNT]. ...”</p>	<p><i>Section 6.1. Acquisition or possession of chemical weapons</i> “Any person [level of intent] developing, producing, manufacturing, otherwise acquiring, possessing, stockpiling or retaining a chemical weapon, commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p> <p><i>Section 6.7. Producing, acquiring, retaining, using or in-country transferring Schedule 1 chemicals</i> “Any person [level of intent] (a) producing, otherwise acquiring, retaining, using or in-country transferring a Schedule 1 chemical in the territory of a State not Party to the Convention, commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount]. (b) illegally producing, otherwise acquiring, retaining, using or in-country transferring a Schedule 1 chemical commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p>	<p><i>Section 6.3 Additional offences involving radioactive material and devices</i> “(1) Any person who unlawfully and intentionally possesses radioactive material or makes or possesses a device- (a) with the intent to cause death or serious bodily injury; or (b) with the intent to cause substantial damage to property or to the environment commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].”</p> <p><i>See also footnote 126 under the Nuclear Security Implementation Kit:</i> “Pursuant to their national law and interests, States may also wish to consider including in Section 6.3 the following offences: “Any person who- (a) manufactures, acquires, possesses, develops, transports, transfers or uses nuclear weapons or their means of delivery, in particular for terrorist purposes; (b) attempts to engage in any of the activities in (a); (c) participates in the activities in (a) as an accomplice; (d) assists in the activities in (a); or (e) finances the activities in (a) commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]”. ... Those States which are, for the purposes of the NPT, non-nuclear-weapon States, and which are States Parties to either the Treaty of Rarotonga, Treaty of Bangkok or Treaty of Pelindaba, may also wish to consider: “Any person who- (a) develops, manufactures, acquires, stockpiles, possesses or has control over any nuclear explosive device; or (b) stations or transports any nuclear explosive device by any means commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].” See Treaty of Rarotonga (Article 3); Treaty of Bangkok (Article 3); Treaty of Pelindaba (Articles 3-5).”</p>	

¹ This table includes the concept of radiological devices, which is not covered in resolution 1540.

² Part I of this table includes offences and penalties related to nuclear, chemical and biological weapons as well as material.

³ Model Act to Implement the United Nations Security Council Resolution 1540 with Regard to the Prevention of the Proliferation of Weapons of Mass Destruction, Georgetown University Law Center, 2015. Available at: https://www.tradelab.org/images/tradelab/pdf/clinics/2016/Draft_CARICOM_Model_Act_to_Implement_the_United_Nations_Security_Council_Resolution_1540_with_Regard_to_the_Prevention_of_the_Proliferation_of_Weapons_of_Mass_Destruction_GULC2015.pdf (last accessed 30 June 2017).

⁴ A Sample Act for National Implementation of the 1972 Biological and Toxin Weapons Convention and Related Requirements of UN Security Council Resolution 1540, VERTIC, 2012. Available at: [http://www.vertic.org/media/assets/nim_docs/NIM%20Tools%20\(Model%20Laws\)/BWC/BWC%20Sample%20Act_EN_14feb2012.pdf](http://www.vertic.org/media/assets/nim_docs/NIM%20Tools%20(Model%20Laws)/BWC/BWC%20Sample%20Act_EN_14feb2012.pdf) (last accessed 30 June 2017).

⁵ Implementation Kit for the Chemical Weapons Convention, OPCW, 2010. Available at: [http://www.vertic.org/media/assets/nim_docs/NIM%20Tools%20\(Model%20Laws\)/CWC/CWC_imp_kit_2010_en.pdf](http://www.vertic.org/media/assets/nim_docs/NIM%20Tools%20(Model%20Laws)/CWC/CWC_imp_kit_2010_en.pdf) (last accessed 30 June 2017).

⁶ National Legislation Implementation Kit on Nuclear Security, Republic of Indonesia and VERTIC, 2014. Available at: [http://www.vertic.org/media/assets/nim_docs/NIM%20Tools%20\(Guides%20Handbooks\)/Nuclear%20Security/NLIK-Nuclear%20Security_EN_3mar2014.pdf](http://www.vertic.org/media/assets/nim_docs/NIM%20Tools%20(Guides%20Handbooks)/Nuclear%20Security/NLIK-Nuclear%20Security_EN_3mar2014.pdf) (last accessed 30 June 2017).

		<p>record, book, account, document or computerized data relating to any offence under this Act.</p> <p>(2) The relevant Authority may collaborate with competent authorities of other States and international organizations and entities, and coordinate their actions to the extent required by the implementation of this Act.”</p> <p><i>Section 21. Violations and Penalties</i></p> <p>“(1) Liability for offenses by individuals Any person who-</p> <ul style="list-style-type: none"> (a) contravenes or fails to comply with this Act; (b) falsely represents that any goods or activities fall outside the purview of this Act; (c) makes any statement regarding a matter with which this Act is concerned to an authorized officer which statement is false in any material respect, knowing it to be false or knowing it to be misleading; (d) falsely holds himself out to be an authorized officer; (e) refuses or fails to comply to the best of his ability with any lawful requirement of an authorized officer, or (f) hinders or obstructs an authorized officer in the exercise of his functions under this Act, <p>shall be guilty of an offence, and liable on conviction -</p> <ul style="list-style-type: none"> (i) in the case of an offense referred to in paragraph (a), <ul style="list-style-type: none"> 1. in the case of Section 8, 9, and 10 of this Act to a fine, or to imprisonment for a period not exceeding [] years; 2. in the case of Section 19 of this Act, to a fine, or to imprisonment for a period not exceeding [] years; 3. in the case of any other Section of this Act, to a fine or to imprisonment for a period not exceeding [] years; (ii) in the case of an offense referred to in paragraph (b) to a fine, or to imprisonment for a period not exceeding [] years; (iii) in the case of an offense referred to in paragraph (c) to a fine, or to imprisonment for a period not exceeding [] years; (iv) in the case of an offense referred to in paragraph (d) to a fine, or to imprisonment for a period not exceeding [] years; (v) in the case of an offense referred to in paragraph (e) to a fine, or to imprisonment for a period not exceeding [] years; <p>and</p> <ul style="list-style-type: none"> (vi) in the case of an offense referred to in paragraph (f) to a fine, or to imprisonment for a period not exceeding [] years. <p>The accused may provide as a defense that he or she has made all reasonable inquiries and had no reason to know that the conduct would be inconsistent with this Act.</p> <p>(2) Liabilities for offences by entities</p> <p>Where an offence under this Act has been committed by an entity, any person who at the time the commission of the offence was a director, manager, secretary or other similar officer of the entity or was purporting to act in any such capacity, or was in any manner or to any extent responsible for the management of any of the affairs of such entity, or was assisting in such management, shall be deemed to be guilty of the offence unless the person proves that the offence was committed without his knowledge, consent or connivance and that he exercised all due diligence to prevent the commission of such offence, having regard to the nature of his functions in that capacity and to all the circumstances.</p> <p>(3) Penalties with reference to other laws</p> <p>Where any act or omission constitutes an offence punishable under this Act and also under any other relevant national regulation, then the offender found guilty of such offence shall be liable to be punished under that regulation which imposes a greater punishment.”</p>			
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I-2	Acquire	See I-1, <u>Georgetown Model Act, Sections 8, 13, 20 and 21.</u>	See I-1, <u>BWC Sample Act, Sections 5 and 26.</u>	See I-1, <u>CWC Implementation Kit, Sections 6.1 and 6.7.</u>	See I-1, <u>Nuclear Security Implementation Kit, Footnote 126 under the Nuclear Security Implementation Kit.</u>
I-3	Possess	See I-1, <u>Georgetown Model Act, Sections 8, 13, 20 and 21.</u>	See I-1, <u>BWC Sample Act, Sections 5 and 26.</u>	See I-1, <u>CWC Implementation Kit, Section 6.1.</u>	<p>See I-1, <u>Nuclear Security Implementation Kit, Footnote 126 under the Nuclear Security Implementation Kit.</u></p> <p><i>Section 3.2 Licensing</i> “(1) No person shall receive, possess, use, transfer, alter, or dispose of nuclear material without a license from the [competent [authority] [authorities]]. ...”</p> <p><i>Section 6.1 Offences involving nuclear material</i> “(1) Any person who intentionally commits an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. ...”</p> <p><i>Section 6.3 Additional offences involving radioactive material and devices</i> “(1) Any person who unlawfully and intentionally possesses radioactive material or makes or possesses a device- (a) with the intent to cause death or serious bodily injury; or (b) with the intent to cause substantial damage to property or to the environment commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].”</p>
I-4	Stockpile/store	See I-1, <u>Georgetown Model Act, Sections 8, 13, 20 and 21.</u>	See I-1, <u>BWC Sample Act, Sections 5 and 26.</u>	See I-1, <u>CWC Implementation Kit, Sections 6.1 and 6.7.</u>	See I-1, <u>Nuclear Security Implementation Kit, Footnote 126 under the Nuclear Security Implementation Kit.</u>
I-5	Develop	See I-1, <u>Georgetown Model Act, Sections 8, 13, 20 and 21.</u>	See I-1, <u>BWC Sample Act, Sections 5 and 26.</u>	See I-1, <u>CWC Implementation Kit, Section 6.1.</u>	See I-1, <u>Nuclear Security Implementation Kit, Section 6.3 and Footnote 126 under the Nuclear Security Implementation Kit.</u>
I-6	Transport	See I-1, <u>Georgetown Model Act, Sections 8, 13, 20 and 21.</u>	See I-1, <u>BWC Sample Act, Sections 5 and 26.</u>	<p><i>6.2 Transportation or transfer of chemical weapons</i> “Any person [level of intent] transporting, transiting, transshipping or transferring directly or indirectly a chemical weapon to any other person, commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p>	<p>See I-1, <u>Nuclear Security Implementation Kit, Footnote 126 under the Nuclear Security Implementation Kit.</u></p> <p><i>Section 3.2 Licensing</i> “... (2) No person shall export, import, transport, or otherwise carry, send or move nuclear material into or out of [State], without a license from the [competent authority].”</p> <p><i>Section 6.1 Offences involving nuclear material</i> “... (4) Any person who intentionally commits an act which constitutes the carrying, sending, or moving of nuclear material into or out of [State] without approval from the [competent authority] commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. ...”</p>

					<p><i>Section 6.4 Offences specific to aircraft</i> “...(3) Any person who unlawfully and intentionally transports, causes to be transported, or facilitates the transport of, on board an aircraft- ... (b) any nuclear weapon or other nuclear explosive device, knowing it to be a nuclear weapon or other nuclear explosive device; ... (d) any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a nuclear weapon or other nuclear explosive device without lawful authorization and with the intention that it will be used for such purpose commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]...”</p> <p><i>Section 6.5 Offences specific to ships</i> “...(2) Any person who unlawfully and intentionally transports on board a ship- ... (b) any weapon or other nuclear explosive device, knowing it to be a nuclear weapon or other nuclear explosive device;... (d) any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. (3) Transport of an item or material covered by paragraph (2)(c) or, insofar as it relates to a nuclear weapon or other nuclear explosive device, paragraph (2)(d), shall not be an offence if- (a) such transport is authorized by the [competent authority]; and (b) such item or material is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) where- (i) the resulting transfer or receipt, including internal to [State], of the item or material is not contrary to [State’s] obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); and (ii) if the item or material is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the holding of such weapon or device is not contrary to that State Party’s obligations under that Treaty...”</p>
I-7	Transfer	See I-1, <u>Georgetown Model Act</u> , Sections 8, 13, 20 and 21.	<i>Section 5. Misuse of biological agents and toxins:</i> “...(3) Every person commits an offence who –	<i>Section 6.8. Re-exportation of Schedule 1 chemicals</i> “Any person [level of intent] exporting a Schedule 1 chemical	See I-1, <u>Nuclear Security Implementation Kit</u> , Footnote 126 under the <i>Nuclear Security Implementation Kit</i> .

			<p>(a) develops, acquires, manufactures, possesses, stores, transports, transfers or uses controlled agents or toxins –</p> <ul style="list-style-type: none"> i. without a license granted by the [RESPONSIBLE AUTHORITY] under section 11 of this [ACT, STATUTE, ORDINANCE, LAW], ii. in violation of the conditions of a license granted by the [RESPONSIBLE AUTHORITY] under section 11 of this [ACT, STATUTE, ORDINANCE, LAW], or iii. in violation of any other provision of section 11 of this [ACT, STATUTE, ORDINANCE, LAW]; <p>(b) transfers controlled agents or toxins within the territory of [COUNTRY NAME] to individuals or entities that have not been granted a license by the [RESPONSIBLE AUTHORITY] under section 12 of this [ACT, STATUTE, ORDINANCE, LAW] or fails to notify the [RESPONSIBLE AUTHORITY] of the transfer;</p> <p>(c) imports, exports, re-exports, or transships any controlled agent or toxin or controlled equipment or technology through the territory of [COUNTRY NAME] –</p> <ul style="list-style-type: none"> i. without a transfer permit granted by the [RESPONSIBLE AUTHORITY] under section 13 of this [ACT, STATUTE, ORDINANCE, LAW], or ii. without an end-user certificate under section 13 of this [ACT, STATUTE, ORDINANCE, LAW];... <p>See also I-1, <u>BWC Sample Act</u>, Sections 5 and 26.</p>	<p>previously imported into [State Party] to a third state, commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p> <p><i>Section 6.9. Export or import of Schedule 1 and 2 chemicals</i> “Any person [level of intent] illegally exporting to, or importing from, a State not party to the Convention, a Schedule 1 or 2 chemical commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p> <p><i>Section 6.10. Export of Schedule 3 chemicals</i> “Any person [level of intent] illegally exporting a Schedule 3 chemical to a State not party to the Convention commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p> <p>See I-1, <u>CWC Implementation Kit</u>, Section 6.7 and I-6, <u>CWC Implementation Kit</u>, Section 6.2.</p>	<p><i>Section 3.2 Licensing</i></p> <p>“(1) No person shall receive, possess, use, transfer, alter, or dispose of nuclear material without a license from the [competent [authority] [authorities]]. ...”</p> <p><i>Section 6.1 Offences involving nuclear material</i></p> <p>“(1) Any person who intentionally commits an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>...</p> <p>(4) Any person who intentionally commits an act which constitutes the carrying, sending, or moving of nuclear material into or out of [State] without approval from the [competent authority] commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. ...”</p>
<p>I-8</p>	<p>Use</p>	<p>See I-1, <u>Georgetown Model Act</u>, Sections 8, 13, 20 and 21.</p>	<p><i>Section 5. Misuse of biological agents and toxins</i></p> <p>“(1) Every person commits an offence who knowingly –</p> <p>...</p> <p>(c) uses any biological or toxin weapon;</p> <p>...</p> <p>(2) Every person commits an offence who intentionally releases biological agents or toxins for the purpose of harming and killing human beings, animals or plants in order to intimidate or coerce a government or civilian population to further political or social objectives....”</p> <p>See also I-1, <u>BWC Sample Act</u>, Section 26.</p>	<p><i>6.3 Use of chemical weapons</i></p> <p>“Any person [level of intent] using a chemical weapon, commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p> <p>See also I-6, <u>CWC Implementation Kit</u>, Sections 6.1 and 6.7.</p>	<p>See I-1, <u>Nuclear Security Implementation Kit</u>, Footnote 126 under the <u>Nuclear Security Implementation Kit</u>.</p> <p>See I-7, <u>Nuclear Security Implementation Kit</u>, Section 3.2</p> <p><i>Section 6.1 Offences involving nuclear material</i></p> <p>“(1) Any person who intentionally commits an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. ...”</p> <p><i>Section 6.3 Additional offences involving radioactive material and devices</i></p> <p>“....</p> <p>(2) Any person who unlawfully and intentionally uses in any way radioactive material or a device-</p> <ul style="list-style-type: none"> (a) with the intent to cause death or serious bodily injury; or (b) with the intent to cause substantial damage to property or to the environment; or (c) with the intent to compel a natural or legal person, an international organization or a State to do or refrain from

					<p>doing an act commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. ...”</p> <p><i>Section 6.4 Offences specific to aircraft</i> “(1) Any person who unlawfully and intentionally releases or discharges from an aircraft in service any nuclear weapon or other nuclear explosive device or explosive, radioactive, or similar substances in a manner that causes or is likely to cause death, serious bodily injury or serious damage to property or the environment commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. (2) Any person who unlawfully and intentionally uses against or on board an aircraft in service any nuclear weapon or other nuclear explosive device or explosive, radioactive, or similar substances in a manner that causes or is likely to cause death, serious bodily injury or serious damage to property or the environment commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]...”</p> <p><i>Section 6.5 Offences specific to ships</i> “(1) Any person who unlawfully and intentionally uses against or on a ship or discharges from a ship any explosive, radioactive material or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death or serious injury or damage, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]...”</p> <p><i>Section 6.6. Offences specific to fixed platforms</i> “(1) Any person who unlawfully and intentionally uses against or on a fixed platform or discharges from a fixed platform any explosive, radioactive material or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death or serious injury or damage, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. (2) Any person who unlawfully and intentionally injures or kills any person in connection with the commission of any of the offences set forth in paragraph (1) of this Section or Section 6.8, paragraph (4) commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].”</p>
<p>I-9</p>	<p>Participate as an accomplice in abovementioned activities</p>	<p><i>Section 8: Relevant Domestic Activities Related To Controlled Items</i> “... (2) No person shall attempt, accomplice, assist, or provide services relating to activities which are inconsistent with subsection (1). ...” See also I-1, <u>Georgetown Model Act</u>, Sections 20 and 21.</p>	<p><i>Section 6. Alternative criminal liability</i> “Every person commits an offence who – ... (e) acts as an accomplice to or finances any of the activities prohibited under section 5.” See also I-1, <u>BWC Sample Act</u>, Section 26.</p>		<p><i>Section 6.10. Participation</i> “Any person who intentionally commits an act which constitutes participation or who participates as an accomplice in any offence described in Sections 6.1; 6.2, paragraphs (1), (3) and (4); 6.3; 6.4, paragraphs (1), (2) and (3); 6.5, paragraphs (1), (2), (4) and (5); 6.6; 6.7; 6.8 and 6.9 commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].”</p>

					See also I-1, <u>Nuclear Security Implementation Kit, Footnote 126 under Nuclear Security Implementation Kit.</u>
I-10	Assist in abovementioned activities	See I-9, <u>Georgetown Model Act, Section 8</u> and I-1, <u>Georgetown Model Act, Sections 20 and 21.</u>	<p><i>Section 6. Alternative criminal liability</i> “Every person commits an offence who –</p> <p>(a) assists, encourages or induces, in any way, anyone to engage in any of the activities prohibited under section 5;...”</p> <p>See also I-1, <u>BWC Sample Act, Section 26.</u></p>	<p><i>Section 6.14. Accessory offence, conspiracy and attempt</i> “Any person– (a) [level of intent] assisting, encouraging or inducing anyone to commit an offence under this [Act, Statute, Ordinance, etc.]; ... shall be deemed to have committed the like offence.”</p>	<p><i>Section 6.12 Contributing to the commission of an act</i> “Any person who intentionally commits an act which contributes to the commission of any offence described in Sections 6.1; 6.2, paragraphs (1), (3) and (4); 6.3; 6.4, paragraphs (1), (2) and (3); 6.5, paragraphs (1), (2), (4) and (5); 6.6; 6.7; 6.8; and 6.9 by a group of persons acting with a common purpose– (a) with the aim of furthering the criminal activity or criminal purpose of the group; or (b) in the knowledge of the intention of the group to commit the offence or offences concerned commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].”</p> <p>See also I-1, <u>Nuclear Security Implementation Kit, Footnote 126 under Nuclear Security Implementation Kit.</u></p>
I-11	Finance abovementioned activities	See I-9, <u>Georgetown Model Act, Section 8</u> and I-1, <u>Georgetown Model Act, Sections 20 and 21.</u>	See I-9, <u>BWC Sample Act, Section 6</u> , and I-1, <u>BWC Sample Act, Section 26.</u>		See also I-1, <u>Nuclear Security Implementation Kit, Footnote 126 under Nuclear Security Implementation Kit.</u>
I-12	Abovementioned activities related to means of delivery (missiles, rockets and other unmanned systems capable of delivering nuclear, chemical or biological weapons, that are especially designed for such use)	<p>See I-1, <u>Georgetown Model Act, Sections 8, 13, 20 and 21</u> and I-9, <u>Georgetown Model Act, Section 8.</u></p> <p>(The meaning of “Controlled items” is left to the discretion of the relevant authority under Section 6.)</p>	<p><i>Section 4. Interpretation</i> “(1) In this [ACT, STATUTE, ORDINANCE, LAW] –</p> <p>(a) “Biological or toxin weapon” means –</p> <p>i. microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;</p> <p>ii. weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict; ...”</p> <p>See also I-1 to I-11 of <u>BWC Sample Act, Sections 5, 6 and 26.</u></p>	<p><i>Section 1.1 Definition of “chemical weapon”</i> ““Chemical weapon” means the following, together or separately— (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with such purposes; (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices; (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).”</p> <p>See also I-1 to I-11 of <u>CWC Implementation Kit, Sections 6.1, 6.2, 6.3 and 6.14.</u></p>	<p><i>6.3 Additional offences involving radioactive material and devices</i> (1) Any person who unlawfully and intentionally possesses radioactive material or makes or possesses a device– (a) with the intent to cause death or serious bodily injury; or (b) with the intent to cause substantial damage to property or to the environment commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. (2) Any person who unlawfully and intentionally uses in any way radioactive material or a device– (a) with the intent to cause death or serious bodily injury; or (b) with the intent to cause substantial damage to property or to the environment; or (c) with the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. (3) Any person who demands unlawfully and intentionally radioactive material or a device by threat, under circumstances which indicate the credibility of the threat, or by use of force commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>See also I-1, <u>Nuclear Security Implementation Kit, Footnote</u></p>

					126 under Nuclear Security Implementation Kit.
I-13	Involvement of non-State actors in abovementioned activities	<p><i>Section 13. Grant or Refusal of Permit</i></p> <p>“(1) The relevant Authority may, after considering the application for a permit under subsection 12(1) and any additional documents or information provided under subsection 12(2) and being satisfied that all the requirements have been fulfilled, grant the permit or refuse to grant the permit in accordance with the regulations made under this Act.”</p> <p><i>Annex 5. Regulations Establishing the Guidelines of Granting a Permit or a Special Permit Under Section 13(1) of the Act</i></p> <p>“1. Authorized officers shall refuse to grant permits or special permits for any relevant domestic activity or any relevant international trade activity under section 13(1)—</p> <p>(1) Where the said activity is deemed to be:</p> <p>...</p> <p>(b) Supportive of international terrorism; or ...”</p>	<p><i>Section 4. Interpretation</i></p> <p>“(1) In this [ACT, STATUTE, ORDINANCE, LAW] –</p> <p>... (e) “Person” means any natural person or, to the extent consistent with internal law as to criminal responsibility, any legal person;..”</p> <p>See I-1 to I-14 of <i>BWC Sample Act</i>, Sections 5, 6 and 26.</p>	<p>See I-1 to I-14 of <i>CWC Implementation Kit</i>, Sections 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12 and 6.14.</p>	<p>See footnote 112 under Nuclear Security Implementation Kit:</p> <p>“‘Person’ should be defined or understood under national law to include natural persons and legal entities. See, for example, Article 4 of the Beijing Convention, Article 5bis of SUA 2005 and Article 1, para. 1 of SUA PROT 2005. Also see the footnote in UN Security Council Resolution 1540 (S/RES/1540 (2004)): “Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution”.”</p> <p>See I-1 to I-14 of Nuclear Security Implementation Kit, Sections 3.2, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12 and footnote 126 under the Nuclear Security Implementation Kit</p>
I-14	Other		<p><i>Section 5. Misuse of biological agents and toxins:</i></p> <p>“(1) Every person commits an offence who knowingly –</p> <p>...</p> <p>(b) engages in preparations to use any biological or toxin weapon;</p> <p>(c) constructs, acquires or retains any facility intended for the production of biological or toxin weapons; or</p> <p>(d) weaponises any biological agent or toxin.</p> <p>(2) Every person commits an offence who intentionally releases biological agents or toxins for the purpose of harming and killing human beings, animals or plants in order to intimidate or coerce a government or civilian population to further political or social objectives.</p> <p>(3) Every person commits an offence who –</p> <p>....</p> <p>(d) fails to transfer controlled agents or toxins, internally or internationally, through an approved carrier or fails to comply with any other provision of section 14;</p> <p>(e) constructs, acquires or retains any facility designed or intended for the manufacture of or research on any controlled agent or toxin, except in accordance with this [ACT, STATUTE, ORDINANCE, LAW] and any regulations issued hereunder or any other [ACT, STATUTE, ORDINANCE, LAW];</p> <p>(f) tampers with any facility, package, or containment vessel containing controlled agents or toxins in order to cause their release; or</p> <p>(g) diverts or steals controlled agents or toxins from a facility or authorised transport vehicle, or uses or takes control of an authorised transport vehicle containing controlled agents or toxins so as to cause the release of those controlled agents or toxins.”</p> <p><i>Section 6. Alternative criminal liability:</i></p> <p>“Every person commits an offence who –</p> <p>...</p> <p>(b) orders or directs anyone to engage in any of the activities prohibited under section 0;</p> <p>(c) attempts to commit any of the offences prohibited</p>	<p><i>Section 6.4. Engagement in military preparations to use of chemical weapons</i></p> <p>“Any person [level of intent] engaging in any military preparations to use a chemical weapon, commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p> <p><i>Section 6.5. Use of riot control agents as a method of warfare</i></p> <p>“Any person [level of intent] using riot control agents as a method of warfare commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p> <p><i>Section 6.6. Construction of new chemical weapons production facilities</i></p> <p>“Any person [level of intent] owning or possessing a chemical weapons production facility, constructing any new chemical weapons production facility or modifying any existing facility for the purpose of transforming it into a chemical weapons production facility commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p> <p><i>Section 6.11. Obstruction of verification and enforcement measures</i></p> <p>(1) Any person [level of intent] obstructing measures of verification or enforcement under the Convention [and/or] this law and its implementing regulations, commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].</p> <p>(2) Paragraph 1 does not apply to a person that has not granted its consent to the carrying out of the international inspection, unless a search warrant has been issued.</p> <p><i>Section 6.12. Failure to comply with the licensing or declaration regime</i></p> <p>Any person [level of intent] failing to comply with the</p>	<p><i>Section 6.1. Offences involving nuclear material</i></p> <p>“... (2) Any person who intentionally commits a theft or robbery of nuclear material commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(3) Any person who intentionally embezzles or fraudulently obtains nuclear material commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>... (5) Any person who intentionally commits an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].”</p> <p><i>Section 6.2 Offences involving nuclear facilities</i></p> <p>“(1) Any person who intentionally commits an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally causes, or where he knows that the act is likely to cause, death or serious injury to any person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substances, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(2) Paragraph (1) shall not apply if the act is undertaken in conformity with the law of [State].</p> <p>(3) Any person who unlawfully and intentionally uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material-</p> <p>(a) with the intent to cause death or serious bodily injury; or</p> <p>(b) with the intent to cause substantial damage to property or to the environment; or</p> <p>(c) with the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act</p>

			<p>under section 5; (d) threatens to commit any of the offences prohibited under section 5; or ...”</p> <p>See also I-1, <u>BWC Sample Act, Section 26.</u></p>	<p>licensing or the declaration regime including the record-keeping regime or any other requirement to provide information established by this law and its implementing regulations, commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].</p> <p><i>Section 6.14 Accessory offence, conspiracy and attempt:</i> “Any person– ... (b) conspiring to commit an offence under this [Act, Statute, Ordinance, etc.]; or (c) attempting to commit an offence under this [Act, Statute, Ordinance, etc.] shall be deemed to have committed the like offence.”</p>	<p>commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(4) Any person who demands unlawfully and intentionally a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].”</p> <p><i>Section 6.4 Offences specific to aircraft</i> “(1) Any person who unlawfully and intentionally releases or discharges from an aircraft in service any nuclear weapon or other nuclear explosive device or explosive, radioactive, or similar substances in a manner that causes or is likely to cause death, serious bodily injury or serious damage to property or the environment commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. (2) Any person who unlawfully and intentionally uses against or on board an aircraft in service any nuclear weapon or other nuclear explosive device or explosive, radioactive, or similar substances in a manner that causes or is likely to cause death, serious bodily injury or serious damage to property or the environment commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. (3) Any person who unlawfully and intentionally transports, causes to be transported, or facilitates the transport of, on board an aircraft- (a) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act; (b) any nuclear weapon or other nuclear explosive device, knowing it to be a nuclear weapon or other nuclear explosive device; (c) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to a safeguards agreement with the International Atomic Energy Agency; or (d) any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a nuclear weapon or other nuclear explosive device without lawful authorization and with the intention that it will be used for such purpose commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. (4) Transport of items and materials under subparagraphs (3)(c) and (d) shall not be an offence if authorized by the [competent authority] and if the transport of such items or materials is consistent with or is for a use or activity that is consistent with [State’s] rights, responsibilities and obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). (5) Any person who unlawfully and intentionally assists another person to evade investigation, prosecution or</p>
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					<p>punishment, knowing that-</p> <ul style="list-style-type: none"> (a) the person has committed an act that constitutes an offence set forth in paragraphs (1), (2) and (3) of this Section and Sections 6.8, paragraph (3); 6.9; 6.10; and 6.11; or (b) the person is wanted for criminal prosecution by law enforcement authorities for such an offence or has been sentenced for such an offence <p>commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(6) Any person who intentionally agrees with one or more other persons to commit an offence set forth in paragraphs (1), (2) and (3) of this Section and Section 6.8, paragraph (3) commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].”</p> <p><i>Section 6.5 Offences specific to ships</i></p> <p>“(1) Any person who unlawfully and intentionally uses against or on a ship or discharges from a ship any explosive, radioactive material or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death or serious injury or damage, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(2) Any person who unlawfully and intentionally transports on board a ship-</p> <ul style="list-style-type: none"> (a) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, with or without a condition, death or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act; (b) any weapon or other nuclear explosive device, knowing it to be a nuclear weapon or other nuclear explosive device; (c) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to a comprehensive safeguards agreement with the International Atomic Energy Agency; or (d) any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, <p>commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(3) Transport of an item or material covered by paragraph (2)(c) or, insofar as it relates to a nuclear weapon or other nuclear explosive device, paragraph (2)(d), shall not be an offence if-</p> <ul style="list-style-type: none"> (a) such transport is authorized by the [competent authority]; and (b) such item or material is transported to or from
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					<p>the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) where-</p> <ul style="list-style-type: none"> (i) the resulting transfer or receipt, including internal to [State], of the item or material is not contrary to [State's] obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); and (ii) if the item or material is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the holding of such weapon or device is not contrary to that State Party's obligations under that Treaty. <p>(4) Any person who unlawfully and intentionally transports another person on board a ship knowing that the person has committed an act that constitutes-</p> <ul style="list-style-type: none"> (a) an offence set forth in paragraphs (1), (2) and (5) of this Section and Sections 6.8, paragraph (4); 6.9; 6.10; 6.11; and 6.12; or (b) an offence set forth in the 1980 Convention on the Physical Protection of Nuclear Material, <p>and intending to assist that person to evade criminal prosecution, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(5) Any person who unlawfully and intentionally injures or kills any person in connection with the commission of any of the offences set forth in paragraphs (1), (2) and (4) of this Section and Section 6.8, paragraph (4) commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]."</p> <p><i>Section 6.6. Offences specific to fixed platforms</i></p> <p>"(1) Any person who unlawfully and intentionally uses against or on a fixed platform or discharges from a fixed platform any explosive, radioactive material or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death or serious injury or damage, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(2) Any person who unlawfully and intentionally injures or kills any person in connection with the commission of any of the offences set forth in paragraph (1) of this Section or Section 6.8, paragraph (4) commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]."</p> <p><i>Section 6.7. Offences related to computer security</i></p> <p>"(1) Any person who, in relation to nuclear facilities or facilities involved in the management of radioactive sources, unlawfully and intentionally-</p> <ul style="list-style-type: none"> (a) commits information-gathering attacks aimed at planning and executing further malicious acts;
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					<p>(b) commits attacks disabling or compromising the attributes of one or several computers crucial to facility security or safety; or</p> <p>(c) compromises one or several computers combined with other concurrent modes of attack, such as physical intrusion to target locations</p> <p>commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(2) Any person who, in relation to nuclear facilities or facilities involved in the management of radioactive sources, unlawfully and intentionally commits a theft of sensitive or confidential information, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]. "</p> <p><i>Section 6.8. Threats</i></p> <p>"(1) Any person who intentionally threatens-</p> <p>(a) to use nuclear material to cause death or serious injury to any person or substantial damage to property or to the environment or to commit the offence described in Section 6.2, paragraph (1); or</p> <p>(b) to commit an offence described in Sections 6.1, paragraph (2) and 6.2, paragraph (1) in order to compel a natural or legal person, international organization or [State] to do or to refrain from doing any act</p> <p>commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(2) Any person who threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in Sections 6.2, paragraph (3) and 6.3, paragraph (2) commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(3) Any person who-</p> <p>(a) makes a threat to commit any of the offences in Section 6.4, paragraphs (1) and (2); or</p> <p>(b) unlawfully and intentionally causes any person to receive such a threat, under circumstances which indicate that the threat is credible</p> <p>commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(4) Any person who unlawfully and intentionally threatens to commit the offence in Sections 6.5, paragraph (1) or 6.6, paragraph (1), with or without condition, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act, commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].</p> <p>(5) Any person who intentionally threatens to commit an offence described in Section 6.7 commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount]."</p> <p><i>Section 6.9. Attempts</i></p> <p>"Any person who attempts to commit any offence described in</p>
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					<p>Sections 6.1, paragraphs (1), (2), (3) and (4); 6.2, paragraphs (1) and (3); 6.3, paragraphs (1) and (2); 6.4, paragraphs (1), (2) and (3); 6.5, paragraphs (1) and (5); 6.6 and 6.7 commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].”</p> <p><i>Section 6.11. Organising or directing others</i> “Any person who intentionally organises or directs others to commit an offence described in Sections 6.1; 6.2, paragraphs (1), (3) and (4); 6.3; 6.4, paragraphs (1), (2) and (3); 6.5, paragraphs (1), (2), (4) and (5); 6.6; 6.7; 6.8; and 6.9 commits an offence and shall be punished upon conviction to imprisonment for a term not exceeding [period] [and/or] a fine not exceeding [amount].”</p>
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II. UNSCR 1540 OP 3 (a) and (b) – Account for/Secure/Physically protect NW, CW and BW, including Related Materials⁷: Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW, CW, BW and Related Materials? Can violators be penalized?

UNSCR 1540 Matrix	Georgetown/CARICOM Model Act	VERTIC BWC Sample Act	OPCW CWC Implementation Kit	Indonesia-VERTIC Nuclear Security Implementation Kit
<p>II-1</p> <p>Measures to account for production</p>	<p>See I-1, <i>Georgetown Model Act, Section 8</i>.</p> <p><i>Section 16. Maintenance of Documents and Register</i> “(1) A person who is granted a permit or registered as a broker under this Act shall maintain comprehensive records in relation to the controlled items or restricted activities in accordance with the regulations made under this Act: (a) for a period of 5 years; (b) in hard copy (paper) or electronic formats; (c) a person who is granted a permit or registered as a broker shall make these records available to the government authorities when requested to assist in an investigation or prosecution of a violation, including a trans-national cooperative enforcement activity.”</p> <p><i>Annex 7. Regulations Establishing the Information Required to be Recorded by the Permit-Holder or a Registered Broker Under Section 16 of the Act</i> “1. The permit-holder or a registered broker shall maintain under section 16 of the Act comprehensive records containing the following information: (a) For all the activities which are covered by a permit or a registration: (i) The activity which was undertaken; (ii) Name and quantity of the controlled items or unlisted items involved in the activity; (iii) The date of the activity; (iv) The person in charge of the activity and contact information; (v) The other party of the activity and contact information as applicable; (vi) Additional descriptive information from the manufacturer, as applicable and appropriate, such as serial numbers, dimensions, technical specifications and capabilities; (vii) Country of origin of the controlled items or unlisted</p>	<p><i>Section 11. Licensing for controlled agents and toxins</i> “...(2) A license granted under this section shall list each controlled agent or toxin that an individual or entity is authorised to develop, acquire, manufacture, possess, store, transport, transfer or use. ... <i>Notification of facilities</i> (8) The entity shall notify all of its facilities that develop, acquire, manufacture, possess, store, transport, transfer or use controlled agents or toxins, and licensed individuals working at those facilities, to the [RESPONSIBLE AUTHORITY]. The facilities that are notified to the [RESPONSIBLE AUTHORITY] shall be known as “notified facilities”. ... <i>Record-keeping by the [RESPONSIBLE AUTHORITY]</i> (10) The [RESPONSIBLE AUTHORITY] shall maintain an accurate and current record of all licensed individuals and entities and notified facilities under this section, including the names and locations of the licensed individuals and entities and notified facilities, and information on the controlled agents or toxins each individual or entity is licensed to develop, acquire, manufacture, possess, store, transport, transfer or use....”</p> <p><i>Section 17. Record-keeping and reporting and related offences</i> <i>Record-keeping and providing information</i> “...(3) Every individual, entity and carrier subject to this [ACT, STATUTE, ORDINANCE, LAW] and the regulations issued hereunder shall – (a) Keep and maintain the data, information and documents specified by the regulations at the individual, entity or carrier’s place of business, or at such other place as may be designated by the [RESPONSIBLE AUTHORITY], in the manner and for the period that is specified by the regulations; (b) Prepare reports from such data, information and documents as may be specified by the regulations;</p>	<p><i>Section 3.1.1. Control regime for Schedule 1 chemicals</i> “... (2) The production of Schedule 1 chemicals is prohibited unless carried out for research, medical, pharmaceutical or protective purposes and in a facility licensed by the [competent authority] in accordance with regulations established under this [Act, Statute, Ordinance, etc.]. Exemptions from this licensing requirement may be granted in the regulations under this [Act, Statute, Ordinance, etc.] in strict accordance with the Convention. Further activities regarding Schedule 1 chemicals that shall only be carried out in licensed facilities may be identified in regulations established under this [Act, Statute, Ordinance, etc.] in strict accordance with the Convention. ... (4) Any person having performed any activity that is covered by this section, or having operated a facility in which such activity was carried out, or anticipating carrying out such an activity in the future shall make declarations in accordance with the regime established in the regulations issued under this [Act, Statute, Ordinance, etc.]. ...”</p> <p><i>Section 3.1.2 Control regime for Schedule 2 chemicals</i> “(1) Any person having performed an activity involving the production, processing or consumption of Schedule 2 chemicals, or having operated a facility in which such activity was carried out, or anticipating carrying out such an activity in the future shall make declarations in accordance with the regime established in the regulations issued under this [Act, Statute, Ordinance, etc.]. ...”</p> <p><i>Section 3.1.3 Control regime for Schedule 3 chemicals</i> “(1) Any person who has produced Schedule 3 chemicals, or who operates a facility in which such an activity was carried out, or who anticipates carrying out this activity in the future shall make declarations in accordance with the regime established in the regulations under this [Act, Statute, Ordinance, etc.]. ...”</p>	<p><i>Section 3.3 National register of nuclear material and radioactive sources</i> “(1) The [competent authority] shall establish a national register of nuclear material. (2) The [competent authority] shall establish a national register of radioactive sources. (3) The national register in paragraph (2) shall include, at a minimum, all Category 1 and 2 radioactive sources located within the territory of [State]. (4) The national registers in paragraphs (1) and (2) shall be further provided for in the regulations issued under this [Act, Statute, Ordinance, etc.].”</p>

⁷ Materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

	<p>items as applicable;</p> <p>(viii) A permit or a registration, including the date of issue and date of expirations under which the activity was undertaken.</p> <p>(b) Additional information required for transits and transshipments:</p> <p>(i) Country of origin of the controlled items or unlisted items;</p> <p>(ii) Date of issue of the export license or authorization from that country;</p> <p>(iii) Date of expiration of the export license or authorization from that country;</p> <p>(iv) Destination country for the controlled items or unlisted items;</p> <p>(v) Date of issue of the import license or authorization from destination country;</p> <p>(vi) Date of expiration of the import license or authorization from destination country;</p> <p>(vii) Details of the importer/shipper:</p> <ul style="list-style-type: none"> - Name - Address - Contact Information - Citizenship (if individual) - Country of Residence (if individual) - Country of Registration (if commercial or government) - Name of responsible person or representative (if commercial or government); <p>(viii) Details of the final recipient (if different from the importer):</p> <ul style="list-style-type: none"> - Name - Address - Contact Information - Citizenship (if individual) - Country of Residence (if individual) - Country of Registration (if commercial or government) - Name of responsible person or representative (if commercial or government); <p>(ix) Full details of the route to be taken to the final destination, including any other transit countries and ports of entry and exit.</p> <p>(c) Additional information required for exports and re-exports:</p> <p>(i) Date of issue of the import license or authorization from the destination country;</p> <p>(ii) Date of expiration of the export license or authorization from the destination country;</p> <p>(iii) Name of the license-issuing agency in the destination country;</p> <p>(iv) Details of licensing conditions attached to the license/permit;</p> <p>(v) Full details of the route to be taken to the final destination, including any transit countries and ports of entry and exit;</p> <p>(vi) Details of the importer in destination country:</p> <ul style="list-style-type: none"> - Name - Address - Contact Information - Citizenship (if individual) - Country of Residence (if individual) 	<p>and</p> <p>(c) Provide such reports to the [RESPONSIBLE AUTHORITY] or any other authority specified by the regulations, at such times and in a form specified by the regulations....”</p> <p>...</p> <p>(7) Every person commits an offence who fails to provide any data, information or document to the [RESPONSIBLE AUTHORITY], or who makes a false or misleading statement in any data, information, document or report prepared pursuant to this section.</p> <p>(8) Every person commits an offence who omits any matter, knowing that the omission makes any data, information, document or report prepared pursuant to this section false or misleading. ...”</p>	<p><i>Section 3.1.4 Control regime for unscheduled discrete organic chemicals</i></p> <p>“Any person operating a facility producing unscheduled discrete organic chemicals shall make declarations in accordance with the regime established in the regulations issued under this [Act, Statute, Ordinance, etc.].”</p> <p><i>Section 3.1.5 Record-keeping:</i></p> <p>“Any person carrying out an activity referred to in provisions 3.1.1 to 3.1.4 above, or operating a facility where such activity is carried out, shall keep records in accordance with regulations established under this [Act, Statute, Ordinance, etc.]”</p>	
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		<ul style="list-style-type: none"> - Country of Registration (if commercial or government) - Name of responsible person or representative (if commercial or government); <p>(vii) Details about the final recipient (if different from the importer):</p> <ul style="list-style-type: none"> - Name - Address - Contact Information - Citizenship (if individual) - Country of Residence (if individual) - Country of Registration (if commercial or government) - Name of responsible person or representative (if commercial or government); <p>(viii) Copy of End-Use Certificate(s) signed by the foreign recipient and/or the foreign end-user and/or the destination government.”</p>			
II-2	Measures to account for use	See II-1 , <u>Georgetown Model Act, Sections 8 and 16</u> as well as Annex 7.	<p><i>Section 11. Licensing for controlled agents and toxins</i></p> <p>“... (2) A license granted under this section shall list each controlled agent or toxin that an individual or entity is authorised to develop, acquire, manufacture, possess, store, transport, transfer or use.</p> <p>...</p> <p><i>Notification of facilities</i></p> <p>(8) The entity shall notify all of its facilities that develop, acquire, manufacture, possess, store, transport, transfer or use controlled agents or toxins, and licensed individuals working at those facilities, to the [RESPONSIBLE AUTHORITY]. The facilities that are notified to the [RESPONSIBLE AUTHORITY] shall be known as “notified facilities”....</p> <p><i>Record-keeping by the [RESPONSIBLE AUTHORITY]</i></p> <p>(10) The [RESPONSIBLE AUTHORITY] shall maintain an accurate and current record of all licensed individuals and entities and notified facilities under this section, including the names and locations of the licensed individuals and entities and notified facilities, and information on the controlled agents or toxins each individual or entity is licensed to develop, acquire, manufacture, possess, store, transport, transfer or use....”</p> <p>See also II-1, <u>BWC Sample Act, Section 17</u>.</p>	<p><i>3.1.1 Control regime for Schedule 1 chemicals</i></p> <p>“(1) The acquisition, retention, in-country-transfer, import, export and the use of Schedule 1 chemicals are prohibited unless the chemicals are exclusively applied to research, medical, pharmaceutical or protective purposes and the types and quantities of chemicals are strictly limited to those which can be justified for such purposes. These activities are subject to prior declaration in accordance with regulations established under this [Act, Statute, Ordinance, etc.].</p> <p>...</p> <p>(4) Any person having performed any activity that is covered by this section, or having operated a facility in which such activity was carried out, or anticipating carrying out such an activity in the future shall make declarations in accordance with the regime established in the regulations issued under this [Act, Statute, Ordinance, etc.]. ...”</p>	See II-1 , <u>Nuclear Security Implementation Kit, Section 3.3</u> .
II-3	Measures to account for storage	See II-1 , <u>Georgetown Model Act, Sections 8 and 16</u> as well as Annex 7.	See II-2 , <u>BWC Sample Act, Section 11</u> , and II-1 , <u>BWC Sample Act, Section 17</u> .	See II-2 , <u>CWC Implementation Kit, Section 3.1.1</u> .	See II-1 , <u>Nuclear Security Implementation Kit, Section 3.3</u> .
II-4	Measures to account for transport	See II-1 , <u>Georgetown Model Act, Sections 8 and 16</u> as well as Annex 7.	<p><i>Section 14. Transportation of controlled agents and toxins</i></p> <p><i>Transfers by approved carriers only</i></p> <p>“(1) Internal and international transfers of controlled agents and toxins under sections 12 and 13 shall only be undertaken by carriers approved by the [MINISTRY OF TRANSPORTATION OR RESPONSIBLE AUTHORITY] under subsection (2).</p> <p><i>Approved carriers</i></p> <p>(2) The [MINISTRY OF TRANSPORTATION OR RESPONSIBLE</p>	See II-2 , <u>CWC Implementation Kit, Section 3.1.1</u> .	<p><i>Section 5.1 International nuclear transport</i></p> <p>“(1) Nuclear material in international nuclear transport, whether in the territory of [State], or on board a ship or aircraft under the jurisdiction of [State] insofar as such ship or aircraft is engaged in the transport to or from [State], shall-</p> <p style="padding-left: 40px;">(a) only be transported by a person licensed to transport nuclear material under Section 3.2, paragraph (2) of this [Act, Statute, Ordinance, etc.];</p> <p>...”</p>

			<p>AUTHORITY] shall maintain a roster of carriers approved to transport controlled agents and toxins internally and internationally. The roster shall only include those carriers that have demonstrated to the [MINISTRY OF TRANSPORTATION OR RESPONSIBLE AUTHORITY] that they comply with best practices for packaging and labelling; shipment tracking; and safety and security measures for their personnel, vehicles and facilities. ...”</p> <p>See also II-2, <i>BWC Sample Act, Section 11</i>, and II-1, <i>BWC Sample Act, Section 17</i>.</p>		
<p>II-5</p>	<p>Other measures for accounting</p>	<p><i>Section 17. Registers⁸</i></p> <p>“(1) The relevant Authority shall keep and maintain a register of permit holders and registered brokers.</p> <p>(2) The registers shall be available to the public for inspection subject to such conditions as the relevant Authority considers appropriate.</p> <p>(3) A copy or extract of any entry in the registers duly certified by the relevant Authority shall be given to any person requiring the copy or extract upon payment of the prescribed fee.</p> <p>(4) The registers shall be conclusive evidence if any question arises as to whether any person holds a valid permit or is a registered broker under this Act.”</p>	<p><i>Section 12. Internal transfer controls for controlled agents and toxins</i></p> <p>“(1) Controlled agents and toxins shall only be transferred within the territory of [COUNTRY NAME] among individuals and entities (and their facilities) licensed pursuant to this [ACT, STATUTE, ORDINANCE, LAW] and any regulations issued hereunder.</p> <p>(2) All proposed transfers of controlled agents or toxins within the territory of [COUNTRY NAME] are subject to advance notification to the [RESPONSIBLE AUTHORITY] in accordance with the regulations issued under this [ACT, STATUTE, ORDINANCE, LAW]. ...”</p> <p><i>Section 17. Record-keeping and reporting and related offences</i></p> <p><i>Purpose</i></p> <p>(1) The purpose of this section is to ensure that –</p> <p>(a) controlled agents and toxins are only developed, acquired, manufactured, possessed, stored, transported, transferred, or used for lawful purposes; and</p> <p>(b) facilities in which controlled agents and toxins are developed, acquired, manufactured, possessed, stored, transported, transferred, or used are physically secure.</p> <p>(2) Any power under this section may be exercised only for the purposes in subsection (1).</p> <p>...</p> <p><i>Notice for disclosure of information</i></p> <p>(4) The [RESPONSIBLE AUTHORITY] may send a notice to any individual, entity or carrier whom the [RESPONSIBLE AUTHORITY] believes on reasonable grounds has data, information or documents relevant to the enforcement of this [ACT, STATUTE, ORDINANCE, LAW], requesting the individual, entity or carrier to provide the data, information or documents to the [RESPONSIBLE AUTHORITY].</p> <p>(5) An individual, entity or carrier who receives a notice referred to in subsection (4) shall provide the requested data, information and documents that are under the individual, entity or carrier’s care or control to the [RESPONSIBLE AUTHORITY] in the form and within the time specified in the notice.</p> <p><i>Transmission of information by the [RESPONSIBLE AUTHORITY]</i></p> <p>(6) The [RESPONSIBLE AUTHORITY] shall be authorised to transmit relevant data and information obtained under this [ACT, STATUTE, ORDINANCE, LAW] to other States and</p>	<p><i>Section 3.1.6 Loss, theft or discovery of scheduled chemicals:</i></p> <p>“(1) Any person carrying out an activity referred to in provisions 3.1.1 to 3.1.3 above, or operating a facility where such activity is carried out, shall report without delay any loss or theft of scheduled chemicals to the National Authority.</p> <p>(2) Any person discovering scheduled chemicals on the territory of [State Party] shall inform without delay the [competent authority which shall inform the National Authority].”</p> <p><i>Section 3.3.1 Legal basis for establishing a licensing regime</i></p> <p>“(1) The [competent authority] shall make regulations establishing a licensing regime for all licenses to be granted under this chapter.</p> <p>(2) The regulations on licenses shall, inter alia,</p> <p>(a) provide for different types of licenses with different requirements;</p> <p>(b) prescribe procedures for applying for licenses;</p> <p>(c) establish procedures for processing the applications for licenses;</p> <p>(d) establish procedures for the granting or refusal of licenses;</p> <p>(e) prescribe terms and conditions for the grant of licenses;</p> <p>(f) provide for a regime according to which granted licenses may be suspended, revoked, extended, renewed, transferred, or replaced;</p> <p>(g) establish fees payable by applicants for or holders of licences; and</p> <p>(h) prescribe a record-keeping regime for licence applicants or holders.</p> <p>(3) In case the licensed activity is not or only partially carried out, the [competent authority] shall be informed without delay.”</p> <p><i>Section 3.3.2 Legal basis for establishing a declaration regime:</i></p> <p>“(1) The [competent authority] shall make regulations establishing a declaration regime for all declarations to be made under this chapter.</p> <p>(2) The Regulations on declarations shall, inter alia,</p> <p>(a) specify which past, present or anticipated activities and which relevant facts shall be declared;</p> <p>(b) prescribe procedures for making such declarations;</p>	

⁸ The analysis of the Georgetown Model Strategic Trade Control Act is based on the work produced by the Georgetown University Law Center in its presentation of the model. See pp. 46-63 Model Act to Implement the United Nations Security Council Resolution 1540 with Regard to the Prevention of the Proliferation of Weapons of Mass Destruction, Georgetown University Law Center, 2015. Available at: https://www.tradelab.org/images/tradelab/pdf/clinics/2016/Draft_CARICOM_Model_Act_to_Implement_the_United_Nations_Security_Council_Resolution_1540_with_Regard_to_the_Prevention_of_the_Proliferation_of_Weapons_of_Mass_Destruction_GULC2015.pdf (last accessed 30 June 2017). Text displayed in blue in this column represents provisions not included in that original analysis.

			<p>international organizations.”</p>	<p>(c) specify which documents shall be provided along with the declaration.</p> <p>(3) The regulations may identify cases in which declarations are not required.</p> <p>(4) The regulations shall prescribe a record-keeping regime for persons required to make declarations under this [Act, Statute, Ordinance, etc.]”</p> <p><i>Section 3.3.3 Common rules for the licensing and the declaration regime:</i></p> <p>“The regulations establishing a licensing and a declaration regime shall ensure that the [competent authority] is enabled to</p> <ul style="list-style-type: none"> (a) prevent prohibited activities and comply with the requirements of the Convention; (b) gather all information as required under Article VI of the Convention; and (c) make all declarations to the Organisation under Article VI of the Convention in a comprehensive and timely manner.” 	
<p>II-6</p>	<p>Measures to secure production</p>	<p><i>Section 13. Grant or Refusal of Permit</i></p> <p>“(1) The relevant Authority may, after considering the application for a permit under subsection 12(1) and any additional documents or information provided under subsection 12(2) and being satisfied that all the requirements have been fulfilled, grant the permit or refuse to grant the permit in accordance with the regulations made under this Act.</p> <p>(2) The relevant Authority may impose such conditions as it considers appropriate in granting the permit, including, but not limited to the following:</p> <ul style="list-style-type: none"> (a) the quantities of controlled items provided for by the permit; (b) the end-use requirements and the verification of such end-use requirements of controlled items; (c) the security and physical protection measures of controlled items; (d) the individuals in a permitted entity who may access to the controlled items in case the permit is granted to an entity; (e) the states or territories to which controlled items may be exported or from which controlled items may be imported; (f) the re-export from a state to which controlled items originating in (the Country), are destined for export; (g) the ports, airports or border posts which may be used for the import, export, re- export or transit of controlled goods. ...” <p><i>Annex 5. Regulations Establishing the Guidelines of Granting a Permit or a Special Permit Under Section 13(1) of the Act</i></p> <p>“... 2. With respect to nuclear weapons and related materials, the authorized officials shall make the issuance of a permit or a special permit under section 13(1) conditional on the applicant meeting the following requirements as applicable:</p> <ul style="list-style-type: none"> (a) accepting prime responsibility for the implementation of physical protection of nuclear material or nuclear facilities; (b) giving an assurance that it will give due priority to the security culture, to its development, and 	<p><i>Section 11. Licensing for controlled agents and toxins</i></p> <p><i>Entity licenses, biosecurity and biosafety</i></p> <p>“...(9) (a) Every entity seeking a license under this section shall, as a condition of approval, confirm that its notified facilities comply with the biosecurity regulations issued pursuant to this [ACT, STATUTE, ORDINANCE, LAW], to prevent access to controlled agents or toxins by unlicensed individuals. The regulations shall specify physical protection measures, including physical and personnel security plans, for facilities where controlled agents or toxins are developed, acquired, manufactured, possessed, stored, transported, transferred or used. The regulations shall require personnel security background checks to ensure the reliability of individuals working in facilities where controlled agents or toxins are developed, acquired, manufactured, possessed, stored, transported, transferred or used. Requirements for physical and personnel security shall be commensurate with the risk the controlled agents and toxins pose to public health and safety.</p> <p>(b) Every entity seeking a license under this section shall also, as a condition of approval, confirm that its notified facilities comply with the biosafety regulations issued pursuant to this [ACT, STATUTE, ORDINANCE, LAW], to prevent unintentional exposure to controlled agents and toxins, or their accidental release. ...”</p>	<p><i>Section 3.1.1. Control regime for Schedule 1 chemicals</i></p> <p>“(1) ... If the prior declaration shows that the activity reported would conflict with the obligations of [State Party] under the Convention, the [competent authority] shall prohibit or limit the activity.</p> <p>...</p> <p>(5) Any person carrying out any activity that is covered by this provision shall adopt measures to physically secure the chemicals from access of unauthorised persons, to ensure the safety of people and to protect the environment. Such appropriate measures may be identified in regulations under this [Act, Statute, Ordinance, etc.]”</p>	<p><i>Section 4.1. Physical protection and security of nuclear and other radioactive material and nuclear facilities</i></p> <p>“(1) The [competent authority] shall establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under the jurisdiction of [State] with the aim of:</p> <ul style="list-style-type: none"> (a) protecting against theft and other unlawful taking of nuclear material in use, storage and transport; (b) ensuring the implementation of rapid and comprehensive measures to locate and where appropriate, recover missing or stolen material, and to act in accordance with Section 8.3, paragraph (4) when the material is located outside the territory of [State]; (c) protecting nuclear material and nuclear facilities against sabotage; and (d) mitigating or minimizing the radiological consequences of sabotage. <p>(2) The physical protection regime for nuclear material and nuclear facilities in paragraph (1) shall be further provided for in the regulations issued under this [Act, Statute, Ordinance, etc.] ...”</p> <p><i>Section 4.3. Security of radioactive sources</i></p> <p>“(1) The [competent authority] shall have the authority under this [Act, Statute, Ordinance, etc.] to issue regulations for the protection of individuals, society and the environment from the deleterious effects of ionizing radiation from radioactive sources.</p> <p>(2) The [competent authority] shall have the authority under this [Act, Statute, Ordinance, etc.] to issue regulations, in order to establish policies, procedures and measures, for the control of radioactive sources.</p> <p>(3) The [competent authority] shall establish requirements for security measures to deter, detect and delay the unauthorized access to, or the theft, loss or unauthorized use or removal of radioactive sources during all stages of management.</p> <p>(4) The [competent authority] shall have the authority to recover and restore appropriate control over orphan sources,</p>

		<p>maintenance necessary to ensure its effective implementation in the entire organization;</p> <p>(c) giving an assurance that it will take a graded approach to physical protection requirements, taking into account the [relevant Authority]'s current evaluation of the threat, the relative attractiveness, the nature of the material and potential consequences associated with the unauthorized removal of nuclear material and with the sabotage against nuclear material or nuclear facilities;</p> <p>(d) having in place several layers and methods of physical protection (structural or other technical, personnel and organizational) that have to be overcome or circumvented by an adversary in order to achieve his objectives;</p> <p>(e) having in place a quality assurance policy and quality assurance programmes to provide confidence that specified requirements for all activities important to physical protection are satisfied;</p> <p>(f) having in place contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof;</p> <p>(g) giving an assurance that it will fully co-operate with the [relevant Authority] in the implementation of [State's name] [Comprehensive Safeguards Agreement with the International Atomic Energy Agency] [Additional Protocol with the International Atomic Energy Agency] [Voluntary Offer Safeguards Agreement] [Item Specific Safeguards Agreement], as [it applies] [they apply] to any nuclear material or nuclear facility covered by the permit;</p> <p>(h) accepting prime responsibility for computer security related to activities covered by the permit; and</p> <p>(i) giving an assurance that it has conducted a design basis threat analysis or other appropriate threat assessment of computer security, taking into consideration any relevant threat assessments undertaken by the [relevant Authority] related to cyber and nuclear security.</p> <p>3. With respect to biological weapons and related materials, the authorized officials shall make the issuance of a permit or a special permit under section 13(1) conditional on the applicant meeting the following requirements as applicable:</p> <p>(a) demonstrating that the applicant meet certain laboratory biosafety and biosecurity conditions;</p> <p>(b) demonstrating that the applicant being qualified to work with the controlled items listed in the permit;</p> <p>(c) having in place procedures for reporting theft, loss or release to the relevant Authority regardless of whether intentional or accidental; and</p> <p>(d) demonstrating that the applicant will meet national packaging, labeling and shipping standards for controlled biological materials.</p> <p>4. With respect to chemical weapons and their related materials, the authorized officials shall make the issuance of a permit or a special permit under section 13(1) conditional on the applicant meeting the following requirements as applicable:</p> <p>(a) giving an assurance that the Schedule 1 chemicals under Chemical Weapons Convention are</p>			<p>and to deal with radiological emergencies, as provided for in the regulations issued under this [Act, Statute, Ordinance, etc]."</p>
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		<p>exclusively applied to research, medical, pharmaceutical or protective purposes and the types and quantities of chemicals are strictly limited to those which can be justified for such purposes;</p> <p>(b) demonstrating that the production of the chemicals are carried out in a facility which complies with the relevant standards and adopting measures to ensure the safety of people and to protect the environment; and</p> <p>(c) having in place procedures for reporting theft, loss, or release to the relevant Authority regardless of whether intentional or accidental; ...”</p> <p>See also I-1, <i>Georgetown Model Act, Sections 8, 13</i>.</p>			
<p>II-7</p>	<p>Measures to secure use</p>	<p>See II-6, <i>Georgetown Model Act, Sections 8 and 13 as well as Annex 5</i>.</p>	<p>See II-6, <i>BWC Sample Act, Section 11</i>.</p>	<p>See II-6, <i>CWC Implementation Kit, Section 3.1.1</i>.</p>	<p>See II-6, <i>Nuclear Security Implementation Kit, Sections 4.1, 4.3</i>.</p> <p><i>Section 3.2. Licensing</i></p> <p>“...(3) The [competent authority] shall make the issuance of a license under paragraphs (1) or (2) conditional on the applicant meeting the following requirements:</p> <ul style="list-style-type: none"> (a) accepting prime responsibility for the implementation of physical protection of nuclear material or of nuclear facilities; (b) giving an assurance that it will give due priority to the security culture, to its development and maintenance necessary to ensure its effective implementation in the entire organization; (c) giving an assurance that it will take a graded approach to physical protection requirements, taking into account the competent authority’s current evaluation of the threat, the relative attractiveness, the nature of the material and potential consequences associated with the unauthorized removal of nuclear material and with the sabotage against nuclear material or nuclear facilities; (d) having in place several layers and methods of physical protection (structural or other technical, personnel and organizational) that have to be overcome or circumvented by an adversary in order to achieve his objectives; (e) having in place a quality assurance policy and quality assurance programmes to provide confidence that specified requirements for all activities important to physical protection are satisfied; (f) having in place contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof; (g) giving an assurance that it will fully co-operate with the [competent authority] in the implementation of [State’s] [Comprehensive Safeguards Agreement with the International Atomic Energy Agency] [Additional Protocol with the International Atomic Energy Agency] [Voluntary Offer Safeguards Agreement] [Item Specific Safeguards Agreement], as [it applies] [they apply] to any nuclear material or nuclear facility covered by the license; (h) accepting prime responsibility for computer security related to activities covered by the license;

					and (i) giving an assurance that it has conducted a design basis threat analysis or other appropriate threat assessment of computer security, taking into consideration any relevant threat assessments undertaken by the [competent authority] related to cyber and nuclear security..."
II-8	Measures to secure storage	See II-6, Georgetown Model Act, Sections 8 and 13 as well as Annex 5.	See II-6, BWC Sample Act, Section 11.		See II-6, Nuclear Security Implementation Kit, Section 4.1
II-9	Measures to secure transport	See II-6, Georgetown Model Act, Sections 8 and 13 as well as Annex 5.	Section 14. Transportation of controlled agents and toxins Transport guidelines "...(3) Internal and international transportation of controlled agents and toxins shall be conducted in accordance with the hazardous material transport guidelines and packaging and labelling requirements issued by the [MINISTRY OF TRANSPORTATION] and any regulations issued by the [RESPONSIBLE AUTHORITY] under this [ACT, STATUTE, ORDINANCE, LAW]. Every carrier that imports, exports, re-exports, transships or transits controlled agents or toxins through the territory of [COUNTRY NAME] shall also comply with all applicable international regulations for the shipment of hazardous materials. ..."		Section 3.2. Licensing "...(3) The [competent authority] shall make the issuance of a license under paragraphs (1) or (2) conditional on the applicant meeting the following requirements: (a) accepting prime responsibility for the implementation of physical protection of nuclear material or of nuclear facilities; (b) giving an assurance that it will give due priority to the security culture, to its development and maintenance necessary to ensure its effective implementation in the entire organization; (c) giving an assurance that it will take a graded approach to physical protection requirements, taking into account the competent authority's current evaluation of the threat, the relative attractiveness, the nature of the material and potential consequences associated with the unauthorized removal of nuclear material and with the sabotage against nuclear material or nuclear facilities; (d) having in place several layers and methods of physical protection (structural or other technical, personnel and organizational) that have to be overcome or circumvented by an adversary in order to achieve his objectives; (e) having in place a quality assurance policy and quality assurance programmes to provide confidence that specified requirements for all activities important to physical protection are satisfied; (f) having in place contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof; (g) giving an assurance that it will fully co-operate with the [competent authority] in the implementation of [State's] [Comprehensive Safeguards Agreement with the International Atomic Energy Agency] [Additional Protocol with the International Atomic Energy Agency] [Voluntary Offer Safeguards Agreement] [Item Specific Safeguards Agreement], as [it applies] [they apply] to any nuclear material or nuclear facility covered by the license; (h) accepting prime responsibility for computer security related to activities covered by the license; and (i) giving an assurance that it has conducted a design basis threat analysis or other appropriate threat assessment of computer security, taking into consideration any relevant threat assessments undertaken by the [competent authority] related to cyber and nuclear security..."

					<p><i>Section 5.1. International nuclear transport</i></p> <p>“(1) Nuclear material in international nuclear transport, whether in the territory of [State], or on board a ship or aircraft under the jurisdiction of [State] insofar as such ship or aircraft is engaged in the transport to or from [State], shall-</p> <ul style="list-style-type: none"> (a) only be transported by a person licensed to transport nuclear material under Section 3.2, paragraph (2) of this [Act, Statute, Ordinance, etc.]; and (b) be protected at the levels described in the regulations that are issued under this [Act, Statute, Ordinance, etc.]- <ul style="list-style-type: none"> (i) during storage incidental to international nuclear transport; and (ii) during international transport. <p>(2) Nuclear material being transported from a part of [State] to another part of [State] through international waters or airspace shall be protected at the levels described in the regulations issued under this [Act, Statute, Ordinance, etc.]”</p> <p><i>Section 5.10. Transit and transshipment of radioactive sources through the territory of [State]</i></p> <p>“(1) The [competent authority] shall ensure that the transport of radioactive sources through the territory of [State], whether in transit or transshipment, is conducted in a manner consistent with existing relevant international standards relating to the transport of radioactive materials, including maintaining continuity of control during the transport.</p> <p>(2) The procedures for transit and transshipment, under paragraph (1), shall be further provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]”</p>
<p>II-10</p>	<p>Other measures for securing</p>	<p>See II-6, <i>Georgetown Model Act, Sections 8 and 13 as well as Annex 5.</i></p>	<p><i>Section 12. Internal transfer controls for controlled agents and toxins</i></p> <p>“... (3) Regulations issued by the [RESPONSIBLE AUTHORITY] shall specify additional technical and security requirements for transfer, including measures to track controlled agents and toxins and to confirm receipt of the transfer by the transferee, such that strict accountability for controlled agents and toxins is maintained at all times.”</p> <p><i>Section 21. Directions requiring security measures and related offence</i></p> <p>“... (2) Where the [RESPONSIBLE AUTHORITY] has reasonable grounds for believing that adequate measures to ensure the security of controlled agents or toxins or controlled equipment or technology kept or used in any relevant premises are not being taken and are unlikely to be taken, it may give directions in writing to the individual or, in the case of a facility, the Compliance Officer, requiring him to destroy or dispose of the items. The directions shall specify how and by when the items must be destroyed or disposed of....”</p> <p><i>Section 23. Seizure, forfeiture and destruction</i></p> <p>“... (4) The [RESPONSIBLE AUTHORITY] may provide for the destruction or other appropriate disposition of any biological agent or toxin or equipment or technology seized and forfeited under this section.”</p>	<p><i>Section 5.3. Seizure of a chemical weapons production facility</i></p> <p>(1) If the [competent authority] has reasonable cause to believe that any equipment or building is a chemical weapons production facility, or is being constructed or modified to be used as a chemical weapons production facility, the [competent authority] shall:</p> <ul style="list-style-type: none"> (a) seize such equipment or building; (b) as the case may be, order immediate suspension of all activities at the facility, except safety and physical security activities at the facility. <p>(2) Upon determination that the equipment or building is a chemical weapons production facility, or is being constructed or modified to be used as a chemical weapons production facility—</p> <ul style="list-style-type: none"> (a) the facility shall be closed; (b) cessation of all activities at the facility shall be ordered, except activities required for closure and safety and physical security activities at the facility; (c) the facility shall be destroyed or converted in accordance with the Convention, and at the expense of [...]. <p>(3) The [competent authority] shall declare the facility and report any other information as may be required to the Organisation in accordance with the Convention.</p>	<p><i>Section 4.1 Physical protection and security of nuclear and other radioactive material and nuclear facilities</i></p> <p>“... (3) Upon seizing or otherwise taking control of radioactive material, devices or nuclear facilities, following the commission of an offence set forth in this [Act, Statute, Ordinance, etc.], the [competent authority] in possession of such items shall-</p> <ul style="list-style-type: none"> (a) take steps to render harmless the radioactive material, device or nuclear facility; (b) ensure that any nuclear material is held in accordance with the safeguards agreements [State] has entered into with the International Atomic Energy Agency; and (c) have regard to physical protection recommendations and health and safety standards published by the International Atomic Energy Agency, as well as those provided for under this [Act, Statute, Ordinance, etc.] and any regulations issued hereunder, and under any other law and regulations of [State]. <p>(4) Upon the completion of any proceedings connected with an offence set forth in this [Act, Statute, Ordinance, etc.], the [competent authority] shall return any radioactive material, device or nuclear facility in its possession, under paragraph (3)-</p> <ul style="list-style-type: none"> (a) to the State to which it belongs; (b) to the State of which the natural or legal person owning such radioactive material, device or facility

					<p>is a national or resident; or</p> <p>(c) to the State from whose territory it was stolen or otherwise unlawfully obtained, and confirm the modalities of their return and storage with the competent authority of the other State.”</p> <p><i>Section 4.2. Notifications related to incidents involving nuclear material</i></p> <p>“(1) The [competent authority] shall be notified by [the licensee] [the manager of a nuclear facility] [a law enforcement official] within [period of time] of-</p> <p>(a) actions involving nuclear material or nuclear facilities, or other actions falling under the authority of the [competent authority], that may engender a significant risk to individuals, society or the environment; or</p> <p>(b) loss of control over, or incidents in connection with, nuclear material.</p> <p>(2) The [competent authority] shall notify affected States through the International Atomic Energy Agency concerning any loss of control over nuclear material, or any incidents, with potential transboundary effects.</p> <p>(3) Specific criteria for determining when notification to the [competent authority] is required under paragraph (1) shall be provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]”</p> <p><i>Section 4.4. Notifications related to incidents involving radioactive sources</i></p> <p>“(1) The [competent authority] shall be notified by [the licensee] [the manager of a facility involved with the management of radioactive sources] [a law enforcement official] within [period of time] of-</p> <p>(a) actions involved in the management of radioactive sources, or other actions that fall within the authority of the [competent authority], that may engender a significant risk to individuals, society or the environment; or</p> <p>(b) loss of control over, and of incidents in connection with, radioactive sources.</p> <p>(2) The [competent authority] shall notify affected States through the International Atomic Energy Agency concerning any loss of control over radioactive sources, or any incidents, with potential transboundary effects.</p> <p>(3) Specific criteria for determining when notification to the [competent authority] is required under paragraph (1) shall be provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]”</p> <p><i>Section 4.5 Other measures to handle nuclear and other radioactive material out of regulatory control and orphan sources</i></p> <p>“In addition to the authority provided for in Sections 4.1, 4.2, 4.3 and 4.4, the [competent authority], in co-operation with other ministries, agencies and authorities, and through regulations issued under this [Act, Statute, Ordinance, etc.], shall take any other measures that are necessary to ensure that there is an effective nuclear security framework in place to detect, prepare for and respond to any incidents involving nuclear or other radioactive material that is out of regulatory control or any orphan sources.”</p> <p><i>Section 5.11. Prevention of unauthorised transfer, import,</i></p>
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					<p><i>export, transit, or transport of nuclear material or radioactive sources</i></p> <p>“The [competent authority] is authorised under this [Act, Statute, Ordinance, etc.] to obtain an injunction from the appropriate judicial authority to prevent transfer, import, export, transit or transport of nuclear material or a Category 1 or 2 radioactive source, if the [competent authority] has reason to believe or suspect that the transfer, import, export, transit or transport is-</p> <p>(a) not licensed by the [competent authority]; or</p> <p>(b) otherwise in violation of this [Act, Statute, Ordinance, etc.]”</p>
II-11	<p>Regulations for physical protection of facilities/ materials/ transports</p>	<p>See II-6, <i>Georgetown Model Act, Sections 8 and 13 as well as Annex 5.</i></p>	<p><i>Section 11. Licensing for controlled agents and toxins</i> <i>Entity licenses, biosecurity and biosafety</i></p> <p>“...(9) (a) Every entity seeking a license under this section shall, as a condition of approval, confirm that its notified facilities comply with the biosecurity regulations issued pursuant to this [ACT, STATUTE, ORDINANCE, LAW], to prevent access to controlled agents or toxins by unlicensed individuals. The regulations shall specify physical protection measures, including physical and personnel security plans, for facilities where controlled agents or toxins are developed, acquired, manufactured, possessed, stored, transported, transferred or used. The regulations shall require personnel security background checks to ensure the reliability of individuals working in facilities where controlled agents or toxins are developed, acquired, manufactured, possessed, stored, transported, transferred or used. Requirements for physical and personnel security shall be commensurate with the risk the controlled agents and toxins pose to public health and safety.</p> <p>(b) Every entity seeking a license under this section shall also, as a condition of approval, confirm that its notified facilities comply with the biosafety regulations issued pursuant to this [ACT, STATUTE, ORDINANCE, LAW], to prevent unintentional exposure to controlled agents and toxins, or their accidental release.</p> <p>...</p> <p><i>Notice of theft, loss or release</i></p> <p>(11) Individuals and entities (and their notified facilities) licensed under this section shall immediately notify the [RESPONSIBLE AUTHORITY], the [APPROPRIATE LAW ENFORCEMENT AGENCY] and the [[COUNTRY NAME] Biological Emergency Response and Investigation Support System (BERISS)] of the theft, loss or release of controlled agents or toxins. Licensed entities may establish procedures for the notification of theft, loss or release by their notified facilities.”</p>		<p><i>Section 4.1. Physical protection and security of nuclear and other radioactive material and nuclear facilities</i></p> <p>“...</p> <p>(2) The physical protection regime for nuclear material and nuclear facilities in paragraph (1) shall be further provided for in the regulations issued under this [Act, Statute, Ordinance, etc.] ...”</p> <p><i>Section 4.3. Security of radioactive sources</i></p> <p>“(1) The [competent authority] shall have the authority under this [Act, Statute, Ordinance, etc.] to issue regulations for the protection of individuals, society and the environment from the deleterious effects of ionizing radiation from radioactive sources.</p> <p>(2) The [competent authority] shall have the authority under this [Act, Statute, Ordinance, etc.] to issue regulations, in order to establish policies, procedures and measures, for the control of radioactive sources. ...”</p> <p><i>Section 5.1. International nuclear transport</i></p> <p>“(1) Nuclear material in international nuclear transport, whether in the territory of [State], or on board a ship or aircraft under the jurisdiction of [State] insofar as such ship or aircraft is engaged in the transport to or from [State], shall-</p> <p>(a) only be transported by a person licensed to transport nuclear material under Section 3.2, paragraph (2) of this [Act, Statute, Ordinance, etc.]; and</p> <p>(b) be protected at the levels described in the regulations that are issued under this [Act, Statute, Ordinance, etc.]-</p> <p>(i) during storage incidental to international nuclear transport;...”</p> <p><i>Section 5.10. Transit and transshipment of radioactive sources through the territory of [State]</i></p> <p>“...</p> <p>(2) The procedures for transit and transshipment, under paragraph (1), shall be further provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]”</p>
II-12	<p>Licensing/ registration of installations/ facilities/ persons/entities/ use/handling of materials</p>	<p>See also I-1, <i>Georgetown Model Act, Sections 8, 13.</i></p> <p><i>Section 9. Relevant International Trade Activities Related to Controlled Items and Unlisted Items</i></p> <p>“(1) No person shall, without a prescribed permit, export, transit, transship, or re-export controlled items. ...”</p>	<p><i>Section 11. Licensing for controlled agents and toxins</i> <i>Licensing</i></p> <p>“(1) Every individual or entity that develops, acquires, manufactures, possesses, stores, transports, transfers or uses controlled agents or toxins shall be in possession of a license from the [RESPONSIBLE AUTHORITY] pursuant to regulations issued under this [ACT, STATUTE, ORDINANCE, LAW]. The</p>	<p><i>Section 3.3.1 Legal basis for establishing a licensing regime</i></p> <p>“(1) The [competent authority] shall make regulations establishing a licensing regime for all licenses to be granted under this chapter.</p> <p>(2) The regulations on licenses shall, inter alia,</p> <p>(a) provide for different types of licenses with different requirements;</p>	<p><i>Section 3.2. Licensing</i></p> <p>“(1) No person shall receive, possess, use, transfer, alter, or dispose of nuclear material without a license from the [competent [authority] [authorities]].</p> <p>(2) No person shall export, import, transport, or otherwise carry, send or move nuclear material into or out of [State], without a license from the [competent authority].</p>

	<p><i>Section 10. Brokering of Controlled Items</i></p> <p>“(1) No person shall carry out an act of brokering of any controlled items unless he is registered under section 15, and where required under the related laws, holds a valid permit for the brokering of such controlled items from the relevant Authority under related laws where—</p> <p>(a) he has been notified by the relevant Authority or an authorized officer that such controlled items may be intended or are likely to be used, wholly or in part, for or in connection with an activity which is inconsistent with any restricted activities;</p> <p>(b) he knows that such controlled items are intended to be used, wholly or in part, for or in connection with an activity which is inconsistent with any restricted activities; or</p> <p>(c) he has reasonable grounds to suspect that such controlled items are intended or are likely to be used, wholly or in part, for or in connection with an activity which is inconsistent with any restricted activities.”</p> <p><i>Section 12. Application for Permit and Additional Information</i></p> <p>(1) An application for a permit or special permit referred to in section 8 and 9 shall be made to the relevant Authority in accordance with the regulations made under this Act.</p> <p>(2) The relevant Authority may, at any time after the receipt of an application under subsection (1) and before the application is determined, by a written notice, require the applicant to provide any additional documents or information to the relevant Authority within the period specified in the notice.</p> <p>(3) If the additional documents or information required under subsection (2) are not provided by the applicant within the period specified in the notice or any extended period granted by the relevant Authority, the application shall be deemed to be withdrawn and shall not be further proceeded with, but without affecting the right of the applicant to make a fresh application.</p> <p><i>Section 13. Grant or Refusal of Permit</i></p> <p>(1) The relevant Authority may, after considering the application for a permit under subsection 12(1) and any additional documents or information provided under subsection 12(2) and being satisfied that all the requirements have been fulfilled, grant the permit or refuse to grant the permit in accordance with the regulations made under this Act.</p> <p>(2) The relevant Authority may impose such conditions as it considers appropriate in granting the permit, including, but not limited to the following:</p> <p>(a) the quantities of controlled items provided for by the permit;</p> <p>(b) the end-use requirements and the verification of such end-use requirements of controlled items;</p> <p>(c) the security and physical protection measures of controlled items;</p> <p>(d) the individuals in a permitted entity who may access to the controlled items in case the permit is granted to an entity;</p> <p>(e) the states or territories to which controlled items may be exported or from which controlled items may be imported;</p>	<p>regulations shall require that individuals and entities obtaining a license under this section have a lawful purpose to develop, acquire, manufacture, possess, store, transport, transfer or use such controlled agents or toxins.</p> <p>...</p> <p><i>Entity licenses and Compliance Officer</i></p> <p>(6) An application for a license by an entity shall include information on ownership or control of the entity. Any entity seeking a license under this section shall also, as a condition of approval, identify, authorise and notify to the [RESPONSIBLE AUTHORITY] an individual in each of its facilities as a “Compliance Officer” for purposes of ensuring compliance with this [ACT, STATUTE, ORDINANCE, LAW] and the regulations issued hereunder. The Compliance Officer must possess adequate authority to act on behalf of the facility respecting compliance with this [ACT, STATUTE, ORDINANCE, LAW] and the regulations issued hereunder. The entity shall liaise with its facilities’ Compliance Officers and the [RESPONSIBLE AUTHORITY] for the purposes of enforcement of this [ACT, STATUTE, ORDINANCE, LAW] and shall have such other responsibilities as the regulations may provide.</p> <p>...</p> <p><i>Notification of facilities</i></p> <p>(8) The entity shall notify all of its facilities that develop, acquire, manufacture, possess, store, transport, transfer or use controlled agents or toxins, and licensed individuals working at those facilities, to the [RESPONSIBLE AUTHORITY]. The facilities that are notified to the [RESPONSIBLE AUTHORITY] shall be known as “notified facilities”.</p> <p>...</p> <p><i>Record-keeping by the [RESPONSIBLE AUTHORITY]</i></p> <p>(10) The [RESPONSIBLE AUTHORITY] shall maintain an accurate and current record of all licensed individuals and entities and notified facilities under this section, including the names and locations of the licensed individuals and entities and notified facilities, and information on the controlled agents or toxins each individual or entity is licensed to develop, acquire, manufacture, possess, store, transport, transfer or use....”</p> <p><i>Section 12. Internal transfer controls for controlled agents and toxins</i></p> <p>“(1) Controlled agents and toxins shall only be transferred within the territory of [COUNTRY NAME] among individuals and entities (and their notified facilities) licensed pursuant to this [ACT, STATUTE, ORDINANCE, LAW] and any regulations issued hereunder.</p> <p>(2) All proposed transfers of controlled agents or toxins within the territory of [COUNTRY NAME] are subject to advance notification to the [RESPONSIBLE AUTHORITY] in accordance with the regulations issued under this [ACT, STATUTE, ORDINANCE, LAW]...”</p>	<p>(b) prescribe procedures for applying for licenses;</p> <p>(c) establish procedures for processing the applications for licenses;</p> <p>(d) establish procedures for the granting or refusal of licenses;</p> <p>(e) prescribe terms and conditions for the grant of licenses;</p> <p>(f) provide for a regime according to which granted licenses may be suspended, revoked, extended, renewed, transferred, or replaced;</p> <p>(g) establish fees payable by applicants for or holders of licences; and</p> <p>(h) prescribe a record-keeping regime for licence applicants or holders.</p> <p>(3) In case the licensed activity is not or only partially carried out, the [competent authority] shall be informed without delay.”</p> <p><i>Section 5.1. Declaration of chemical weapons production facilities</i></p> <p>“Any person holding any information that is related to a chemical weapons production facility in [State Party] or that is suspected to be related to such a facility shall inform without delay the [competent authority which shall inform the National Authority].”</p>	<p>(3) The [competent authority] shall make the issuance of a license under paragraphs (1) or (2) conditional on the applicant meeting the following requirements:</p> <p>(a) accepting prime responsibility for the implementation of physical protection of nuclear material or of nuclear facilities;</p> <p>(b) giving an assurance that it will give due priority to the security culture, to its development and maintenance necessary to ensure its effective implementation in the entire organization;</p> <p>(c) giving an assurance that it will take a graded approach to physical protection requirements, taking into account the competent authority’s current evaluation of the threat, the relative attractiveness, the nature of the material and potential consequences associated with the unauthorized removal of nuclear material and with the sabotage against nuclear material or nuclear facilities;</p> <p>(d) having in place several layers and methods of physical protection (structural or other technical, personnel and organizational) that have to be overcome or circumvented by an adversary in order to achieve his objectives;</p> <p>(e) having in place a quality assurance policy and quality assurance programmes to provide confidence that specified requirements for all activities important to physical protection are satisfied;</p> <p>(f) having in place contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof;</p> <p>(g) giving an assurance that it will fully co-operate with the [competent authority] in the implementation of [State’s] [Comprehensive Safeguards Agreement with the International Atomic Energy Agency] [Additional Protocol with the International Atomic Energy Agency] [Voluntary Offer Safeguards Agreement] [Item Specific Safeguards Agreement], as [it applies] [they apply] to any nuclear material or nuclear facility covered by the license;</p> <p>(h) accepting prime responsibility for computer security related to activities covered by the license; and</p> <p>(i) giving an assurance that it has conducted a design basis threat analysis or other appropriate threat assessment of computer security, taking into consideration any relevant threat assessments undertaken by the [competent authority] related to cyber and nuclear security.</p> <p>(4) No person shall undertake management of radioactive sources without a license from the [competent authority].</p> <p>(5) Exemptions from the licensing requirement in paragraph (4) shall be provided for in the regulations issued under this [Act, Statute, Ordinance, etc.].</p> <p>(6) The [competent authority] shall make the issuance of a license under paragraph (4) conditional on the applicant meeting the requirements in subparagraphs (3)(h) and (i).</p> <p>(7) The regime for license application and evaluation, the issuance of licenses, and the conditions for holding a licence shall be provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]”</p>
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	<p>(f) the re-export from a state to which controlled items originating in (the Country), are destined for export;</p> <p>(g) the ports, airports or border posts which may be used for the import, export, re- export or transit of controlled goods.</p> <p>(3) Every permit granted under subsection (1) shall set out the duration of the permit.</p> <p>(4) The conditions imposed under the permit may at any time be varied or amended by the relevant Authority provided that the holder of the permit is given a reasonable opportunity of being heard.</p> <p>(5) The decision of the relevant Authority under this section shall be communicated to the applicant by written notice as soon as practicable.</p> <p>(6) The written notice by the relevant Authority under subsection (5) shall specify—</p> <p style="padding-left: 20px;">(a) in the case where the permit is granted, the fact of such grant and the conditions, if any, imposed under subsection (2); and</p> <p style="padding-left: 20px;">(b) in the case of a refusal to grant a permit, the fact of such refusal and the reason for the refusal.</p> <p>(7) Any person aggrieved due to a denial of a permit under this Section may appeal to the Relevant Authority, who may confirm, amend or set aside the decision of the denial.</p> <p>(8) The relevant Authority may renew any permit upon application.</p> <p><i>Section 14. Suspension and Revocation of Permit</i></p> <p>(1) The relevant Authority may, at any time, suspend or revoke a permit if it has reason to believe that —</p> <p style="padding-left: 20px;">(a) the holder of the permit has failed to comply with any provisions of this Act;</p> <p style="padding-left: 20px;">(b) the holder of the permit has failed to comply with any conditions attached to the permit;</p> <p style="padding-left: 20px;">(c) the holder of the permit had improperly or illegally obtained the permit; or</p> <p style="padding-left: 20px;">(d) it is necessary for national interest, national security or non-proliferation purposes, and shall notify the holder of the permit within thirty days by a notice in writing that the permit has been suspended or revoked.</p> <p>(2) A suspension or revocation under subsection (1) shall remain in force until the holder of the permit has taken measures to the satisfaction of the relevant Authority to remove the reasons for such suspension or revocation.</p> <p>(3) Any person aggrieved due to a suspension or revocation of a permit under this Section may appeal to the relevant Authority, who may confirm, amend or set aside the decision of the suspension or revocation.</p> <p><i>Section 15. Registration of Brokers</i></p> <p>“(1) An application for registration to carry out brokering of controlled items referred to in section 10 shall be made to the relevant Authority in accordance with the regulations made under this Act.</p> <p>(2) The relevant Authority may, at any time after the receipt of an application under this section and before the application is determined, by a written notice, require the applicant to provide any additional documents or information to the relevant Authority within the period specified in the notice.</p> <p>(3) If the additional documents or information required under</p>			
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		<p>subsection (2) are not provided by the applicant within the period specified in the notice or any extended period granted by the relevant Authority, the application shall be deemed to be withdrawn and shall not be further proceeded with, but without affecting the right of the applicant to make a fresh application.</p> <p>(4) The relevant Authority may, after considering the application for registration and any additional documents or information provided under subsection (2) and being satisfied that all the requirements have been fulfilled, register the applicant or refuse registration.</p> <p>(5) Registration under this section shall be valid for a period of [] year and shall be renewable upon application.</p> <p>(6) The relevant Authority may impose such conditions as it considers appropriate in granting the registration.</p> <p>(7) The conditions imposed upon the registration may at any time be varied or amended by the relevant Authority provided that the registered broker is given a reasonable opportunity of being heard.</p> <p>(8) The decision of the relevant Authority under this section shall be communicated to the applicant by written notice as soon as practicable.</p> <p>(9) The written notice by the relevant Authority under subsection (9) shall specify—</p> <ul style="list-style-type: none"> (a) in the case where the registration is granted, the fact of such registration and the conditions, if any, imposed under subsection (6); and (b) in the case of a refusal of registration, the fact of such refusal and the reason for the refusal. <p>(10) Any person aggrieved due to a denial of a registration under this Section may appeal to the relevant Authority, who may confirm, amend or set aside the decision of the denial.</p> <p>(11) The relevant Authority may, at any time, suspend or revoke a registration if it has reason to believe that —</p> <ul style="list-style-type: none"> (a) the registered broker has failed to comply with any provisions of this Act; (b) the registered broker has failed to comply with any conditions attached to the registration; (c) the registered broker had improperly or illegally obtained the registration; or (d) it is necessary for national interest, national security or non-proliferation purposes, and shall notify the registered broker within thirty days by a notice in writing that the registration has been suspended or revoked. <p>(12) A suspension or revocation under subsection (10) shall remain in force until the registered broker has taken measures to the satisfaction of the relevant Authority to remove the reasons for such suspension or revocation.</p> <p>(13) Any person aggrieved due to the suspension or revocation of the registration under this Section may appeal to the relevant Authority, who may confirm, amend or set aside the decision of the suspension or revocation.”</p>			
<p>II-13</p>	<p>Reliability check of personnel</p>	<p><i>Annex 5. Regulations Establishing the Guidelines of Granting a Permit or a Special Permit Under Section 13(1) of the Act</i></p> <p>“1. Authorized officers shall refuse to grant permits or special permits for any relevant domestic activity or any relevant international trade activity under section 13(1)—</p> <p>...</p> <p>(2) To an individual who—</p> <ul style="list-style-type: none"> (a) is under the age of [] years; 	<p><i>Section 11. Licensing for controlled agents and toxins</i></p> <p><i>Entity licenses, biosecurity and biosafety</i></p> <p>“(9) (a) Every entity seeking a license under this section shall, as a condition of approval, confirm that its notified facilities comply with the biosecurity regulations issued pursuant to this [ACT, STATUTE, ORDINANCE, LAW], to prevent access to controlled agents or toxins by unlicensed individuals. The regulations shall specify physical protection measures, including physical and personnel security plans, for facilities</p>		

		(b) is an undischarged bankrupt; (c) has, during the period of [] years immediately preceding the application, been convicted of an offense as determined by a relevant Authority of [State's name]; or (3) To an entity— (a) which does not have a procedure or fails to assure to undertake personnel background checks of their employees; (b) which has been the subject of a resolution that has been passed for voluntary winding up or for whom an order for winding up has been made by a court of competent jurisdiction; ...”	where controlled agents or toxins are developed, acquired, manufactured, possessed, stored, transported, transferred or used. The regulations shall require personnel security background checks to ensure the reliability of individuals working in facilities where controlled agents or toxins are developed, acquired, manufactured, possessed, stored, transported, transferred or used. Requirements for physical and personnel security shall be commensurate with the risk the controlled agents and toxins pose to public health and safety. “		
II-14	Measures to account for/secure/physically protect means of delivery	See II-6, <i>Georgetown Model Act, Sections 8 and 13 as well as Annex 5.</i>	Section 4. Interpretation “(1) In this [ACT, STATUTE, ORDINANCE, LAW] – (b) “Biological or toxin weapon” means – i. microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; ii. weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict; ...” See also provisions under II-1 to II-13.	Section 1.1. Definition of “chemical weapon”: ““Chemical weapon” means the following, together or separately— (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with such purposes; (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices; (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).” See also provisions under II-1 to II-13.	

III. UNSCR 1540 OP 3 (a) and (b) – Account for/Secure/Physically protect NW including Related Materials (NW specific): 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?

UNSCR 1540 Matrix	Georgetown/CARICOM Model Act	VERTIC BWC Sample Act	OPCW CWC Implementation Kit	Indonesia-VERTIC Nuclear Security Implementation Kit
III-1 National regulatory authority	Section 23. Relevant Authority “(1) Relevant Authority is— (a) [Ministry of Industry] as used in Section []....; (b) [Customs and Excise Department] as used in Section []....; (c) [Ministry of Foreign Affairs] as used in Section []...; (d) [Ministry of Finance] as used in Section []...; (e) [Department of Justice] as used in Section []...; and (f) [] as used in Section []... and have authority to make regulations as may be necessary to give effect to this Act. (2) Primary Coordinating Authority, which will be responsible for an inter-agency coordination, including serving as the point of contact for assistance and developing appropriate ways to work with and inform industry and the public regarding their obligations, is [Ministry of xx].” See also I-1, <i>Georgetown Model Act, Section 20.</i>			Section 3.1. Establishment of the competent authority “(1) The [competent authority] is hereby established as an independent public agency for the enforcement of this [Act, Statute, Ordinance, etc.] and any regulations issued hereunder. The [competent authority] shall be composed of [composition of a board] and [composition of the senior administration], and other officials as may be determined by the [board] [senior administration] in the regulations issued under this [Act, Statute, Ordinance, etc.]. (2) The [competent authority] established under paragraph (1) shall be effectively independent of other bodies responsible for- (a) promotion or utilization of nuclear energy; or (b) management of radioactive sources or promotion of their use. (3) The budget of the [competent authority], based on an annual appropriation from the [national assembly/parliament], shall be sufficient enough to ensure that the [competent authority] has the financial and human resources necessary to fulfil its assigned responsibilities under this [Act, Statute, Ordinance, etc.]. (4) The [competent authority] shall ensure effective co-operation and co-ordination of nuclear security responsibilities among licensees and other relevant government ministries and agencies, including law enforcement and intelligence agencies. Such co-operation and

					<p>co-ordination shall extend to-</p> <ul style="list-style-type: none"> (a) the prevention, detection and response to unauthorized activities involving nuclear material, nuclear facilities and radioactive sources; and (b) the development of design basis and other threat assessments, in relation to nuclear material, nuclear facilities and facilities involved with the management of radioactive sources. <p>(5) In respect of nuclear material, the [competent authority] shall-</p> <ul style="list-style-type: none"> (a) be responsible for the implementation and enforcement of this [Act, Statute, Ordinance, etc.] and any regulations issued hereunder; (b) be responsible for the implementation of the physical protection regime for nuclear material provided for in this [Act, Statute, Ordinance, etc.] and any regulations issued hereunder; and (c) serve as the point of contact for the International Atomic Energy Agency and other States, in relation to matters within the scope of the Convention on the Physical Protection of Nuclear Material, as amended. <p>(6) In respect of radioactive sources, the [competent authority] shall-</p> <ul style="list-style-type: none"> (a) be responsible for the implementation and enforcement of this [Act, Statute, Ordinance, etc.] and any regulations issued hereunder; (b) have the powers and characteristics listed in paragraphs 20 to 22 of the Code of Conduct on the Safety and Security of Radioactive Sources; (c) facilitate training of staff of the [competent authority], [State] law enforcement agencies and emergency services organizations, as well as training for manufacturers, suppliers and users of radioactive sources; and (d) serve as the point of contact for the purpose of facilitating exports and imports in accordance with the Code of Conduct on the Safety and Security of Radioactive Sources and Guidance on the Import and Export of Radioactive Sources. <p>(7) The [competent authority] shall additionally serve as the point of contact -</p> <ul style="list-style-type: none"> (a) within the scope of the International Convention for the Suppression of Acts of Nuclear Terrorism, for- <ul style="list-style-type: none"> (i) the Secretary-General of the United Nations; and (ii) States Parties to that Convention; (b) within the scope of the 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, on matters related to enforcement of this [Act, Statute, Ordinance, etc.], for- <ul style="list-style-type: none"> (i) the Council of the International Civil Aviation Organization; and (ii) States Parties to that Convention; (c) within the scope of the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (as amended by the 2005 Protocol), on matters related to enforcement of this [Act, Statute, Ordinance, etc.], for- <ul style="list-style-type: none"> (i) the Secretary-General of the International Maritime Organization (IMO); and
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					<p>(ii) States Parties to that Convention; and</p> <p>(d) within the scope of the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (as amended by the 2005 Protocol), on matters related to enforcement of this [Act, Statute, Ordinance, etc.], for-</p> <p>(i) the Secretary-General of the International Maritime Organization (IMO); and</p> <p>(ii) States Parties to that Convention.</p> <p>(8) The [competent authority] may designate or establish further authorities to which it may assign specific duties with regard to the implementation of this [Act, Statute, Ordinance, etc.] and any regulations issued hereunder.”</p>
III-2	IAEA Safeguards Agreements	<p>UNSCR 1540 doesn't require Members to ratify or abide by specific IAEA agreements listed in the left column.</p> <p>However, under the Act, a State can incorporate safety and physical protection standards/measures in those agreements by specifying them as a requirement for granting a permit or imposing a specific measure as a condition for a permit under Annex 5 and Section 13 (2).</p>			<p>See footnote 111 under Nuclear Security Implementation Kit:</p> <p>“As an additional nuclear security measure, a State may also wish to consider authorising the competent authority to obtain an injunction to prevent movements of nuclear material, specified equipment, non-nuclear material or related technology that may be in violation of the State’s commitments under a Comprehensive Safeguards Agreement with the IAEA (INFCIRC/153), Additional Protocol with the IAEA (INFCIRC/540), Nuclear Suppliers Group Guidelines (INFCIRC/254/Rev.11/Part 1 and INFCIRC/254/Rev.8/Part 2) or Zangger Understandings (INFCIRC/209/Rev.2).”</p> <p><i>4.1 Physical protection and security of nuclear and other radioactive material and nuclear facilities</i></p> <p>“ (3) Upon seizing or otherwise taking control of radioactive material, devices or nuclear facilities, following the commission of an offence set forth in this [Act, Statute, Ordinance, etc.], the [competent authority] in possession of such items shall-</p> <p>(a) take steps to render harmless the radioactive material, device or nuclear facility;</p> <p>(b) ensure that any nuclear material is held in accordance with the safeguards agreements [State] has entered into with the International Atomic Energy Agency...”</p>
III-3	IAEA Code of Conduct on Safety and Security of Radioactive Sources				<p><i>3.3 National register of nuclear material and radioactive sources</i></p> <p>...</p> <p>(2) The [competent authority] shall establish a national register of radioactive sources.</p> <p>(3) The national register in paragraph (2) shall include, at a minimum, all Category 1 and 2 radioactive sources located within the territory of [State].</p> <p>(4) The national registers in paragraphs (1) and (2) shall be further provided for in the regulations issued under this [Act, Statute, Ordinance, etc.].</p> <p><i>3.4 Inspections, verification and monitoring, and enforcement</i></p> <p>“... (2) The [competent authority] shall implement a system of verification of the safety and security of radioactive sources through safety and security assessments; monitoring and verification of compliance with any license issued under Section 3.2, paragraph (4); inspections; and the maintenance of appropriate records by license holders. The verification system shall be provided for in the regulations issued under</p>

					<p>this [Act, Statute, Ordinance, etc.]..."</p> <p><i>4.3 Security of radioactive sources</i></p> <p>"(1) The [competent authority] shall have the authority under this [Act, Statute, Ordinance, etc.] to issue regulations for the protection of individuals, society and the environment from the deleterious effects of ionizing radiation from radioactive sources.</p> <p>(2) The [competent authority] shall have the authority under this [Act, Statute, Ordinance, etc.] to issue regulations, in order to establish policies, procedures and measures, for the control of radioactive sources.</p> <p>(3) The [competent authority] shall establish requirements for security measures to deter, detect and delay the unauthorized access to, or the theft, loss or unauthorized use or removal of radioactive sources during all stages of management."</p> <p>(4) The [competent authority] shall have the authority to recover and restore appropriate control over orphan sources, and to deal with radiological emergencies, as provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]"</p> <p><i>4.4 Notifications related to incidents involving radioactive sources</i></p> <p>"(1) The [competent authority] shall be notified by [the licensee] [the manager of a facility involved with the management of radioactive sources] [a law enforcement official] within [period of time] of-</p> <ul style="list-style-type: none"> (a) actions involved in the management of radioactive sources, or other actions that fall within the authority of the [competent authority], that may engender a significant risk to individuals, society or the environment; or (b) loss of control over, and of incidents in connection with, radioactive sources. <p>(2) The [competent authority] shall notify affected States through the International Atomic Energy Agency concerning any loss of control over radioactive sources, or any incidents, with potential transboundary effects.</p> <p>(3) Specific criteria for determining when notification to the [competent authority] is required under paragraph (1) shall be provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]"</p> <p><i>4.5 Other measures to handle nuclear and other radioactive material out of regulatory control and orphan sources</i></p> <p>In addition to the authority provided for in Sections 4.1, 4.2, 4.3 and 4.4, the [competent authority], in cooperation with other ministries, agencies and authorities, and through regulations issued under this [Act, Statute, Ordinance, etc.], shall take any other measures that are necessary to ensure that there is an effective nuclear security framework in place to detect, prepare for and respond to any incidents involving nuclear or other radioactive material that is out of regulatory control or any orphan sources."</p> <p><i>Section 5.5. General conditions for imports and exports of Category 1 and 2 radioactive sources</i></p> <p>"The [competent authority] shall ensure that authorised imports and exports of radioactive sources, into and from [State]-</p>
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					<p>(a) are undertaken in a manner consistent with the provisions of the Code of Conduct on the Safety and Security of Radioactive Sources, this [Act, Statute, Ordinance, etc.] and any regulations issued hereunder; and</p> <p>(b) are conducted in a manner consistent with existing relevant international standards and the laws of [State] relating to the transport of radioactive materials.”</p> <p><i>5.6 Import of Category 1 and 2 radioactive sources</i></p> <p>“(1) Category 1 and 2 radioactive sources shall only be imported by a person licensed by the [competent authority] to import such radioactive sources under Section 3.2, paragraph (4) of this [Act, Statute, Ordinance, etc.].</p> <p>(2) It shall be a condition for authorisation by the [competent authority] of an import of any Category 1 or 2 radioactive source(s) into [State], under paragraph (1), that the exporting State has authorized the export of such radioactive source(s).”</p> <p><i>5.7 Export of Category 1 and 2 radioactive sources</i></p> <p>“(1) Category 1 and 2 radioactive sources shall only be exported by a person licensed by the [competent authority] to export such radioactive sources under Section 3.2, paragraph (4) of this [Act, Statute, Ordinance, etc.].</p> <p>(2) It shall be a condition for authorisation by the [competent authority] of an export of any Category 1 or 2 radioactive source(s) from [State], under paragraph (1), that-</p> <p>(a) the importing State has authorized the import of such radioactive source(s);</p> <p>(b) in the case of Category 1 radioactive sources, the importing State has consented to the import of such radioactive source(s); and</p> <p>(c) the importing State has the appropriate technical and administrative capability, resources and regulatory structure needed to ensure that the source will be managed in a manner consistent with the provisions of the Code of Conduct on the Safety and Security of Radioactive Sources.</p> <p>(3) The importing State shall be notified of an export of a Category 1 or 2 radioactive source, at least seven calendar days in advance of shipment, by the person licensed by the [competent authority] to export such radioactive source(s) under Section 3.2, paragraph (4) of this [Act, Statute, Ordinance, etc.].”</p> <p><i>5.8 Import and export of Category 1 and 2 radioactive sources in exceptional circumstances</i></p> <p>(1) The [competent authority] may authorise an import or export of a Category 1 or 2 radioactive source in exceptional circumstances, in the event the procedures in Sections 5.6 and 5.7 cannot be followed.</p> <p>(2) In the case of an export of a Category 1 or 2 radioactive source from [State], under paragraph (1), the [competent authority] shall obtain the importing State’s consent to the export.</p> <p>(3) The [competent authority] and the competent authority of the other State shall agree to alternative arrangements to ensure the safe and secure management of the radioactive source imported or exported under paragraph (1).</p> <p>(4) “Exceptional circumstances” for the purposes of this Section are-</p> <p>(a) cases of considerable health or medical need, as</p>
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					<p>acknowledged by the importing State and by the exporting State;</p> <p>(b) cases where there is an imminent radiological hazard or security threat presented by one or more radioactive sources; or</p> <p>(c) cases in which the exporting facility or exporting State maintains control of radioactive source(s) throughout the period the source(s) are outside of the exporting State, and the exporting facility or exporting State removes the source(s) at the conclusion of this period.”</p> <p><i>5.9 Re-entry into [State] of disused radioactive sources</i></p> <p>“(1) The [competent authority] shall allow for re-entry into the territory of [State] of disused radioactive sources if the [competent authority] had previously accepted their return to a manufacturer authorized to manage the disused sources.</p> <p>(2) The procedures for the re-entry of disused radioactive sources, under paragraph (1), shall be further provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]”</p> <p><i>5.10 Transit and transshipment of radioactive sources through the territory of [State]</i></p> <p>“(1) The [competent authority] shall ensure that the transport of radioactive sources through the territory of [State], whether in transit or transshipment, is conducted in a manner consistent with existing relevant international standards relating to the transport of radioactive materials, including maintaining continuity of control during the transport.</p> <p>(2) The procedures for transit and transshipment, under paragraph (1), shall be further provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]”</p>
III-4	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources				See Nuclear Security Implementation Kit, III-3, Sections 5.5, 5.6, 5.7, 5.8, 5.9 and 5.10.
III-5	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources				
III-6	Other Agreements related to IAEA				See III-2, Nuclear Security Implementation Kit, Footnote 111 under Nuclear Security Implementation Kit.
III-7	Additional national legislation/regulations related to nuclear materials including CPPNM				<p>See I-3, Nuclear Security Implementation Kit, Section 6.1.</p> <p>See I-9, Nuclear Security Implementation Kit, Section 6.10.</p> <p>See I-10, Nuclear Security Implementation Kit, Section 6.12.</p> <p>See I-14, Nuclear Security Implementation Kit, Sections 6.2, 6.8, 6.9 and 6.11.</p> <p>See II-2, Nuclear Security Implementation Kit, Section 3.2.</p> <p>See II-1, Nuclear Security Implementation Kit, Section 3.3.</p> <p>See II-4, Nuclear Security Implementation Kit, Section 5.1.</p>

					See II-6 and II-10 , <i>Nuclear Security Implementation Kit, Section 4.1.</i>
III-8	Other				See III-2 , <i>Nuclear Security Implementation Kit, Footnote 111 under Nuclear Security Implementation Kit.</i>
IV. UNSCR 1540 OP 3 (a) and (b) – Account for/Secure/Physically protect CW including Related Materials (CW specific): 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 ?					
UNSCR 1540 Matrix		Georgetown/CARICOM Model Act	VERTIC BWC Sample Act	OPCW CWC Implementation Kit	Indonesia-VERTIC Nuclear Security Implementation Kit
IV-1	National CWC authority	(It is not specifically required under the UNSCR 1540 and the Act doesn't address this.)		<p><i>Section 2. National Authority</i></p> <p>“(1) The [competent authority] shall by means of regulations designate or establish a National Authority to serve as the national focal point for effective liaison with the Organisation and other States Parties and for coordination of all national measures to be taken to fully and effectively implement the Convention.</p> <p>(2) In these regulations the [competent authority] shall direct or assign to the National Authority such powers and budget as may be necessary to coordinate the implementation and enforcement of the Convention, this law and its implementing regulations.</p> <p>(3) The [competent authority] may designate or establish further authorities to which it may assign specific duties with regard to the implementation of the Convention, this law and its implementing regulations.”</p>	
IV-2	Reporting Schedule I, II and III chemicals to OPCW	(Although it is not specifically required under the UNSCR 1540) a State authority can report Schedule 1,2 and 3 chemicals to the OPCW by utilising the information submitted by the permit applicant under Section 12).		<p>See I-14, <i>CWC Implementation Kit, Section 6.12.</i></p> <p>See II-1, <i>CWC Implementation Kit, Section 3.1.1(4), 3.1.2(1), 3.1.3(1), 3.1.4 and 3.1.5.</i></p> <p>See II-2, <i>CWC Implementation Kit, Section 3.1.1.</i></p> <p>See II-5, <i>CWC Implementation Kit, Section 3.3.2, 3.3.3.</i></p>	
IV-3	Account for, secure or physically protect “old chemical weapons”	(Although it is not specifically required under the UNSCR 1540) if there are abandoned “old chemical weapons” in CARICOM State and somebody acquires, transports or uses them, it’s inconsistent with Sec 8 and the relevant authority should discipline the violator.		<p><i>Section 5.2 Forfeiture of chemical weapons:</i></p> <p>“(1) If any chemical weapon, or old or abandoned chemical weapon is found in any place under the jurisdiction of [State Party], the weapon—</p> <ul style="list-style-type: none"> (a) is forfeited to the State; and (b) may be seized without warrant by any [competent officer] of the State; and (c) shall be stored pending disposal, and disposed of in a manner determined by [the competent authority] in accordance with the Convention. <p>(2) Any chemical weapon discovered on the territory of [State Party] shall be reported to the Organisation by [competent authority] in accordance with the Convention.</p> <p>(3) Any chemical that is being used in the development or production of a chemical weapon may be seized by the State.”</p>	
IV-4	Other legislation/ regulations controlling chemical materials			<p><i>Section 3.3.1. Legal basis for establishing a licensing regime:</i></p> <p>“(1) The [competent authority] shall make regulations establishing a licensing regime for all licenses to be granted under this chapter.</p> <p>(2) The regulations on licenses shall, inter alia,</p> <ul style="list-style-type: none"> (a) provide for different types of licenses with different requirements; (b) prescribe procedures for applying for licenses; (c) establish procedures for processing the 	

				<p>applications for licenses;</p> <p>(d) establish procedures for the granting or refusal of licenses;</p> <p>(e) prescribe terms and conditions for the grant of licenses;</p> <p>(f) provide for a regime according to which granted licenses may be suspended, revoked, extended, renewed, transferred, or replaced;</p> <p>(g) establish fees payable by applicants for or holders of licenses; and</p> <p>(h) prescribe a record-keeping regime for licence applicants or holders.</p> <p>(3) In case the licensed activity is not or only partially carried out, the [competent authority] shall be informed without delay."</p>	
IV-5	Other				

V. UNSCR 1540 OP 3 (a) and (b) – Account for/Secure/Physically protect BW including Related Materials (BW specific): 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?

UNSCR 1540 Matrix		Georgetown/CARICOM Model Act	VERTIC BWC Sample Act	OPCW CWC Implementation Kit	Indonesia-VERTIC Nuclear Security Implementation Kit
V-1	Regulations for genetic engineering work	(It depends on what list each CARICOM State will create. For example, EU list, Australia Group list, South Africa list all include Genetic Elements and Genetically modified Organisms)			
V-2	Other legislation/regulations related to safety and security of biological materials		<p><i>Section 11. Licensing for controlled agents and toxins</i></p> <p>"(9) (a) Every entity seeking a license under this section shall, as a condition of approval, confirm that its notified facilities comply with the biosecurity regulations issued pursuant to this [ACT, STATUTE, ORDINANCE, LAW], to prevent access to controlled agents or toxins by unlicensed individuals. The regulations shall specify physical protection measures, including physical and personnel security plans, for facilities where controlled agents or toxins are developed, acquired, manufactured, possessed, stored, transported, transferred or used. The regulations shall require personnel security background checks to ensure the reliability of individuals working in facilities where controlled agents or toxins are developed, acquired, manufactured, possessed, stored, transported, transferred or used. Requirements for physical and personnel security shall be commensurate with the risk the controlled agents and toxins pose to public health and safety.</p> <p>(b) Every entity seeking a license under this section shall also, as a condition of approval, confirm that its notified facilities comply with the biosafety regulations issued pursuant to this [ACT, STATUTE, ORDINANCE, LAW], to prevent unintentional exposure to controlled agents and toxins, or their accidental release."</p> <p>...</p> <p><i>Notice of theft, loss or release</i></p> <p>(11) Individuals and entities (and their notified facilities) licensed under this section shall immediately notify the [RESPONSIBLE AUTHORITY], the [APPROPRIATE LAW ENFORCEMENT AGENCY] and the [[COUNTRY NAME] Biological Emergency Response and Investigation Support System (BERISS)] of the theft, loss or release of controlled agents or toxins. Licensed entities may establish procedures for the notification of theft, loss or release by their notified facilities.</p>		

			<p><i>Risk assessment for activities involving non-controlled agents and toxins</i></p> <p>(12) Subsection (1) notwithstanding, any individual, entity or facility that develops, acquires, manufactures, possesses, stores, transports, transfers or uses non-controlled agents or toxins shall complete a risk assessment, in the manner prescribed in the regulations issued under this [ACT, STATUTE, ORDINANCE, LAW], for each activity that it undertakes which it reasonably believes may pose a threat to public health and safety and national security. This risk assessment shall be submitted to the [RESPONSIBLE AUTHORITY] within the time frame specified in the regulations.”</p> <p>See II-9, <i>BWC Sample Act, Section 14.</i> See II-10, <i>BWC Sample Act, Sections 12 and 21.</i></p>		
<p>V-3</p>	<p>Other</p>		<p><i>Section 15. Establishment, mandate and enforcement powers of the [RESPONSIBLE AUTHORITY]</i></p> <p><i>Establishment</i></p> <p>(1) This section establishes a [RESPONSIBLE AUTHORITY] for the enforcement of this [ACT, STATUTE, ORDINANCE, LAW] and any regulations issued hereunder.</p> <p><i>Composition</i></p> <p>(2) The [RESPONSIBLE AUTHORITY] shall consist of –</p> <ul style="list-style-type: none"> (a) a representative from the [Prime Minister’s, Head of Government’s] office, who shall also serve as the Chairperson of the [RESPONSIBLE AUTHORITY]; (b) a representative from the Ministry of Foreign Affairs; (c) a representative from the Ministry of Justice; (d) a representative from the Office of the Attorney-General; (e) a representative from the Ministry of Industry; (f) a representative from the Ministry of Environment; (g) a representative from the Ministry of Health; (h) a representative from the Ministry of Agriculture; (i) a representative from the Ministry of the Interior; (j) a representative from the Ministry of Transportation; (k) a representative from the [NATIONAL FORENSIC SCIENCE LABORATORY]; (l) representatives from the [NATIONAL BORDER CONTROL AUTHORITIES (CUSTOMS, PORT AUTHORITIES)]; (m) a representative from the [COUNTRY NAME] Chamber of Commerce; and (n) a representative from a biological industry association in [COUNTRY NAME]. <p><i>Functions and duties of the [RESPONSIBLE AUTHORITY]</i></p> <p>(3) The [RESPONSIBLE AUTHORITY] shall perform the following functions in a transparent and reviewable manner –</p> <ul style="list-style-type: none"> (a) To be the [RESPONSIBLE AUTHORITY] for [COUNTRY NAME]; (b) To supervise and monitor the enforcement of this [ACT, STATUTE, ORDINANCE, LAW] and any regulations issued hereunder; (c) To issue licenses and permits under this [ACT, STATUTE, ORDINANCE, LAW] and any regulations issued hereunder; 		

			<p>(d) To provide international organisations and other States with relevant data and information in fulfilment of [COUNTRY NAME]'s international obligations;</p> <p>(e) To facilitate inspections under this [ACT, STATUTE, ORDINANCE, LAW];</p> <p>(f) To prepare guidelines for the conduct of biological research for lawful purposes;</p> <p>(g) To establish, liaise with and review the activities of the Biological Emergency Response and Investigation Support System (BERISS);</p> <p>(h) To liaise with the equivalent of the [RESPONSIBLE AUTHORITY] in other States;</p> <p>(i) To perform any other tasks assigned to it by appropriate authorities;</p> <p>(j) To report annually to the [PARLIAMENT, NATIONAL ASSEMBLY] on the activities of the Responsible Authority and the Biological Emergency Response and Investigation Support System (BERISS); and</p> <p>(k) To advise the [PRIME MINISTER, HEAD OF GOVERNMENT] on matters relevant to this [ACT, STATUTE, ORDINANCE, LAW], and to provide any information which the Prime Minister or other appropriate authorities may require.</p> <p>(4) The [RESPONSIBLE AUTHORITY] may appoint a task force to advise it on any matter relating to this [ACT, STATUTE, ORDINANCE, LAW].</p>		
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VI. UNSCR 1540 OP 3 (c) and (d) and related matters from OP 6 and OP 10 – Controls of NW, CW and BW, including Related Materials: Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?

UNSCR 1540 Matrix	Georgetown/CARICOM Model Act	VERTIC BWC Sample Act	OPCW CWC Implementation Kit	Indonesia-VERTIC Nuclear Security Implementation Kit
VI-1 Border control	<p><i>Section 9. Relevant International Trade Activities Related to Controlled Items and Unlisted Items</i></p> <p>“(1) No person shall, without a prescribed permit, export, transit, transship, or re-export controlled items.</p> <p>(2) No person shall, without a prescribed special permit, export, transit, transship, or re-export controlled items or unlisted items to a restricted end-user specified in subsection 7(1).</p> <p>(3) No person shall export, transit, transship, or re-export controlled items or unlisted items to a prohibited end-users specified in subsection 7(2). ...”</p>	<p><i>Section 11. Licensing for controlled agents and toxins</i></p> <p><i>Licensing</i></p> <p>“(1) Every individual or entity that develops, acquires, manufactures, possesses, stores, transports, transfers or uses controlled agents or toxins shall be in possession of a license from the [RESPONSIBLE AUTHORITY] pursuant to regulations issued under this [ACT, STATUTE, ORDINANCE, LAW]. The regulations shall require that individuals and entities obtaining a license under this section have a lawful purpose to develop, acquire, manufacture, possess, store, transport, transfer or use such controlled agents or toxins. ...”</p> <p><i>Section 13. International transfer controls:</i></p> <p><i>Import, export, re-export, and transshipment of controlled agents and toxins and controlled equipment and technology</i></p> <p>“(1) Every individual or entity that imports, exports, re-exports, or transships any controlled agent or toxin or controlled equipment or technology through the territory of [COUNTRY NAME] shall be in possession of a permit from the [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY].</p> <p>(2) The [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY] shall issue regulations establishing the requirements and procedures to obtain a transfers permit for controlled agents or toxins or controlled equipment or technology. ...”</p>	<p><i>Section 3.1.1. Control regime for Schedule 1 chemicals</i></p> <p>“(1) The acquisition, retention, in-country-transfer, import, export and the use of Schedule 1 chemicals are prohibited unless the chemicals are exclusively applied to research, medical, pharmaceutical or protective purposes and the types and quantities of chemicals are strictly limited to those which can be justified for such purposes. These activities are subject to prior declaration in accordance with regulations established under this [Act, Statute, Ordinance, etc.].</p> <p>If the prior declaration shows that the activity reported would conflict with the obligations of [State Party] under the Convention, the [competent authority] shall prohibit or limit the activity.</p> <p>...</p> <p>(3) The export and import of Schedule 1 chemicals to or from a State not Party to the Convention, including transit through such State, are prohibited. ...”</p> <p><i>Section 3.1.2. Control regime for Schedule 2 chemicals</i></p> <p>“... (2) The export and the import of Schedule 2 chemicals to or from the territory of a State Party to the Convention shall be declared in accordance with the regime established in the regulations issued under this [Act, Statute, Ordinance, etc.].</p> <p>(3) The export and the import of Schedule 2 chemicals to or from the territory of a State not party to the Convention, including transit through such State, are prohibited unless an exemption that is provided for in regulations is applicable; in case such an exemption is applicable, the export and the import shall be subject to declaration in accordance with the regime established in the regulations under this [Act, Statute,</p>	<p><i>Section 5.2. Export of nuclear material</i></p> <p>“(1) Nuclear material shall only be exported by a person licensed to export nuclear material under Section 3.2, paragraph (2) of this [Act, Statute, Ordinance, etc.].</p> <p>(2) The [competent authority] shall not license the export of nuclear material, or may prevent such export, unless it has received assurances that the material will be protected during the international nuclear transport at the levels described in the regulations issued under this [Act, Statute, Ordinance, etc.]-</p> <p>(a) during storage incidental to international nuclear transport; and</p> <p>(b) during international transport.”</p> <p><i>Section 5.3. Import of nuclear material</i></p> <p>“(1) Nuclear material shall only be imported by a person licensed to import nuclear material under Section 3.2, paragraph (2) of this [Act, Statute, Ordinance, etc.].</p> <p>(2) The [competent authority] shall not license the import of nuclear material from a State not Party to the Convention on the Physical Protection of Nuclear Material, as amended, or may prevent such import, unless it has received assurances that the material will be protected during the international nuclear transport at the levels described in the regulations issued under this [Act, Statute, Ordinance, etc.]-</p> <p>(a) during storage incidental to international nuclear transport; and</p> <p>(b) during international transport.”</p>

				<p>Ordinance, etc.]”</p> <p><i>Section 3.1.3. Control regime for Schedule 3 chemicals</i> “... (2) The export and the import of Schedule 3 chemicals shall be declared in accordance with the regime established in regulations issued under this [Act Statute, Ordinance, etc.]. (3) Without prejudice of the requirement set out in paragraph (2) above, and except when exempted by regulations, the export of Schedule 3 chemicals to the territory of a State not Party is prohibited unless licensed by the [competent authority] in accordance with regulations established under this [Act, Statute, Ordinance, etc.]. The license may only be granted after it has been ensured that the transferred chemicals shall only be used for purposes not prohibited under the Convention. No license shall be granted without first having received an end-use certificate from the competent authorities of the recipient State.”</p>	<p><i>Section 5.6. Import of Category 1 and 2 radioactive sources</i> “(1) Category 1 and 2 radioactive sources shall only be imported by a person licensed by the [competent authority] to import such radioactive sources under Section 3.2, paragraph (4) of this [Act, Statute, Ordinance, etc.]. (2) It shall be a condition for authorisation by the [competent authority] of an import of any Category 1 or 2 radioactive source(s) into [State], under paragraph (1), that the exporting State has authorized the export of such radioactive source(s).”</p> <p><i>Section 5.7. Export of Category 1 and 2 radioactive sources</i> “(1) Category 1 and 2 radioactive sources shall only be exported by a person licensed by the [competent authority] to export such radioactive sources under Section 3.2, paragraph (4) of this [Act, Statute, Ordinance, etc.]. (2) It shall be a condition for authorisation by the [competent authority] of an export of any Category 1 or 2 radioactive source(s) from [State], under paragraph (1), that-</p> <ul style="list-style-type: none"> (a) the importing State has authorized the import of such radioactive source(s); (b) in the case of Category 1 radioactive sources, the importing State has consented to the import of such radioactive source(s); and (c) the importing State has the appropriate technical and administrative capability, resources and regulatory structure needed to ensure that the source will be managed in a manner consistent with the provisions of the Code of Conduct on the Safety and Security of Radioactive Sources. <p>(3) The importing State shall be notified of an export of a Category 1 or 2 radioactive source, at least seven calendar days in advance of shipment, by the person licensed by the [competent authority] to export such radioactive source(s) under Section 3.2, paragraph (4) of this [Act, Statute, Ordinance, etc.]”</p> <p><i>Section 5.8. Import and export of Category 1 and 2 radioactive sources in exceptional circumstances</i> “(1) The [competent authority] may authorise an import or export of a Category 1 or 2 radioactive source in exceptional circumstances, in the event the procedures in Sections 5.6 and 5.7 cannot be followed. (2) In the case of an export of a Category 1 or 2 radioactive source from [State], under paragraph (1), the [competent authority] shall obtain the importing State’s consent to the export. (3) The [competent authority] and the competent authority of the other State shall agree to alternative arrangements to ensure the safe and secure management of the radioactive source imported or exported under paragraph (1). (4) “Exceptional circumstances” for the purposes of this Section are-</p> <ul style="list-style-type: none"> (a) cases of considerable health or medical need, as acknowledged by the importing State and by the exporting State; (b) cases where there is an imminent radiological hazard or security threat presented by one or more radioactive sources; or (c) cases in which the exporting facility or exporting State maintains control of radioactive source(s) throughout the period the source(s) are outside of the exporting State, and the exporting facility or exporting State removes the source(s) at the
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					conclusion of this period.”
VI-2	Technical support of border control measures				
VI-3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	See II-12, <i>Georgetown Model Act, Section 10.</i>		<p><i>Section 3.2. Other relevant activities and facts</i></p> <p>“(1) The [competent authority] may in regulations identify further declarable past or anticipated activities and facts relevant to the Convention.</p> <p>(2) In the event that the [competent authority] has reason to believe that any natural or legal person has information that is relevant for a declaration required to be made by [State Party] to the Organisation, or that is relevant for the implementation of the or for the enforcement of this [Act, Statute, Ordinance, etc.], it may by notice require the person to provide such information.”</p> <p>See also footnote 13 under the CWC National Implementation Kit:</p> <p>“In addition to provisions 3.1.1 to 3.1.4 it is suggested considering the following provision:</p> <p><i>Trade in toxic chemicals and their precursors</i></p> <p>Traders of chemicals shall inform the National Authority when they have doubts of whether a purchaser of toxic chemicals or their precursors intends to use these chemicals for purposes not prohibited under the Convention. An indication of such intent is that it is improbable that the purchaser will use the full quantity of the purchased types of toxic chemicals and their precursors for purposes not prohibited under the Convention.”</p>	
VI-4	Enforcement agencies/ authorities	See III-1, <i>Georgetown Model Act, Sections 20 and 23.</i>	<p><i>Section 12. Internal transfer controls for controlled agents and toxins:</i></p> <p>“... (2) All proposed transfers of controlled agents or toxins within the territory of [COUNTRY NAME] are subject to advance notification to the [RESPONSIBLE AUTHORITY] in accordance with the regulations issued under this [ACT, STATUTE, ORDINANCE, LAW]. ...”</p> <p><i>Section 13. International transfer controls:</i></p> <p><i>Import, export, re-export, and transshipment of controlled agents and toxins and controlled equipment and technology</i></p> <p>(1) Every individual or entity that imports, exports, re-exports, or transships any controlled agent or toxin or controlled equipment or technology through the territory of [COUNTRY NAME] shall be in possession of a permit from the [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY].</p> <p>See also V-3, <i>BWC Sample Act, Section 15.</i></p>	<p><i>Section 2. National Authority</i></p> <p>“(1) The [competent authority] shall by means of regulations designate or establish a National Authority to serve as the national focal point for effective liaison with the Organisation and other States Parties and for coordination of all national measures to be taken to fully and effectively implement the Convention.</p> <p>(2) In these regulations the [competent authority] shall direct or assign to the National Authority such powers and budget as may be necessary to coordinate the implementation and enforcement of the Convention, this law and its implementing regulations.</p> <p>(3) The [competent authority] may designate or establish further authorities to which it may assign specific duties with regard to the implementation of the Convention, this law and its implementing regulations.”</p>	<p><i>Section 5.11. Prevention of unauthorised transfer, import, export, transit, or transport of nuclear material or radioactive sources</i></p> <p>“The [competent authority] is authorised under this [Act, Statute, Ordinance, etc.] to obtain an injunction from the appropriate judicial authority to prevent transfer, import, export, transit or transport of nuclear material or a Category 1 or 2 radioactive source, if the [competent authority] has reason to believe or suspect that the transfer, import, export, transit or transport is-</p> <p>(a) not licensed by the [competent authority]; or</p> <p>(b) otherwise in violation of this [Act, Statute, Ordinance, etc.]”</p> <p>See also III-1, <i>Nuclear Security Implementation Kit, Section 3.1</i></p>
VI-5	Export control legislation in place	See VI-1, <i>Georgetown Model Act, Section 9.</i>	<p><i>Section 11. Licensing for controlled agents and toxins:</i></p> <p><i>Licensing</i></p> <p>“(1) Every individual or entity that develops, acquires, manufactures, possesses, stores, transports, transfers or uses controlled agents or toxins shall be in possession of a license from the [RESPONSIBLE AUTHORITY] pursuant to regulations issued under this [ACT, STATUTE, ORDINANCE, LAW]. The regulations shall require that individuals and entities obtaining a license under this section have a lawful purpose to develop, acquire, manufacture, possess, store, transport,</p>	<p><i>Section 3.1.1 Control regime for Schedule 1 chemicals:</i></p> <p>“(1) The acquisition, retention, in-country-transfer, import, export and the use of Schedule 1 chemicals are prohibited unless the chemicals are exclusively applied to research, medical, pharmaceutical or protective purposes and the types and quantities of chemicals are strictly limited to those which can be justified for such purposes. These activities are subject to prior declaration in accordance with regulations established under this [Act, Statute, Ordinance, etc.].</p> <p>If the prior declaration shows that the activity reported would</p>	See VI-I, <i>Nuclear Security Implementation Kit, Sections 5.2, 5.7, 5.8.</i>

			<p>transfer or use such controlled agents or toxins. ...”</p> <p><i>Section 13. International transfer controls:</i> <i>Import, export, re-export, and transshipment of controlled agents and toxins and controlled equipment and technology</i> “(1) Every individual or entity that imports, exports, re-exports, or transships any controlled agent or toxin or controlled equipment or technology through the territory of [COUNTRY NAME] shall be in possession of a permit from the [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY].</p> <p>(2) The [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY] shall issue regulations establishing the requirements and procedures to obtain a transfers permit for controlled agents or toxins or controlled equipment or technology. ...</p> <p><i>Export procedures</i> (4) The [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY] shall adopt procedures to ensure that controlled agents or toxins or controlled equipment or technology are only exported to individuals, entities or facilities in another State that are similarly regulated in respect of controlled agents or toxins or controlled equipment or technology. ...”</p>	<p>conflict with the obligations of [State Party] under the Convention, the [competent authority] shall prohibit or limit the activity.</p> <p>... (3) The export and import of Schedule 1 chemicals to or from a State not Party to the Convention, including transit through such State, are prohibited. ...”</p> <p><i>Section 3.1.2 Control regime for Schedule 2 chemicals:</i> “... (2) The export and the import of Schedule 2 chemicals to or from the territory of a State Party to the Convention shall be declared in accordance with the regime established in the regulations issued under this [Act, Statute, Ordinance, etc.].</p> <p>(3) The export and the import of Schedule 2 chemicals to or from the territory of a State not party to the Convention, including transit through such State, are prohibited unless an exemption that is provided for in regulations is applicable; in case such an exemption is applicable, the export and the import shall be subject to declaration in accordance with the regime established in the regulations under this [Act, Statute, Ordinance, etc.]”</p> <p><i>Section 3.1.3 Control regime for Schedule 3 chemicals:</i> “... (2) The export and the import of Schedule 3 chemicals shall be declared in accordance with the regime established in regulations issued under this [Act Statute, Ordinance, etc.].</p> <p>(3) Without prejudice of the requirement set out in paragraph (2) above, and except when exempted by regulations, the export of Schedule 3 chemicals to the territory of a State not Party is prohibited unless licensed by the [competent authority] in accordance with regulations established under this [Act, Statute, Ordinance, etc.]. The license may only be granted after it has been ensured that the transferred chemicals shall only be used for purposes not prohibited under the Convention. No license shall be granted without first having received an end-use certificate from the competent authorities of the recipient State.”</p>	
VI-6	Licensing provisions	<p><i>Section 9. Relevant International Trade Activities Related to Controlled Items and Unlisted Items</i> “(1) No person shall, without a prescribed permit, export, transit, transship, or re-export controlled items. (2) No person shall, without a prescribed special permit, export, transit, transship, or re-export controlled items or unlisted items to a restricted end-user specified in subsection 7(1). (3) No person shall export, transit, transship, or re-export controlled items or unlisted items to a prohibited end-users specified in subsection 7(2). ...”</p>	<p><i>Section 11. Licensing for controlled agents and toxins</i> <i>Licensing</i> “(1) Every individual or entity that develops, acquires, manufactures, possesses, stores, transports, transfers or uses controlled agents or toxins shall be in possession of a license from the [RESPONSIBLE AUTHORITY] pursuant to regulations issued under this [ACT, STATUTE, ORDINANCE, LAW]. The regulations shall require that individuals and entities obtaining a license under this section have a lawful purpose to develop, acquire, manufacture, possess, store, transport, transfer or use such controlled agents or toxins. (2) A license granted under this section shall list each controlled agent or toxin that an individual or entity is authorised to develop, acquire, manufacture, possess, store, transport, transfer or use. (3) The regulations issued under this [ACT, STATUTE, ORDINANCE, LAW] shall provide for revocation of a license by the [RESPONSIBLE AUTHORITY] in appropriate cases, including any violation of this [ACT, STATUTE, ORDINANCE, LAW]. (4) A license shall not be granted by the [RESPONSIBLE AUTHORITY] to those prohibited individuals and entities listed in the regulations issued under this [ACT, STATUTE, ORDINANCE, LAW]. </p>	<p><i>Section 3.3.1. Legal basis for establishing a licensing regime</i> “(1) The [competent authority] shall make regulations establishing a licensing regime for all licenses to be granted under this chapter. (2) The regulations on licenses shall, inter alia, (a) provide for different types of licenses with different requirements; (b) prescribe procedures for applying for licenses; (c) establish procedures for processing the applications for licenses; (d) establish procedures for the granting or refusal of licenses; (e) prescribe terms and conditions for the grant of licenses; (f) provide for a regime according to which granted licenses may be suspended, revoked, extended, renewed, transferred, or replaced; (g) establish fees payable by applicants for or holders of licences; and (h) prescribe a record-keeping regime for licence applicants or holders. (3) In case the licensed activity is not or only partially carried out, the [competent authority] shall be informed without delay.”</p>	<p><i>Section 5.2. Export of nuclear material</i> “(1) Nuclear material shall only be exported by a person licensed to export nuclear material under Section 3.2, paragraph (2) of this [Act, Statute, Ordinance, etc.]. (2) The [competent authority] shall not license the export of nuclear material, or may prevent such export, unless it has received assurances that the material will be protected during the international nuclear transport at the levels described in the regulations issued under this [Act, Statute, Ordinance, etc.]- (a) during storage incidental to international nuclear transport; and (b) during international transport.”</p> <p><i>Section 5.3. Import of nuclear material</i> “(1) Nuclear material shall only be imported by a person licensed to import nuclear material under Section 3.2, paragraph (2) of this [Act, Statute, Ordinance, etc.]. (2) The [competent authority] shall not license the import of nuclear material from a State not Party to the Convention on the Physical Protection of Nuclear Material, as amended, or may prevent such import, unless it has received assurances that the material will be protected during the international nuclear transport at the levels described in the regulations issued under this [Act, Statute, Ordinance, etc.]-</p>
VI-7	Individual licensing				

			<p><i>Entity licenses and Compliance Officer</i></p> <p>(6) An application for a license by an entity shall include information on ownership or control of the entity. Any entity seeking a license under this section shall also, as a condition of approval, identify, authorise and notify to the [RESPONSIBLE AUTHORITY] an individual in each of its facilities as a "Compliance Officer" for purposes of ensuring compliance with this [ACT, STATUTE, ORDINANCE, LAW] and the regulations issued hereunder. The Compliance Officer must possess adequate authority to act on behalf of the facility respecting compliance with this [ACT, STATUTE, ORDINANCE, LAW] and the regulations issued hereunder. The entity shall liaise with its facilities' Compliance Officers and the [RESPONSIBLE AUTHORITY] for the purposes of enforcement of this [ACT, STATUTE, ORDINANCE, LAW] and shall have such other responsibilities as the regulations may provide.</p> <p>(7) Any entity licensed under this section shall only allow access to controlled agents or toxins by individuals who are also licensed under this section to develop, acquire, manufacture, possess, store, transport, transfer or use controlled agents or toxins.</p> <p><i>Notification of facilities</i></p> <p>(8) The entity shall notify all of its facilities that develop, acquire, manufacture, possess, store, transport, transfer or use controlled agents or toxins, and licensed individuals working at those facilities, to the [RESPONSIBLE AUTHORITY]. The facilities that are notified to the [RESPONSIBLE AUTHORITY] shall be known as "notified facilities".</p> <p><i>Entity licenses, biosecurity and biosafety</i></p> <p>(9) (a) Every entity seeking a license under this section shall, as a condition of approval, confirm that its notified facilities comply with the biosecurity regulations issued pursuant to this [ACT, STATUTE, ORDINANCE, LAW], to prevent access to controlled agents or toxins by unlicensed individuals. The regulations shall specify physical protection measures, including physical and personnel security plans, for facilities where controlled agents or toxins are developed, acquired, manufactured, possessed, stored, transported, transferred or used. The regulations shall require personnel security background checks to ensure the reliability of individuals working in facilities where controlled agents or toxins are developed, acquired, manufactured, possessed, stored, transported, transferred or used. Requirements for physical and personnel security shall be commensurate with the risk the controlled agents and toxins pose to public health and safety.</p> <p>(b) Every entity seeking a license under this section shall also, as a condition of approval, confirm that its notified facilities comply with the biosafety regulations issued pursuant to this [ACT, STATUTE, ORDINANCE, LAW], to prevent unintentional exposure to controlled agents and toxins, or their accidental release."</p>	<p><i>Section 3.3.3 Common rules for the licensing and the declaration regime:</i></p> <p>"The regulations establishing a licensing and a declaration regime shall ensure that the [competent authority] is enabled to</p> <p>(a) prevent prohibited activities and comply with the requirements of the Convention;</p> <p>(b) gather all information as required under Article VI of the Convention; and</p> <p>(c) make all declarations to the Organisation under Article VI of the Convention in a comprehensive and timely manner."</p>	<p>(a) during storage incidental to international nuclear transport; and</p> <p>(b) during international transport."</p> <p><i>Section 5.6. Import of Category 1 and 2 radioactive sources</i></p> <p>"(1) Category 1 and 2 radioactive sources shall only be imported by a person licensed by the [competent authority] to import such radioactive sources under Section 3.2, paragraph (4) of this [Act, Statute, Ordinance, etc.].</p> <p>(2) It shall be a condition for authorisation by the [competent authority] of an import of any Category 1 or 2 radioactive source(s) into [State], under paragraph (1), that the exporting State has authorized the export of such radioactive source(s)."</p> <p><i>Section 5.7. Export of Category 1 and 2 radioactive sources</i></p> <p>"(1) Category 1 and 2 radioactive sources shall only be exported by a person licensed by the [competent authority] to export such radioactive sources under Section 3.2, paragraph (4) of this [Act, Statute, Ordinance, etc.].</p> <p>(2) It shall be a condition for authorisation by the [competent authority] of an export of any Category 1 or 2 radioactive source(s) from [State], under paragraph (1), that-</p> <p>(a) the importing State has authorized the import of such radioactive source(s);</p> <p>(b) in the case of Category 1 radioactive sources, the importing State has consented to the import of such radioactive source(s); and</p> <p>(c) the importing State has the appropriate technical and administrative capability, resources and regulatory structure needed to ensure that the source will be managed in a manner consistent with the provisions of the Code of Conduct on the Safety and Security of Radioactive Sources.</p> <p>(3) The importing State shall be notified of an export of a Category 1 or 2 radioactive source, at least seven calendar days in advance of shipment, by the person licensed by the [competent authority] to export such radioactive source(s) under Section 3.2, paragraph (4) of this [Act, Statute, Ordinance, etc.]."</p>
<p>VI-8</p>	<p>General licensing</p>	<p>See also <u>Georgetown Model Act, II-6, Sections 8 and 13 as well as Annex 5.</u></p>			<p>See <u>II-12, Nuclear Security Implementation Kit, Section 3.2.</u></p>
<p>VI-9</p>	<p>Exceptions from licensing</p>	<p><i>Annex 5. Regulations Establishing the Guidelines of Granting a Permit or a Special Permit Under Section 13(1) of the Act</i></p> <p>"... 5. Notwithstanding section 8 and 9 of the Act, permit requirement shall not apply to the following activities:</p> <p>(a) an export of any document in which any technology which is necessary for the development, production or use of any controlled items is recorded, stored or embodied, or to the transmission of such technology to the extent that the export or transmission is necessary to facilitate:</p> <p>(i) the installation, operation, maintenance</p>	<p><i>Section 11. Licensing for controlled agents and toxins:</i></p> <p>...</p> <p><i>Exemptions from licensing</i></p> <p>"(5) An exemption from a license under this section shall only be granted by the [RESPONSIBLE AUTHORITY] for public health or agricultural emergencies, evidentiary purposes, or for products licensed under food, drug, cosmetics, insecticide or similar laws. ..."</p>	<p><i>Section 3.1.2 Control regime for Schedule 2 chemicals:</i></p> <p>"... (3) The export and the import of Schedule 2 chemicals to or from the territory of a State not party to the Convention, including transit through such State, are prohibited unless an exemption that is provided for in regulations is applicable; in case such an exemption is applicable, the export and the import shall be subject to declaration in accordance with the regime established in the regulations under this [Act, Statute, Ordinance, etc.]."</p> <p><i>Section 3.1.3 Control regime for Schedule 3 chemicals:</i></p>	<p><i>Section 3.2. Licensing</i></p> <p>"... (5) Exemptions from the licensing requirement in paragraph (4) shall be provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]. ..."</p>

		<p>or repair of any items which have been exported;</p> <p>(ii) an application for a patent; or</p> <p>(iii) a research in such technology, the results of which have no practical application.”</p> <p><i>Section 8. Relevant Domestic Activities Related to Controlled Items</i></p> <p>“ ...</p> <p>(3) Exemptions from the permit requirement under subsection (1) may be granted in the regulations under this Act in strict accordance with international obligations.”</p> <p><i>Section 9. Relevant International Trade Activities Related to Controlled Items and Unlisted Items</i></p> <p>“ ...</p> <p>(6) Exemptions from the permit requirement under subsection (1), (2) or (3) may be granted in the regulations under this Act in strict accordance with international obligations.”</p>		<p>“... (3) Without prejudice of the requirement set out in paragraph (2) above, and except when exempted by regulations, the export of Schedule 3 chemicals to the territory of a State not Party is prohibited unless licensed by the [competent authority] in accordance with regulations established under this [Act, Statute, Ordinance, etc.]. ...”</p>	
VI-10	Licensing of deemed export/visa	Although not specifically addressed in the Act, the same permission scheme under Sections 12-14 should be applied.			
VI-11	National licensing authority	<p><i>Section 11. Application of Act to Permits and Registration</i></p> <p>“(1) Without prejudice to the general application of the related laws, for the purpose of controlled items, unlisted items and restricted activities regulated under this Act, the relevant Authority shall deal with the permits and registration required for such controlled items, unlisted items and restricted activities in accordance with the provisions of this Act.”</p> <p>See also III-1, <i>Georgetown Model Act, Sections 20 and 23.</i></p>	See V-3, <i>BWC Sample Act, Section 15.</i>	See IV-1, <i>CWC Implementation Kit, Section 2.</i>	See III-1, <i>Nuclear Security Implementation Kit, Section 3.1.</i>
VI-12	Interagency review for licenses	<p><i>Section 13. Grant or Refusal of Permit</i></p> <p>(7) Any person aggrieved due to a denial of a permit under this Section may appeal to the Relevant Authority, who may confirm, amend or set aside the decision of the denial.</p> <p><i>Section 14. Suspension and Revocation of Permit</i></p> <p>“ ...</p> <p>(3) Any person aggrieved due to a suspension or revocation of a permit under this Section may appeal to the relevant Authority, who may confirm, amend or set aside the decision of the suspension or revocation.”</p> <p><i>Section 15. Registration of Brokers</i></p> <p>“ ... (10) Any person aggrieved due to a denial of a registration under this Section may appeal to the relevant Authority, who may confirm, amend or set aside the decision of the denial. ...”</p> <p>(Relevant authority can be multiple agencies depending on how the State designates the relevant authority under this section)</p>			
VI-13	Control lists	<p><i>Section 6: Controlled Items</i></p> <p>“(1) The relevant Authority may, by order published in the</p>	<p><i>Section 9. Controlled agents and toxins</i></p> <p><i>Option 1:</i> [(1) The [RESPONSIBLE AUTHORITY] shall</p>	<p><i>Section 1.7 Definition of “Schedule 1, 2 and 3 chemicals”</i></p> <p>““Schedule 1, 2 and 3 chemicals” means those chemicals listed</p>	

		<p>Gazette, prescribe any items as controlled items for the purposes of this Act. (2) If any question arises as to whether any item is or is not included in a class of items appearing in an order made under subsection (1), such question shall be decided by the relevant Authority.”</p>	<p>establish and maintain a list of biological agents and toxins that pose a severe threat to public health and safety and national security, based on the following criteria –</p> <ul style="list-style-type: none"> (a) effect of exposure on human, animal, or plant health, or on animal or plant products; (b) degree of contagiousness and method of transmission; (c) availability and effectiveness of pharmacotherapies and immunisations; and (d) other criteria deemed appropriate, if any, provided that the [RESPONSIBLE AUTHORITY] shall publicly disclose and explain the use of any such criteria. <p>(2) The biological agents and toxins on the list established under this section shall be referred to as “controlled agents and/or toxins”, and the list of such agents and toxins as the “controlled agents and toxins list”. The controlled agents and toxins list shall be included in the regulations issued pursuant to this section, and shall be periodically reviewed and modified as necessary by the [RESPONSIBLE AUTHORITY].</p> <p><i>Option 2:</i> [(1) The [RESPONSIBLE AUTHORITY] shall establish and maintain a list of biological agents and toxins, based on the World Health Organization’s classification of infective micro-organisms by risk group. This list, and the guidelines used to establish it, shall be included in the regulations issued pursuant to this section, and shall be periodically reviewed and modified as necessary by the [RESPONSIBLE AUTHORITY].</p> <p>(2) The biological agents and toxins in Risk Group[s] [1,] [2,] [3,] [and] [4] on the list established under this section shall be referred to as “controlled agents and/or toxins”, and the list of such agents and toxins as the “controlled agents and toxins list”.]</p>	<p>respectively in Schedule 1, Schedule 2 and Schedule 3 of the Annex on Chemicals to [the Convention / this [Act, Statute, Ordinance, etc.]] regardless of whether the chemical is pure or contained in a mixture.”</p>	
<p>VI-14</p>	<p>Updating of lists</p>	<p>See VI-13, <i>Georgetown Model Act, Section 6</i>.</p>	<p>See VI-13, <i>BWC Sample Act, Section 9</i>.</p>	<p><i>Section 7.3. Amendment of the Annex on Chemicals to this [Act, Statute, Ordinance, etc.]</i> “In case the Annex on Chemicals to the Convention is amended the Annex on Chemicals to this [Act, Statute, Ordinance, etc.] shall be adjusted and for this purpose be amendable by regulations.”</p>	
<p>VI-15</p>	<p>Inclusion of technologies</p>	<p><i>Section 5. Definitions</i> “controlled items” means any items prescribed as controlled items under section 6; See also VI-13, <i>Georgetown Model Act, Section 6</i>.</p>	<p><i>Section 10. Controlled equipment and technology</i> “(1) The [RESPONSIBLE AUTHORITY] shall establish and maintain a list of dual-use biological equipment and technology. (2) The dual-use biological equipment and technology on the list established under this section shall be referred to as “controlled equipment and/or technology”, and the list of such equipment and technology as the “controlled equipment and technology list”. The controlled equipment and technology list shall be included under regulations issued pursuant to this section, and shall be periodically reviewed and modified as necessary by the [RESPONSIBLE AUTHORITY].”</p> <p><i>Section 13. International transfer controls:</i> <i>Import, export, re-export, and transshipment of controlled agents and toxins and controlled equipment and technology</i> “(1) Every individual or entity that imports, exports, re-exports, or transships any controlled agent or toxin or controlled equipment or technology through the territory of [COUNTRY NAME] shall be in possession of a permit from the [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT</p>		

			CONTROL AUTHORITY]. (2) The [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY] shall issue regulations establishing the requirements and procedures to obtain a transfers permit for controlled agents or toxins or controlled equipment or technology. ...”		
VI-16	Inclusion of means of delivery	Section 5. Definitions “weapons of mass destruction” means any weapon designed to kill, harm or infect people, animals or plants through the effect of nuclear explosion or dispersion or the toxic properties of a chemical weapon or the infectious or toxic properties of a biological weapon, and includes a delivery system designed, adapted or intended for the deployment of such weapons and their materials.	Section 4. Interpretation “(1) In this [ACT, STATUTE, ORDINANCE, LAW] – (a) “Biological or toxin weapon” means – i. microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; ii. weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict; ...”	See II-14, CWC Implementation Kit, Section 1.1.	
VI-17	End-user controls	Section 7: Restricted and Prohibited End-User “(1) The relevant Authority may designate an end-user to be a restricted end-user for which a special permit is required under this Act. (2) The relevant Authority may designate an end-user to be a prohibited end-user to which all export, transit, transshipment and re-export of controlled items or unlisted items under this Act are prohibited. (3) A list of the restricted end-users and prohibited end-users shall be published by order in the Gazette, and the relevant Authority may amend the list from time to time.” See also II-12, Georgetown Model Act, Section 13.	Section 13. International transfer controls: “... (5) The procedures in subsection (4) shall include a requirement for an end-use certificate which shall contain, at a minimum – (a) A statement that the controlled agent or toxin or controlled equipment or technology will only be used for lawful purposes; (b) A statement that the controlled agent or toxin or controlled equipment or technology will not be retransferred; (c) The type and quantity of controlled agent or toxin, or a description of the controlled equipment or technology, to be transferred; (d) The end-use of the controlled agent or toxin or controlled equipment or technology to be transferred; and (e) The name(s) and location(s) of the end-user(s) and any intermediaries. ...”	Section 3.1.3 Control regime for Schedule 3 chemicals: “... (3) Without prejudice of the requirement set out in paragraph (2) above, and except when exempted by regulations, the export of Schedule 3 chemicals to the territory of a State not Party is prohibited unless licensed by the [competent authority] in accordance with regulations established under this [Act, Statute, Ordinance, etc.]. The license may only be granted after it has been ensured that the transferred chemicals shall only be used for purposes not prohibited under the Convention. No license shall be granted without first having received an end-use certificate from the competent authorities of the recipient State.”	
VI-18	Catch all clause	Section 9: Relevant International Trade Activities Related to Controlled Items and Unlisted Items “... (4) If a person is informed by the relevant Authority or otherwise knows or has reason to believe that any unlisted items will be used for any restricted activities, then the person shall notify the relevant Authority of his intention to export, transit, transship or re-export such unlisted item at least [] days before that transaction is to be carried out. Upon such notification, the relevant Authority shall decide whether or not and under what condition to allow that transaction to proceed. ...”	Section 11. Licensing for controlled agents and toxins Risk assessment for activities involving non-controlled agents and toxins “...(12) Subsection (1) notwithstanding, any individual, entity or facility that develops, acquires, manufactures, possesses, stores, transports, transfers or uses non-controlled agents or toxins shall complete a risk assessment, in the manner prescribed in the regulations issued under this [ACT, STATUTE, ORDINANCE, LAW], for each activity that it undertakes which it reasonably believes may pose a threat to public health and safety and national security. This risk assessment shall be submitted to the [RESPONSIBLE AUTHORITY] within the time frame specified in the regulations.” Section 13. International transfer controls “...(3) If the [RESPONSIBLE AUTHORITY] has reason to believe or suspect that an imported, exported, re-exported, or transhipped non-controlled agent or toxin or non-controlled equipment or technology might be used for purposes prohibited by this [ACT, STATUTE, ORDINANCE, LAW], the [RESPONSIBLE AUTHORITY] may obtain an injunction from	Section 3.2 Other relevant activities and facts: “(1) The [competent authority] may in regulations identify further declarable past or anticipated activities and facts relevant to the Convention. (2) In the event that the [competent authority] has reason to believe that any natural or legal person has information that is relevant for a declaration required to be made by [State Party] to the Organisation, or that is relevant for the implementation of the or for the enforcement of this [Act, Statute, Ordinance, etc.], it may by notice require the person to provide such information.”	5.11 Prevention of unauthorised transfer, import, export, transit, or transport of nuclear material or radioactive sources The [competent authority] is authorised under this [Act, Statute, Ordinance, etc.] to obtain an injunction from the appropriate judicial authority to prevent transfer, import, export, transit or transport of nuclear material or a Category 1 or 2 radioactive source, if the [competent authority] has reason to believe or suspect that the transfer, import, export, transit or transport is- (a) not licensed by the [competent authority]; or (b) otherwise in violation of this [Act, Statute, Ordinance, etc.].

			appropriate judicial authorities to prevent the import, export, re-export, or transshipment....”		
VI-19	Intangible transfers	<p>Section 5. Definitions</p> <p>“ ...</p> <p>“provision of services” related to international trade in controlled items including (i) Brokering, (ii) Financing, (iii) Technical assistance, (iv) Transmitting technical data, (v) Transportation; ...”</p> <p><i>Section 8. Relevant Domestic Activities Related to Controlled Items</i></p> <p>“(1) No person shall, without a prescribed permit, manufacture, acquire, possess, develop, transport, transfer, or use controlled items.</p> <p>(2) No person shall attempt, accomplice, assist, or provide services relating to activities which are inconsistent with subsection (1). ...”</p> <p><i>Section 9. Relevant International Trade Activities Related to Controlled Items and Unlisted Items</i></p> <p>“(1) No person shall, without a prescribed permit, export, transit, transship, or re-export controlled items.</p> <p>(2) No person shall, without a prescribed special permit, export, transit, transship, or re-export controlled items or unlisted items to a restricted end-user specified in subsection 7(1).</p> <p>(3) No person shall export, transit, transship, or re-export controlled items or unlisted items to a prohibited end-users specified in subsection 7(2).</p> <p>...</p> <p>(5) No person shall attempt, accomplice, assist, or provide services relating to activities which are inconsistent with subsection (1), (2) or (3). ...”</p>			
VI-20	Transit control	<p><i>Section 9: Relevant International Trade Activities Related to Controlled Items and Unlisted Items</i></p> <p>“(1) No person shall, without a prescribed permit, export, transit, transship, or re-export controlled items.</p> <p>(2) No person shall, without a prescribed special permit, export, transit, transship, or re-export controlled items or unlisted items to a restricted end-user specified in subsection 7(1).</p> <p>(3) No person shall export, transit, transship, or re-export controlled items or unlisted items to a prohibited end-users specified in subsection 7(2).</p> <p>(4) If a person is informed by the relevant Authority or otherwise knows or has reason to believe that any unlisted items will be used for any restricted activities, then the person shall notify the relevant Authority of his intention to export, transit, transship or re-export such unlisted item at least [] days before that transaction is to be carried out. Upon such notification, the relevant Authority shall decide whether or not and under what condition to allow that transaction to proceed.</p> <p>(5) No person shall attempt, accomplice, assist, or provide services relating to activities which are inconsistent with subsection (1), (2) or (3).</p> <p>(6) Exemptions from the permit requirement under subsection (1), (2) or (3) may be granted in the regulations under this Act in strict accordance with international</p>	<p><i>Section 13: International transfer controls</i></p> <p>“... Transit</p> <p>(6) The [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY] shall issue regulations establishing the requirements and procedures for the transit of controlled agents or toxins or controlled equipment or technology through the territory of [COUNTRY NAME].”</p> <p><i>Section 14: Transportation of controlled agents and toxins</i></p> <p>“... Transport guidelines</p> <p>(3) Internal and international transportation of controlled agents and toxins shall be conducted in accordance with the hazardous material transport guidelines and packaging and labeling requirements issued by the [MINISTRY OF TRANSPORTATION] and any regulations issued by the [RESPONSIBLE AUTHORITY] under this [ACT, STATUTE, ORDINANCE, LAW]. Every carrier that imports, exports, re-exports, transships or transits controlled agents or toxins through the territory of [COUNTRY NAME] shall also comply with all applicable international regulations for the shipment of hazardous materials...”</p>	<p><i>Section 3.1.1 Control regime for Schedule 1 chemicals</i></p> <p>“... (3) The export and the import of Schedule 1 chemicals to or from a State not Party to the Convention, including transit through such State, are prohibited.”</p> <p><i>Section 3.1.2. Control regime for Schedule 2 chemicals</i></p> <p>“... (3) The export and the import of Schedule 2 chemicals to or from the territory of a State not party to the Convention, including transit through such State, are prohibited unless an exemption that is provided for in regulations is applicable; in case such an exemption is applicable, the export and the import shall be subject to declaration in accordance with the regime established in the regulations under this [Act, Statute, Ordinance, etc.]”</p> <p><i>Section 6.2: Transportation or transfer of chemical weapons</i></p> <p>“Any person [level of intent] transporting, transiting, transshipping or transferring directly or indirectly a chemical weapon to any other person, commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p>	<p><i>Section 5.4. Transit of nuclear material</i></p> <p>“(1) Nuclear material shall not pass in transit through [State], whether by land or internal waterways or through its airports or seaports, between States not Party to the Convention on the Physical Protection of Nuclear Material, as amended, unless the [competent authority] has received assurances from those States that the nuclear material will be protected during international nuclear transport at the levels described in the regulations issued under this [Act, Statute, Ordinance, etc.]-</p> <p>(a) during storage incidental to international nuclear transport; and</p> <p>(b) during international transport.</p> <p>(2) The [competent authority] shall inform those States through which nuclear material may pass in transit, whether by land or internal waterways or through their airports or seaports, if [State] is the State that has received assurances that the material will be protected during the international nuclear transport at the levels described in the regulations issued under this [Act, Statute, Ordinance, etc.]”</p> <p>See also II-9, Nuclear Security Implementation Kit, Section 5.10.</p> <p>See also II-10, Nuclear Security Implementation Kit, Section 5.11.</p>

		obligations.”			
VI-21	Trans-shipment control	See VI-20, <i>Georgetown Model Act, Section 9.</i>	<p><i>5. Misuse of biological agents and toxins</i></p> <p>“... (3) Every person commits an offence who –</p> <p>... (c) imports, exports, re-exports, or transships any controlled agent or toxin or controlled equipment or technology through the territory of [COUNTRY NAME] –</p> <p>i. without a transfer permit granted by the [RESPONSIBLE AUTHORITY] under section 13 of this [ACT, STATUTE, ORDINANCE, LAW], or</p> <p>ii. without an end-user certificate under section 13 of this [ACT, STATUTE, ORDINANCE, LAW];...”</p> <p><i>13. International transfer controls</i></p> <p>“Import, export, re-export, and transshipment of controlled agents and toxins and controlled equipment and technology</p> <p>(1) Every individual or entity that imports, exports, re-exports, or transships any controlled agent or toxin or controlled equipment or technology through the territory of [COUNTRY NAME] shall be in possession of a permit from the [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY].</p> <p>(2) The [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY] shall issue regulations establishing the requirements and procedures to obtain a transfers permit for controlled agents or toxins or controlled equipment or technology.</p> <p>(3) If the [RESPONSIBLE AUTHORITY] has reason to believe or suspect that an imported, exported, re-exported, or transhipped non-controlled agent or toxin or non-controlled equipment or technology might be used for purposes prohibited by this [ACT, STATUTE, ORDINANCE, LAW], the [RESPONSIBLE AUTHORITY] may obtain an injunction from appropriate judicial authorities to prevent the import, export, re-export, or transshipment.”</p> <p>See also VI-20, <i>BWC Sample Act, Section 14.</i></p>		See II-9, <i>Nuclear Security Implementation Kit, Section 5.10.</i>
VI-22	Re-export control	See VI-20, <i>Georgetown Model Act, Section 9.</i>	See VI-21, <i>BWC Sample Act, Sections 5, 13 and 14.</i>	<p><i>6.8 Re-exportation of Schedule 1 chemicals</i></p> <p>“Any person [level of intent] exporting a Schedule 1 chemical previously imported into [State Party] to a third state, commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p>	
VI-23	Control of providing funds	See also VI-19, <i>Georgetown Model Act, Sections 5 and 9.</i>	Although not directly mentioned please see Section 23 and possible recourse over funds engaged in prohibited activities.		
VI-24	Control of providing transport services	See also VI-19, <i>Georgetown Model Act, Sections 5 and 9.</i>	<p><i>Section 11. Licensing for controlled agents and toxins:</i></p> <p><i>Licensing</i></p> <p>“(1) Every individual or entity that develops, acquires, manufactures, possesses, stores, transports, transfers or uses controlled agents or toxins shall be in possession of a license from the [RESPONSIBLE AUTHORITY] pursuant to regulations issued under this [ACT, STATUTE, ORDINANCE, LAW]. The regulations shall require that individuals and entities obtaining a license under this section have a lawful purpose to</p>		See II-9, <i>Nuclear Security Implementation Kit, Section 5.1.</i> See also II-10, <i>Nuclear Security Implementation Kit, Section 5.11.</i>

			develop, acquire, manufacture, possess, store, transport, transfer or use such controlled agents or toxins. ...”		
VI-25	Control of importation		<p><i>Section 13. International transfer controls:</i> <i>Import, export, re-export, and transshipment of controlled agents and toxins and controlled equipment and technology</i> “(1) Every individual or entity that imports, exports, re-exports, or transships any controlled agent or toxin or controlled equipment or technology through the territory of [COUNTRY NAME] shall be in possession of a permit from the [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY]. (2) The [RESPONSIBLE AUTHORITY OR NATIONAL IMPORT/EXPORT CONTROL AUTHORITY] shall issue regulations establishing the requirements and procedures to obtain a transfers permit for controlled agents or toxins or controlled equipment or technology. (3) If the [RESPONSIBLE AUTHORITY] has reason to believe or suspect that an imported, exported, re-exported, or transhipped non-controlled agent or toxin or non-controlled equipment or technology might be used for purposes prohibited by this [ACT, STATUTE, ORDINANCE, LAW], the [RESPONSIBLE AUTHORITY] may obtain an injunction from appropriate judicial authorities to prevent the import, export, re-export, or transshipment...”</p> <p>See VI-21, <i>BWC Sample Act, Section 5.</i></p>	<p><i>3.1.1 Control regime for Schedule 1 chemicals</i> “(1) The acquisition, retention, in-country-transfer, import, export and the use of Schedule 1 chemicals are prohibited unless the chemicals are exclusively applied to research, medical, pharmaceutical or protective purposes and the types and quantities of chemicals are strictly limited to those which can be justified for such purposes. These activities are subject to prior declaration in accordance with regulations established under this [Act, Statute, Ordinance, etc.]... (3) The export and the import of Schedule 1 chemicals to or from a State not Party to the Convention, including transit through such State, are prohibited...”</p> <p><i>3.1.2 Control regime for Schedule 2 chemicals</i> “... (2) The export and the import of Schedule 2 chemicals to or from the territory of a State Party to the Convention shall be declared in accordance with the regime established in the regulations issued under this [Act, Statute, Ordinance, etc.]. (3) The export and the import of Schedule 2 chemicals to or from the territory of a State not party to the Convention, including transit through such State, are prohibited unless an exemption that is provided for in regulations is applicable; in case such an exemption is applicable, the export and the import shall be subject to declaration in accordance with the regime established in the regulations under this [Act, Statute, Ordinance, etc.]”</p> <p><i>3.1.3 Control regime for Schedule 3 chemicals</i> “... (2) The export and the import of Schedule 3 chemicals shall be declared in accordance with the regime established in regulations issued under this [Act Statute, Ordinance, etc.]...”</p> <p><i>6.9 Export or import of Schedule 1 and 2 chemicals</i> “Any person [level of intent] illegally exporting to, or importing from, a State not party to the Convention, a Schedule 1 or 2 chemical commits an offence and shall be punished upon conviction by [period of time] imprisonment [and/or] fined an amount ranging from [currency; amount] to [currency; amount].”</p>	See VI-1, <i>Nuclear Security Implementation Kit, Sections 5.3, 5.6 and 5.8.</i>

VI-26	Extraterritorial applicability	<p><i>Section 3. Extent and Application</i> "This Act shall extend – ... (b) to acts or omissions prohibited under this Act, which are committed by [State's name] national outside the territory of [State's name]; ... (e) to acts or omissions prohibited by this Act, which are committed with the intent to harm [State's name] or its nationals or to compel [State's name] to do or abstain from doing any act; or (f) to acts or omissions prohibited by this Act, in which the victim of the offence is a national of [State's name]."</p>	<p><i>Section 27. Application</i> "(1) This [ACT, STATUTE, ORDINANCE, LAW] shall extend – ... (b) to acts or omissions prohibited under this [ACT, STATUTE, ORDINANCE, LAW], which are committed by a[n] [COUNTRY NAME] national outside the territory of [COUNTRY NAME]; ... (d) to acts or omissions prohibited by this [ACT, STATUTE, ORDINANCE, LAW], which are committed by a stateless person or resident whose habitual residence is the territory of [COUNTRY NAME]; (e) to acts or omissions prohibited by this [ACT, STATUTE, ORDINANCE, LAW], which are committed with the intent to harm [COUNTRY NAME] or its nationals or to compel [COUNTRY NAME] to do or abstain from doing any act; or (f) to acts or omissions prohibited by this [ACT, STATUTE, ORDINANCE, LAW], in which the victim of the offence is a national of [COUNTRY NAME]."</p>	<p><i>Section 6.15 Extraterritorial application:</i> "Any natural person who, in a place outside the jurisdiction of [State Party], commits an act or omission that would, if committed in a place under the jurisdiction of [State Party], constitute an offence under this [Act, Statute, Ordinance, etc.] is deemed to have committed it in a place under the jurisdiction of [State Party] if – (a) the person is a [State Party's] national; or (b) the place was under the control of [State Party]."</p>	<p><i>7.1 Jurisdiction over offences committed in the territory of the State or on board a ship or aircraft registered in the State</i> "[State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the offence is committed in the territory of [State] or on board a ship or aircraft registered in [State]."</p> <p><i>Section 7.2. Jurisdiction over offences committed by nationals</i> "[State] shall have jurisdiction over offences established under this [Act, Statute, Ordinance, etc.] when the alleged offender is a national of [State] regardless of where the conduct occurred."</p> <p><i>Section 7.3. Jurisdiction over offences committed against nationals</i> "[State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the offence is committed against a national of [State]."</p> <p><i>Section 7.4. Jurisdiction over offences committed against a [State] or government facility of [State] abroad</i> "[State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the offence is committed against a [State] or government facility of [State] abroad, including an embassy or other diplomatic or consular premises of [State]."</p>
VI-27	Other				<p><i>5.9. Re-entry into [State] of disused radioactive sources</i> "(1) The [competent authority] shall allow for re-entry into the territory of [State] of disused radioactive sources if the [competent authority] had previously accepted their return to a manufacturer authorised to manage the disused sources. (2) The procedures for the re-entry of disused radioactive sources, under paragraph (1), shall be further provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]."</p>

VII. UNSCR 1540 OP 6, 7 and 8 (d) – Control lists, Assistance, Information: Can information be provided on the following issues?

UNSCR 1540 Matrix	Georgetown/CARICOM Model Act	VERTIC BWC Sample Act	OPCW CWC Implementation Kit	Indonesia-VERTIC Nuclear Security Implementation Kit
VII-1	<p>Control lists - items (goods/equipment/materials/technologies)</p> <p>See VI-13, Georgetown Model Act, Section 6. Under Annex I, the relevant authority may prescribe any items as controlled items (including goods, materials and technology)</p>	<p>See VI-13, BWC Sample Act, Section 9.</p>	<p>See VI-13, CWC Implementation Kit, Section 1.7.</p>	
VII-2	<p>Control lists - other</p>			
VII-3	<p>Assistance offered</p>	<p>VERTIC's National Implementation Measures Programme</p>	<p>OPCW VERTIC's National Implementation Measures Programme</p>	<p>IAEA VERTIC's National Implementation Measures Programme</p>
VII-4	<p>Assistance requested</p> <p>(Requested by State)</p>	<p>(Requested by State)</p>	<p>(Requested by State)</p>	<p>(Requested by State)</p>
VII-5	<p>Point of Contact for assistance</p> <p>See III-1, Georgetown Model Act, Section 23.</p>	<p>See V-3, BWC Sample Act, Section 15.</p>	<p>See IV-1, CWC Implementation Kit, Section 2</p>	<p>See III-1, Nuclear Security Implementation Kit, Section 3.1.</p>
VII-6	<p>Assistance in place (bilateral/multilateral)</p> <p>(depending on the State)</p>	<p>(depending on the State)</p>	<p>(depending on the State)</p>	<p>(depending on the State)</p>

VII-7	Work with and inform industry	See III-1, Georgetown Model Act, Section 23.	See V-3, BWC Sample Act, Section 15.	See IV-1, CWC Implementation Kit, Section 2	See III-1, Nuclear Security Implementation Kit, Section 3.1.
VII-8	Work with and inform the public	See III-1, Georgetown Model Act, Section 23.	See V-3, BWC Sample Act, Section 15.	See IV-1, CWC Implementation Kit, Section 2	See III-1, Nuclear Security Implementation Kit, Section 3.1.
VII-9	Point of Contact	See III-1, Georgetown Model Act, Section 23.	See V-3, BWC Sample Act, Section 15.	See IV-1, CWC Implementation Kit, Section 2.	See III-1, Nuclear Security Implementation Kit, Section 3.1.
VII-10	Other				

VIII. Areas not covered by the UNSCR 1540 Matrix

		Georgetown/CARICOM Model Act	VERTIC BWC Sample Act	OPCW CWC Implementation Kit	Indonesia-VERTIC Nuclear Security Implementation Kit
VIII-1	Confidentiality	<p><i>Section 19. Confidentiality of Information Obtained by Government Authorities</i></p> <p>“(1) Any information and document obtained pursuant to this Act or its implementing regulations or by virtue of this Act or its implementing regulations are privileged and confidential within or outside [State’s name], unless such information or document is publicly available.</p> <p>(2) No person in possession of privileged or confidential information or documents shall, without the written consent of the person from whom they were obtained, disclose, transmit or make known to any person any privileged or confidential information or documents, allow privileged or confidential information or documents to be disclosed, transmitted or made known to any person, or allow any person to have access to privileged or confidential information or documents, unless for the purpose of—</p> <ul style="list-style-type: none"> (a) enforcement of this Act or its implementing regulations; (b) dealing with an emergency involving public safety; (c) satisfying the requirements of any law or as evidence in any court of law; or (d) sharing relevant information with authorities in other countries if required for effective international cooperation. <p>(3) If the relevant Authority or any court is of opinion that the disclosure of certain information or document may compromise the interests of [State’s name] or affected person, it may direct that any proceedings before it be held in camera.”</p>	<p><i>Section 17. Record-keeping and reporting and related offences:</i></p> <p>“... (9) Every person commits an offence who obtains data, information, documents or reports pursuant to this [ACT, STATUTE, ORDINANCE, LAW] or any regulations issued hereunder and, without written consent, communicates the data, information, documents or reports to any other person in any form, except –</p> <ul style="list-style-type: none"> (a) for the purpose of the enforcement or application of this [ACT, STATUTE, ORDINANCE, LAW] or any regulations issued hereunder, including criminal investigations and intelligence assessments; (b) pursuant to an international obligation of [COUNTRY NAME]; or (c) to the extent that the data, information, documents or reports are required to be disclosed or communicated in the interest of public safety.” 	<p><i>Section 5.4. Protection of confidential information</i></p> <p>“(1) All information and documents given to or obtained by [the National Authority] pursuant to the Convention, this law or its implementing regulations shall be evaluated in order to establish whether they contain confidential information. Information shall be considered confidential if it is so designated by the natural or legal person to whom it relates or from whom it has been received. It shall also be considered confidential if its disclosure could reasonably be expected to cause damage to the person it relates to or from whom it has been received or to the mechanisms for implementation of the Convention.</p> <p>(2) All information and documents given to or obtained by any other person pursuant to the Convention, this law or its implementing regulations shall be treated as confidential information, unless such information or document is publicly available.</p> <p>(3) Disclosure of confidential information or documents is only allowed with the consent of the person to whose affairs it relates or for the purpose of—</p> <ul style="list-style-type: none"> (a) implementing the Convention; (b) enforcing of this [Act, Statute, Ordinance, etc.]; or (c) dealing with an emergency involving public safety.” <p><i>Section 6.13. Failure to protect confidential information</i></p> <p>“Any person who [level of intent] fails to comply with the provision of this law and its implementing regulations to protect confidential information commits an offence and shall be punished upon conviction by imprisonment for a term of [period of time] [and/or] with a fine not exceeding [amount].”</p>	<p><i>Section 3.5. Confidentiality; computer security</i></p> <p>“(1) Any information which is in the possession of the [competent authority] pursuant to the implementation of this [Act, Statute, Ordinance, etc.] and any regulations issued hereunder, the unauthorized disclosure of which could compromise national security or the physical protection of nuclear material and nuclear facilities, or of radioactive sources, shall be protected as confidential.</p> <p>(2) [The competent authority] shall not provide to unauthorized persons any information which is otherwise prohibited by the national law of [State], or which would jeopardize the security of [State] or the physical protection of nuclear material.</p> <p>(3) Computer security measures shall be applied at all times to the information covered by this Section, and falling with this [Act, Statute, Ordinance, etc.] and any regulations issued hereunder. The [competent authority] shall be responsible for developing standards and guidelines for computer security in nuclear facilities and facilities involved in the management of radioactive sources.”</p>
VIII-2	Definitions	<p><i>Section 5. Definitions</i></p> <p>““acquire” in relation to any items, means the purchase, hire or borrowing of the items, or the acceptance of the items, as a gift;</p> <p>“authorized officer” means designated enforcement officers under a relevant Authority, which may set conditions for the conduct of activities by authorized officers;</p> <p>“biological weapon” has the same meaning as assigned to it under the Biological Weapons Convention (1972);</p> <p>“broker” means the activity of a person who, either on his own behalf or acting as an agent on behalf of another person—</p> <ul style="list-style-type: none"> (a) negotiates, arranges for or facilitates the purchasing, financing, insurance, storage, warehousing, freight-forwarding, sale or supply of items; or (b) buys, sells or supplies such items; 	<p><i>Section 4. Interpretation</i></p> <p>“(1) In this [ACT, STATUTE, ORDINANCE, LAW] –</p> <ul style="list-style-type: none"> (a) “Biological or toxin weapon” means – <ul style="list-style-type: none"> i. microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; ii. weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict; (b) “Controlled agents and toxins” and “controlled agents and toxins list” shall have the meaning assigned to each in section 9 of this [ACT, STATUTE, ORDINANCE, LAW]; 	<p><i>Section 1.1 Definition of “chemical weapon”</i></p> <p>“Chemical weapon” means the following, together or separately—</p> <ul style="list-style-type: none"> (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with such purposes; (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices; (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).” 	<p><i>Section 2.1. “Category 1 radioactive source”</i></p> <p>““Category 1 radioactive source” means a source which, if not safely managed or securely protected, would be likely to cause permanent injury to a person who handled it, or were otherwise in contact with it, for more than a few minutes. It would probably be fatal to be close to this amount of unshielded material for a period of a few minutes to an hour. These sources are typically used in practices such as radiothermal generators, irradiators and radiation teletherapy.”</p> <p><i>Section 2.2. “Category 2 radioactive source”</i></p> <p>““Category 2 radioactive source” means a source which, if not safely managed or securely protected, could cause permanent injury to a person who handled it, or were otherwise in contact with it, for a short time (minutes to hours). It could possibly be fatal to be close to this amount of unshielded</p>

	<p>“chemical weapon” has the same meaning as assigned to it under the Chemical Weapons Convention (1993);</p> <p>...</p> <p>“develop” in relation to any items, means any stage prior to the serial production of the items, including design, design research, design analysis, development of a design concept, assembly and testing of a prototype, pilot production, generation of design data, the process of transforming design data into a product, configuration design, integration design, and layout;</p> <p>“entity” means any government agency, academic institution, corporation, company, partnership, society, association, firm, sole proprietorship, or other legal entity;</p> <p>“export” means to take out from [State’s name] items by land, water or air, and includes the placing of the goods in a conveyance for the purpose of taking the items out from [State’s name]; but does not include the taking out from [State’s name] of items that have been brought in transit or transshipped;</p> <p>“finance” refers to the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, trans-shipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials (including both technologies and dual use goods used for non-legitimate purposes), in contravention of national laws or, where applicable, international obligations;</p> <p>“items” includes any technology, data, technical assistance, services, software, processes, activities, facilities, substances, materials, items, equipment, components, assemblies or systems;</p> <p>“manufacture” in relation to any items, means any stage of production of the goods, including construction, production, engineering, integration, assembly, mounting, inspection, testing, and quality assurance;</p> <p>“nuclear weapon” has the same meaning as assigned to it under the Nuclear Non-Proliferation Treaty (1968);</p> <p>“permit” means a permit issued under this Act, and includes a special permit;</p> <p>“person” means any natural person, legal person, or juridical person including, but not limited to, entities with legal rights, duties, and obligations;</p> <p>“proceedings” includes the following:</p> <ul style="list-style-type: none"> (a) Proceedings during the investigation phase; (b) Court proceedings aimed at establishing the guilt or innocence of the alleged perpetrator; (c) Post-trial proceedings, extradition proceedings triggered at the request of a foreign State; and (d) Bilateral proceedings established for the purpose of rendering mutual assistance in criminal matters, such for the taking of statements and those designed to execute the freezing and forfeiture of assets; <p>...</p> <p>“re-export” means to take out from [State’s name], by land, water or air, any items that have been imported for use within [State’s name];</p> <p>“restricted activities” means any activity that is contrary to the purpose of this Act such as any activity that supports development, production, handling, usage, maintenance, storage, inventory or proliferation of any weapon of mass destruction and its delivery system;</p> <p>“technical assistance” includes instructions, skills, training,</p>	<ul style="list-style-type: none"> (c) “Controlled equipment and technology” and “controlled equipment and technology list” shall have the meaning assigned to each in section 10 of this [ACT, STATUTE, ORDINANCE, LAW]; (d) “Entity” means any government agency, academic institution, corporation, company, partnership, society, association, firm, sole proprietorship, or other legal entity; (e) “Person” means any natural person or, to the extent consistent with internal law as to criminal responsibility, any legal person; (f) “Responsible Authority” refers to the body established under section 15 of this [ACT, STATUTE, ORDINANCE, LAW]; (g) “Territory” means any area within [COUNTRY NAME], or under its jurisdiction or control anywhere. <p>(2) The [RESPONSIBLE AUTHORITY] may make regulations defining “biological agent”, “toxin”, “equipment” and “technologies” for the purposes of this [ACT, STATUTE, ORDINANCE, LAW]. “</p>	<p><i>Section 1.2 Definition of “toxic chemical”</i></p> <p>“(1) “Toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals.</p> <p>(2) The definition in paragraph (1) includes all such chemicals therein, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.</p> <p>(3) Toxic chemicals which have been identified for the application of verification measures by the Organisation are listed in the Schedules contained in the Annex on Chemicals to [the Convention / this [Act, Statute, Ordinance, etc.]].”</p> <p><i>Section 1.3 Definition of “precursor”</i></p> <p>“(1) “Precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.</p> <p>(2) Precursors which have been identified for the application of verification measures by the Organisation are listed in the Schedules contained in the Annex on Chemicals to [the Convention / this [Act, Statute, Ordinance, etc.]].”</p> <p><i>Section 1.4 Definition of “purposes not prohibited under the Convention”</i></p> <p>““Purposes not prohibited under the Convention” means—</p> <ul style="list-style-type: none"> (a) Industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes; (b) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons; (c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; and (d) Law enforcement including domestic riot control purposes.” <p><i>Section 1.5 Definition of “riot control agent”</i></p> <p>““Riot control agent” means any chemical not listed in Schedule 1, 2 or 3, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.”</p> <p><i>Section 1.6 Definition of “chemical weapons production facility”</i></p> <p>“(1) “Chemical weapons production facility” means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:</p> <ul style="list-style-type: none"> (a) As part of the stage in the production of chemicals (“final technological stage”) where the material flows would contain, when the equipment is in operation: <ul style="list-style-type: none"> (i) Any Schedule 1 chemical; or (ii) Any other chemical that has no use, above 1 tonne per year on the territory of [State Party] or in any other place under the jurisdiction or control of [State Party], for purposes not prohibited under this Convention, but can be used for chemical 	<p>radioactive material for a period of hours to days. These sources are typically used in practices such as industrial gamma radiography, high dose rate brachytherapy and medium dose rate brachytherapy.”</p> <p><i>Section 2.3. “Computer security”</i></p> <p>““Computer security” means the security of computers and interconnected systems and networks.”</p> <p><i>Section 2.4. “Device”</i></p> <p>““Device” means-</p> <ul style="list-style-type: none"> (a) any nuclear explosive device; or (b) any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.” <p><i>Section 2.5. “International nuclear transport”</i></p> <p>““International nuclear transport” means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.”</p> <p><i>Section 2.6. “Management of radioactive sources”</i></p> <p>““Management of radioactive sources” means the administrative and operational activities that are involved in the manufacture, supply, receipt, possession, storage, use, transfer, import, export, transport, maintenance, recycling or disposal of radioactive sources.”</p> <p><i>Section 2.7. “Nuclear facility”</i></p> <p>““Nuclear facility” means-</p> <ul style="list-style-type: none"> (a) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material; (b) any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose; or (c) any plant or conveyance being used for the production, storage, processing or transport of radioactive material.” <p><i>Section 2.8. “Nuclear material”</i></p> <p>“(1) “Nuclear material” means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing.</p> <p>(2) Whereby “uranium enriched in the isotope 235 or 233” means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the</p>
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	<p>the provision of working knowledge and consulting services and may involve the transfer of technical data;</p> <p>“technical data” includes blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions in print or electronic format;</p> <p>“transit” means to bring items from any country into [State’s name]’s territory but not entering its economy by land, sea, or air, where the items are to be taken out from [State’s name] on the same conveyance on which they are brought into [State’s name] without any landing in [State’s name], but does not include the passage through [State’s name] in accordance with international law of a foreign conveyance carrying items;</p> <p>“transmit” in relation to any technical data or technology, means to —</p> <p style="padding-left: 40px;">(a) provide in [State’s name] by electronic means; or</p> <p style="padding-left: 40px;">(b) make available in [State’s name] on a computer, so that it becomes accessible</p> <p>(whether on a request, or subject to a pre-condition, or otherwise) to a person in a foreign country, whether he is a specific person, a person within a specific class, any person in general or the person who carries out the transmission;</p> <p>“transshipment” means to remove items from the conveyance on which they were brought into the territory of [State’s name] without entering its economy and to place the items on the same or another conveyance for the purpose of taking them out of [State’s name] territory, where these acts are carried out on a through bill of lading, through airway bill or through manifest;</p> <p>“unlisted items” means items that may be used in restricted activities but are not prescribed as controlled items under Section 6;</p> <p>“use” in relation to any items, means the operation, installation, maintenance, inspection, repair, overhaul or refurbishing of the items; ...”</p> <p>See also VI-15, VI-16 and VI-19, Georgetown Model Act, Section 5.</p>		<p>weapons purposes;</p> <p>or</p> <p>(b) For filling chemical weapons, including, inter alia, the filling of Schedule 1 chemicals into munitions, devices or bulk storage containers; the filling of chemicals into containers that form part of assembled binary munitions and devices or into chemical submunitions that form part of assembled unitary munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices;</p> <p>(2) As an exception to paragraph (1) the term “chemical weapons production facility” does not include:</p> <p style="padding-left: 40px;">(a) Any facility having a production capacity for synthesis of chemicals specified in paragraph (1) subparagraph (a) that is less than 1 tonne;</p> <p style="padding-left: 40px;">(b) Any facility in which a chemical specified in paragraph (1) subparagraph (a) is or was produced as an unavoidable by product of activities for purposes not prohibited under the Convention, provided that the chemical does not exceed 3 per cent of the total product and that the facility is subject to declaration and inspection under the Verification Annex; or</p> <p style="padding-left: 40px;">(c) The single small scale facility for production of Schedule 1 chemicals for purposes not prohibited under the Convention as referred to in Part VI of the Verification Annex.”</p> <p><i>Section 1.7 Definition of “Schedule 1, 2 and 3 chemicals”</i></p> <p>““Schedule 1, 2 and 3 chemicals” means those chemicals listed respectively in Schedule 1, Schedule 2 and Schedule 3 of the Annex on Chemicals to [the Convention / this [Act, Statute, Ordinance, etc.]] regardless of whether the chemical is pure or contained in a mixture.”</p> <p><i>Section 1.8 Definition of “discrete organic chemical”</i></p> <p>““Discrete organic chemical” means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates.”</p> <p><i>Section 1.9 Definition of “international inspection”</i></p> <p>““International inspection” means inspections or visits carried out by International Inspectors in accordance with the Convention.”</p> <p><i>Section 1.10 Definition of “international inspectors”</i></p> <p>““International inspectors” means all individuals designated by the Organisation according to the procedures as set forth in Part II, Section A of the Verification Annex to carry out activities to verify compliance with obligations under the Convention, including its declaration requirements or to assist carrying out such activities.”</p> <p><i>Section 1.11 Definition of “inspection site”</i></p> <p>““Inspection site” means any facility or area at which an international inspection is carried out and which is specifically defined in the respective facility agreement or inspection request or mandate or inspection request as expanded by the alternative or final perimeter.”</p> <p><i>Section 1.12 Definition of “Convention”</i></p>	<p>isotope 235 to the isotope 238 occurring in nature.”</p> <p><i>Section 2.9. “Orphan source”</i></p> <p>““Orphan source” means a radioactive source which is not under regulatory control, either because it has never been under regulatory control, or because it has been abandoned, lost, misplaced, stolen or transferred without proper authorization.”</p> <p><i>Section 2.10. “Radioactive material”</i></p> <p>““Radioactive material” means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.”</p> <p><i>Section 2.11. “Radioactive source”</i></p> <p>““Radioactive source” means radioactive material that is permanently sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It also means any radioactive material released if the radioactive source is leaking or broken, but does not mean material encapsulated for disposal, or nuclear material within the nuclear fuel cycles of research and power reactors.”</p> <p><i>Section 2.12. “Sabotage”</i></p> <p>““Sabotage” means any deliberate act directed against a nuclear facility or nuclear material in use, storage or transport which could directly or indirectly endanger the health and safety of personnel, the public or the environment by exposure to radiation or release of radioactive substances. “</p>
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<p>VIII-3</p>	<p>Jurisdiction</p>	<p><i>Section 3: Extent and Application</i> “This Act shall extend – (a) to acts or omissions prohibited under this Act, which are committed by any person or entity in the territory of [State’s name]; ... (c) to acts or omissions prohibited by this Act, which are committed on board [State’s name] sea vessels and aircraft; (d) to acts or omissions prohibited by this Act, which are committed by a stateless person or resident whose habitual residence is the territory of [State’s name]; ...”</p> <p>See also VI-26, <i>Georgetown Model Act, Section 3.</i></p>	<p><i>Section 27. Application</i> “(1) This [ACT, STATUTE, ORDINANCE, LAW] shall extend – (a) to acts or omissions prohibited under this [ACT, STATUTE, ORDINANCE, LAW], which are committed by any natural or legal person in the territory of [COUNTRY NAME]; ... (c) to acts or omissions prohibited by this [ACT, STATUTE, ORDINANCE, LAW], which are committed on board [COUNTRY NAME] sea vessels and aircraft; ...”</p> <p>See also VI-26, <i>BWC Sample Act, Section 27.</i></p>	<p>See VI-26, <i>CWC Implementation Kit, Section 6.15.</i></p>	<p><i>Section 7.1. Jurisdiction over offences committed in the territory of the State or on board a ship or aircraft registered in the State</i> “[State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the offence is committed in the territory of [State] or on board a ship or aircraft registered in [State].”</p> <p><i>Section 7.5. Jurisdiction over offences committed by stateless persons</i> “[State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the alleged offender is a stateless person who has his or her habitual residence in the territory of [State].”</p> <p><i>Section 7.6. Jurisdiction over offences committed in an attempt to compel [State] to act or not act</i> “[State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the offence is committed in an attempt to compel [State] to do or abstain from doing any act.”</p> <p><i>Section 7.7. Jurisdiction over offences committed on board aircraft operated by the Government of [State]</i> “[State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the offence is committed on board an aircraft which is operated by the Government of [State].”</p> <p><i>Section 7.8. Jurisdiction when the alleged offender is not extradited</i></p>

					<p>"[State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the alleged offender is present in the territory of [State] and is not extradited to another State."</p> <p><i>Section 7.9. Jurisdiction when the State is involved in international nuclear transport</i> "[State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when [State] is involved in international nuclear transport as the exporting or importing State."</p> <p><i>Section 7.10. Jurisdiction specific to offences involving aircraft</i> "(1) [State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the aircraft on board which the offence is committed lands in the territory of [State] with the alleged offender still on board. (2) [State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the offence is committed against or on board an aircraft leased without crew to a lessee whose principal place of business or, if the lessee has no such place of business, whose permanent residence is in [State]."</p> <p><i>Section 7.11. Jurisdiction specific to offences involving fixed platforms</i> "[State] shall have jurisdiction over offences committed under this [Act, Statute, Ordinance, etc.] when the offence is committed against or on board a fixed platform while it is located on the continental shelf of [State]."</p> <p>See also VI-26, <u>Nuclear Security Implementation Kit</u>, Sections 7.2, 7.3 and 7.4.</p>
<p>VIII-4</p>	<p>Criminal proceedings and international co-operation</p>	<p><i>Section 18. Protection of Actions Taken in Good Faith and Without Negligence</i> "(1) No suit, prosecution or other legal proceeding shall lie against the Government of [State's name] including the relevant Authority or any authorized officers for anything which is in good faith and without negligence done or purported to be done in pursuance of this Act or any implementing regulations."</p> <p><i>Section 22. Applicability of International Law</i> "(1) Any person in relation to whom proceedings are taken for any of the offences set forth in this Act shall be granted fair and equitable treatment, including enjoyment of all rights and guarantees provided by domestic or international law, in particular international human rights law, refugee law, and, when applicable, humanitarian law."</p>	<p><i>Section 7. Official defence barred:</i> "It shall not be a defence that a person charged with an offence set forth in this Part acted in an official capacity, under the orders or instructions of a superior, or otherwise in accordance with internal law."</p> <p><i>Section 24. Injunctions</i> "The [RESPONSIBLE AUTHORITY] may obtain an injunction from the appropriate judicial authorities against the conduct prohibited under Part B."</p> <p><i>Section 26. Criminal and civil penalties</i> "... <i>Liability of entity directors, managers, secretaries and other officers</i> (2) Where an offence under this [ACT, STATUTE, ORDINANCE, LAW] is committed by an entity and proven to have been committed with the consent and connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other similar officer of the entity, or any person who was purporting to act in such capacity, he as well as the entity shall be guilty of that offence and shall also be liable to be proceeded against and punished pursuant to this section. ... (4) Every person who commits an offence under section 6 of this [ACT, STATUTE, ORDINANCE, LAW] is guilty of an offence</p>	<p><i>Section 5.5. Enabling legal assistance to other States Parties</i> "(1) Without prejudice to the confidentiality regime, the [competent authorities] for crime prevention, criminal proceedings, and implementation of the Convention may collaborate with competent authorities of other States and international organisations and entities, and coordinate their actions to the extent required by the implementation of this [Act, Statute, Ordinance, etc.] or of the equivalent foreign statute(s). (2) The [competent authorities] may request other State authorities and international organisations or entities, under paragraph (1), to provide relevant data or information. The [competent authorities] are authorized to receive data or information concerning— (a) the nature, quantity, and utilisation of scheduled chemicals and related technologies, and the places of consignment and consignees for such scheduled chemicals, and related technologies, or (b) persons taking part in the production, delivery, or trade of the scheduled chemicals, or related technologies in subparagraph (a). (3) If a State has entered into a reciprocity agreement with [State Party], the [competent authorities] may provide, on their own initiative or on request, the data or information described in paragraph (2) to that State so long as the competent authority of the other State provides assurances that such data or information shall— (a) only be utilized for purposes consistent with this [Act, Statute, Ordinance, etc.] and</p>	<p><i>Section 8.1. Investigations and enquiries, prosecution and extradition</i> "(1) If the [appropriate authority] receives information that an offence under this [Act, Statute, Ordinance, etc.] has been committed or is being committed in the territory of [State] or that a person who has committed or who is alleged to have committed such an offence may be present in [State], the [appropriate authority] shall investigate the facts contained in the information, in accordance with national law and the [code of criminal procedure of [State]]. The [appropriate authority] is authorised under this [Act, Statute, Ordinance, etc.] to apply nuclear forensics to an investigation under this Section. (2) The [competent authority] shall inform relevant States of the findings of any investigations or preliminary enquiries conducted under paragraph (1) and indicate whether [State] intends to exercise jurisdiction over an offence committed under this [Act, Statute, Ordinance, etc.]. (3) The [appropriate authority] shall take appropriate measures, including detention, to ensure the presence of any person who is alleged to have violated this [Act, Statute, Ordinance, etc.] for the purpose of prosecution or extradition. (4) The [appropriate authorities] shall ensure that any person regarding whom the measures in paragraph (3) are being taken, and who is not a national of [State], is entitled- (a) to communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a</p>

			<p>and liable upon conviction to –</p> <p>(a) in the case of an individual, imprisonment for a term not exceeding [PERIOD] years or to a fine not exceeding [AMOUNT] or both; or</p> <p>(b) in the case of an individual, where the offence results in death, [LIFE IMPRISONMENT]; or</p> <p>(c) in the case of an entity, a fine not exceeding [AMOUNT].</p> <p>(5) In the event of a criminal prosecution under subsection (3) or (4), there shall be a <i>prima facie</i> presumption that an individual or entity in possession of a license or permit duly granted under section [] or [] has a lawful purpose for developing, acquiring, manufacturing, possessing, storing, transporting, transferring or using the controlled agents or toxins listed in the license or permit.</p> <p><i>Record-keeping and reporting</i></p> <p>(6) Every person who commits an offence under section [] of this [ACT, STATUTE, ORDINANCE, LAW] is guilty of an offence and liable upon conviction to –</p> <p>(a) in the case of an individual, imprisonment for a term not exceeding [PERIOD] years or to a fine not exceeding [AMOUNT] or both; or</p> <p>(b) in the case of an entity, a fine not exceeding [AMOUNT].</p> <p><i>Obligations of persons in control of inspected premises</i></p> <p>(7) Every person who commits an offence under section 20 of this [ACT, STATUTE, ORDINANCE, LAW] is guilty of an offence and liable upon conviction to –</p> <p>(a) in the case of an individual, imprisonment for a term not exceeding [PERIOD] years or to a fine not exceeding [AMOUNT] or both; or</p> <p>(b) in the case of an entity, a fine not exceeding [AMOUNT].</p> <p><i>Directions requiring security measures</i></p> <p>(8) Every person who commits an offence under section 21 of this [ACT, STATUTE, ORDINANCE, LAW] is guilty of an offence and liable upon conviction to –</p> <p>(a) in the case of an individual, imprisonment for a term not exceeding [PERIOD] years or to a fine not exceeding [AMOUNT] or both; or</p> <p>(b) in the case of an entity, a fine not exceeding [AMOUNT].”</p> <p><i>Section 25. Continuing offence</i></p> <p>[Where an offence under this [ACT, STATUTE, ORDINANCE, LAW] is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.]</p> <p><i>Section 28. Legal co-operation and assistance:</i></p> <p>“(1) The offences set forth in Part B of this [ACT, STATUTE, ORDINANCE, LAW] shall be deemed to be included as extraditable offences in any extradition treaty existing between [COUNTRY NAME] and other States.</p> <p>(2) Subsection (1) notwithstanding, the competent authorities of [COUNTRY NAME] for crime prevention, criminal proceedings, and implementation of this [ACT, STATUTE, ORDINANCE, LAW] may collaborate with other competent State authorities and international organizations, and co-ordinate their actions to the extent required by the implementation of this [ACT, STATUTE, ORDINANCE, LAW] or</p>	<p>(b) only be used in criminal proceedings on the condition that they are obtained in accordance with those provisions governing international judicial cooperation.</p> <p>(4) The [competent authorities of State Party] may provide the data or information described in paragraph (2) to international organisations or entities if the conditions set forth in paragraph (3) are fulfilled, in which case the requirement for a reciprocity agreement is waived.”</p>	<p>stateless person, the State in the territory of which that person habitually resides;</p> <p>(b) to be visited by a representative of that State; and</p> <p>(c) to be informed of that person’s rights under subparagraphs (a) and (b).</p> <p>(5) The [competent authority] shall immediately inform relevant States, directly [or through the Secretary-General of the United Nations], of the fact that a person is in custody, under paragraph (3), and of the circumstances which warrant that person’s detention.</p> <p>(6) In the event the person who is alleged to have violated this [Act, Statute, Ordinance, etc.] is not extradited, his case shall be referred to the [appropriate authority] for the purpose of prosecution in accordance with the [code of criminal procedure] of [State]].</p> <p>(7) The [competent authority] shall communicate the final outcome of any legal proceedings related to an offence committed under this [Act, Statute, Ordinance, etc.] to the [Secretary-General of the United Nations] [Council of the International Civil Aviation Organization] [Secretary-General of the International Maritime Organization (IMO)].</p> <p>(8) The offences in this [Act, Statute, Ordinance, etc.] shall be deemed to be included as extraditable offences in any existing extradition treaty with another State. In the event [State] receives a request for extradition from a State with which it does not have an existing extradition treaty [...]”</p> <p><i>Section 8.2. Fair treatment</i></p> <p>“The relevant authorities of [State] shall treat any person who is alleged to have violated this [Act, Statute, Ordinance, etc.] fairly at all stages of proceedings being carried out in connection with any of the offences set forth in this [Act, Statute, Ordinance, etc.], in accordance with national law and the [code of criminal procedure of [State]] and applicable provisions of international law.”</p> <p><i>Section 8.3. Mutual legal assistance and other forms of international co-operation</i></p> <p>“(1) The [appropriate authorities] shall provide mutual legal assistance to other States in connection with investigations or criminal or extradition proceedings brought in respect of any offences set forth in this [Act, Statute, Ordinance, etc.], including the supply of evidence at the disposal of [State] necessary for the proceedings. Such mutual assistance shall be consistent with [State’s] international treaty obligations and with the national laws of [State].</p> <p>(2) The [appropriate authorities, including the competent authority,] are authorised under this [Act, Statute, Ordinance, etc.] to co-operate with other States to prevent and counter preparations for the commission of the offences set forth in this [Act, Statute, Ordinance, etc.], including taking measures to prohibit in the territory of [State] and other States illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or knowingly provide technical assistance or information or engage in the perpetration of those offences.</p> <p>(3) The [appropriate authorities, including the competent authority,] shall under this [Act, Statute, Ordinance, etc.] -</p> <p>(a) exchange accurate and verified information with other States, and co-ordinate administrative and other measures taken as appropriate to detect, prevent, suppress and investigate the offences set forth in in this [Act, Statute, Ordinance, etc.] and also in order to institute criminal proceedings against</p>
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			<p>of the equivalent foreign statute(s), subject to the other State authorities or international organizations being bound to official secrecy.</p> <p>(3) The competent authorities of [COUNTRY NAME] may request other State authorities and international organizations, under subsection (2), to provide relevant data or information. The competent authorities of [COUNTRY NAME] are authorised to receive data or information concerning, <i>inter alia</i> –</p> <ul style="list-style-type: none"> (a) the development, acquisition, manufacture, possession, storage, transport, transfer or use of biological agents and toxins, whether controlled or non-controlled; (b) dual-use biological equipment and technology, whether controlled or non-controlled; or (c) persons involved with items under subsections (a) and (b). <p>(4) If a State has entered into the appropriate reciprocity agreement with [COUNTRY NAME], the competent authorities of [COUNTRY NAME] may provide, on their own initiative or on request, the data or information described in subsection (3) to that State so long as the other competent State authority provides assurances that such data or information shall –</p> <ul style="list-style-type: none"> (a) only be utilised for purposes consistent with this [ACT, STATUTE, ORDINANCE, LAW] and (b) only be used in criminal proceedings on the condition that they are obtained in accordance with those provisions governing international judicial cooperation. <p>(5) The competent authorities of [COUNTRY NAME] may provide the data or information described in subsection (3) to international organizations if the conditions set forth in subsection (4) are fulfilled, in which case the requirement for a reciprocity agreement is waived.</p> <p>(6) None of the offences in Part B of this [ACT, STATUTE, ORDINANCE, LAW] shall be regarded, for the purposes of extradition or legal co-operation and assistance under this section, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives.”</p> <p><i>Section 22. Investigations</i> <i>Purpose</i> “(1) The purpose of this section is to promote co-operation among the [APPROPRIATE LAW ENFORCEMENT AGENCY], the [RESPONSIBLE AUTHORITY], and BERISS in investigating suspected violations of this [ACT, STATUTE, ORDINANCE, LAW]. <i>Investigations</i> (2) In the event of a suspected violation of this [ACT, STATUTE, ORDINANCE, LAW], the [APPROPRIATE LAW ENFORCEMENT AGENCY] shall be authorised to lead an investigation of the suspected violation in co-ordination with the [RESPONSIBLE AUTHORITY] and BERISS. (3) Any records kept pursuant to this [ACT, STATUTE, ORDINANCE, LAW] by the [RESPONSIBLE AUTHORITY], BERISS, an individual, entity, or carrier shall be made available to law enforcement officers with the [APPROPRIATE LAW ENFORCEMENT AGENCY] investigating suspected violations of this [ACT, STATUTE, ORDINANCE, LAW]. (4) Any samples collected during inspections or investigations shall be analysed in accordance with the regulations issued under this [ACT, STATUTE, ORDINANCE, LAW] or any other</p>	<p>persons alleged to have committed those crimes; and</p> <p>(b) inform without delay other relevant State(s) of the commission of the offences set forth in this [Act, Statute, Ordinance, etc.] as well as preparations to commit such offences about which it has learned, and also to inform, where appropriate, international organizations.</p> <p>(4) The [competent authority] is authorised under this [Act, Statute, Ordinance, etc.] to co-operate with and assist any State that so requests in the recovery and protection of nuclear material, in the case of theft, robbery or any other unlawful taking of nuclear material or credible threat thereof.</p> <p>(5) The [competent authority] is authorised under this [Act, Statute, Ordinance, etc.] to co-operate with and assist any State in the case of a credible threat of sabotage of nuclear material or a nuclear facility or in the case of sabotage thereof.</p> <p>(6) The [competent authority] is authorised under this [Act, Statute, Ordinance, etc.] to inform and exchange information with the International Atomic Energy Agency and other relevant international organisations further to paragraphs (4) and (5).”</p> <p><i>Section 8.4. Political and other justifications; political offences</i> “(1) For the purposes of enforcement of this [Act, Statute, Ordinance, etc.], no offence committed under this [Act, Statute, Ordinance, etc.], in particular where it is intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, shall under any circumstances be justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature. (2) A request for extradition under Section 8.1, paragraph (8) or for mutual legal assistance under Section 8.3, paragraph (1), based on any of the offences in this [Act, Statute, Ordinance, etc.], shall not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.”</p> <p><i>Section 8.5 Application of this [Act, Statute, Ordinance, etc.] to the armed forces and military forces of [State]</i> “(1) This [Act, Statute, Ordinance, etc.] shall not apply to-</p> <ul style="list-style-type: none"> (a) the activities of the armed forces of [State] during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law and related national law; or (b) the activities undertaken by the military forces of [State] in the exercise of their official duties, inasmuch as they are governed by other rules of international or national law. <p>(2) No provision in this [Act, Statute, Ordinance, etc.], including paragraph (1) above, shall be-</p> <ul style="list-style-type: none"> (a) construed as a lawful authorisation to use or threaten to use force against nuclear material or nuclear facilities used for peaceful purposes; or (b) interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under this or other laws.” <p><i>Section 8.6. Enforcement measures specific to offences involving ships</i> “(1) The master of a ship, registered in [State], is authorised</p>
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			<p>[ACT, STATUTE, ORDINANCE, LAW], and the results of the analysis may be used as evidence in judicial proceedings.</p> <p><i>Training</i></p> <p>(5) In order to be prepared for investigations under this section, law enforcement officers from the [APPROPRIATE LAW ENFORCEMENT AGENCY] shall receive training from BERISS in responding to biological emergencies, including –</p> <ul style="list-style-type: none"> (a) general information about bioterrorism; (b) the national and international legal frameworks for the prevention and response to biological emergencies, as well as an understanding of the Biological and Toxin Weapons Convention and prohibited activities involving biological agents and toxins; (c) the proper use of Personal Protection Equipment; (d) other relevant safety procedures; (e) specialised investigative techniques such as joint interviews and record-keeping with public health personnel; (f) containment; (g) biological hazard assessment; (h) evidence collection and recovery such as sampling; and (i) evidentiary procedures such as chain of custody.” <p>See also I-1, <i>BWC Sample Kit, Section 26.</i></p>		<p>under this [Act, Statute, Ordinance, etc.] to deliver to the authorities of any State, which is party to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (as amended by the 2005 Protocol), any person whom the master has reasonable grounds to believe has committed an offence set forth in Sections 6.5; 6.8, paragraph (4); 6.9; 6.10; 6.11; or 6.12.</p> <p>(2) The [appropriate authority, in co-operation with the competent authority] shall ensure that the master of a ship registered in [State] is obliged, whenever practicable, and if possible before entering the territorial sea of the receiving State carrying on board any person whom the master intends to deliver in accordance with paragraph (1), to give notification to the authorities of the receiving State of his intention to deliver such person and the reasons therefor.</p> <p>(3) The master of a ship registered in [State] shall furnish the authorities of the receiving State with the evidence in the master’s possession which pertains to the alleged offence in paragraph (1).</p> <p>(4) The [competent authority, in co-operation with the appropriate authorities] shall establish standard operating procedures for joint operations with other States, to prevent and suppress unlawful acts under the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (as amended by the 2005 Protocol), through the regulations issued under this [Act, Statute, Ordinance, etc.]”</p>
<p>VIII-5</p>	<p>Emergency preparedness</p>		<p><i>Section 16. Establishment of [[COUNTRY NAME] Biological Emergency Response and Investigation Support System (BERISS)]</i></p> <p><i>Establishment</i></p> <p>“(1) The [RESPONSIBLE AUTHORITY] shall establish a [BIOLOGICAL EMERGENCY RESPONSE AND INVESTIGATION SUPPORT SYSTEM (BERISS)] to facilitate communication and response to biological emergencies impacting human, animal or plant health, and to assist the [APPROPRIATE LAW ENFORCEMENT AGENCY] with investigations of biological incidents.</p> <p><i>Composition of the BERISS co-ordination team</i></p> <p>(2) BERISS shall be managed and co-ordinated by a team consisting of –</p> <ul style="list-style-type: none"> (a) a representative from the [RESPONSIBLE AUTHORITY] who shall act as a liaison between the [RESPONSIBLE AUTHORITY] and BERISS; (b) a representative from the [MINISTRY OF HEALTH OR FOOD AND DRUG SAFETY AGENCY]; (c) a representative from the Ministry of Agriculture; (d) a representative from the Ministry of Environment; (e) an emergency medicine practitioner; (f) a law enforcement officer from the [APPROPRIATE LAW ENFORCEMENT AGENCY] trained to respond to biological emergencies; (g) representatives from the [NATIONAL BORDER CONTROL AUTHORITIES (CUSTOMS, PORT AUTHORITIES)]; (h) an epidemiologist; (i) a veterinary scientist; (j) a media relations specialist; (k) specialists in bacterial, toxicological, viral, Rickettsial, and prion diseases; 		<p><i>3.1 Establishment of the competent authority</i></p> <p>“... (4) The [competent authority] shall ensure effective co-operation and co-ordination of nuclear security responsibilities among licensees and other relevant government ministries and agencies, including law enforcement and intelligence agencies. Such co-operation and co-ordination shall extend to-</p> <ul style="list-style-type: none"> (a) the prevention, detection and response to unauthorized activities involving nuclear material, nuclear facilities and radioactive sources; and (b) the development of design basis and other threat assessments, in relation to nuclear material, nuclear facilities and facilities involved with the management of radioactive sources. <p>...(6) In respect of radioactive sources, the [competent authority] shall-</p> <p>... (c) facilitate training of staff of the [competent authority], [State] law enforcement agencies and emergency services organizations, as well as training for manufacturers, suppliers and users of radioactive sources...”</p> <p><i>3.2 Licensing</i></p> <p>“... (3) The [competent authority] shall make the issuance of a license under paragraphs (1) or (2) conditional on the applicant meeting the following requirements:</p> <ul style="list-style-type: none"> ... (f) having in place contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof...”

			<p>(l) the National Focal Point for the WHO International Health Regulations; and</p> <p>(m) any other relevant expert(s) as BERISS sees fit.</p> <p>(3) Members of the BERISS co-ordination team shall be required to receive appropriate security clearances enabling them to work with national security, law enforcement and public health officers.</p> <p><i>Functions and duties</i></p> <p>(4) The BERISS co-ordination team shall carry out the following duties in a transparent and reviewable manner –</p> <p>(a) manage and guide the national and local response to emergencies associated with biological agents and toxins in co-ordination with the [RESPONSIBLE AUTHORITY];</p> <p>(b) in co-ordination with other governmental agencies, as appropriate, establish public health and agricultural surveillance and reporting systems with respect to the development, acquisition, manufacture, possession, storage, transport, transfer or use of controlled agents and toxins;</p> <p>(c) ensure the effectiveness of a public emergency announcement system;</p> <p>(d) ensure the proper training and equipping of law enforcement officers from the [APPROPRIATE LAW ENFORCEMENT AGENCY], emergency/first responders and hospitals in responding to emergencies involving biological agents and toxins;</p> <p>(e) create threat-based medical and public health detection strategies to detect and determine outbreaks associated with biological agents and toxins;</p> <p>(f) receive and review classified biological threat intelligence;</p> <p>(g) receive and review public health information;</p> <p>(h) collect, maintain, and present evidence needed for review of forensic epidemiological investigations and for prosecutions;</p> <p>(i) transmit data and information regarding biological emergencies and incidents to the [RESPONSIBLE AUTHORITY];</p> <p>(j) liaise and co-operate with the World Health Organisation through the National Focal Point for the 2005 International Health Regulations; and</p> <p>(k) undertake other activities regarding preparation for and response to emergencies involving biological agents and toxins, including co-operation with law enforcement officers from the [APPROPRIATE LAW ENFORCEMENT AGENCY].</p> <p><i>Regulations</i></p> <p>(5) The [RESPONSIBLE AUTHORITY] shall be authorised to issue regulations providing for the establishment and operation of BERISS.”</p>		
VIII-6	Primacy/ regulatory power/ amendments	<p><i>Section 4. Prevailing Law</i></p> <p>“(1) This Act is additional to, and does not prejudice the operation of any other national Acts, relating to the prevention of the proliferation of weapons of mass destruction and their delivery systems.</p> <p>(2) In the event of any conflict or inconsistency between the provisions of this Act and those of any other national laws of [State’s name], relating to the prevention of the proliferation of weapons of mass destruction and their delivery systems the provisions of this Act shall prevail and the conflicting or</p>	<p><i>Section 29. Regulations</i></p> <p>“In addition to the regulations required elsewhere in this [ACT, STATUTE, ORDINANCE, LAW], the [RESPONSIBLE AUTHORITY], or a Minister who has authority in relation to this [ACT, STATUTE, ORDINANCE, LAW], may make such other regulations as are necessary to carry out the purposes and provisions of this [ACT, STATUTE, ORDINANCE, LAW].”</p>	<p><i>Section 7.1. Primacy of the Convention:</i></p> <p>“Where there is any inconsistency between any other law and this [Act, Statute, Ordinance, etc.] or the Convention, this [Act, Statute, Ordinance, etc.] and the Convention shall prevail.”</p> <p><i>Section 7.2. Additional regulations:</i></p> <p>“Further regulations shall be adopted as required for effective implementation of this [Act, Statute, Ordinance, etc.] and the Convention.”</p> <p><i>Section 7.3. Amendment of the Annex on Chemicals to this [Act,</i></p>	<p>See Nuclear Security Implementation Kit, Sections 3.1(1), (5), (6), (8); 3.2(5), (7); 3.3(4); 3.4(1); 3.4(2), (3); 3.5(1), (3); 4.1(2), (3)(c); 4.2(3); 4.3(1), (2), (4); 4.4(3); 4.5; 5.1(1)(b), (2); 5.2(2); 5.3(2); 5.4(1), (2); 5.5(a); 5.9(2); 5.10(2); 8.6(4).</p>

		<p>inconsistent provisions of the other national laws shall, to the extent of the conflict or inconsistency, be deemed to be superseded.”</p>		<p><i>Statute, Ordinance, etc. :</i> “In case the Annex on Chemicals to the Convention is amended the Annex on Chemicals to this [Act, Statute, Ordinance, etc.] shall be adjusted and for this purpose be amendable by regulations.]”</p>	
<p>VIII-7</p>	<p>Inspections</p>		<p><i>Section 18. Inspections</i> <i>Purpose</i> “(1) Under this section, the [RESPONSIBLE AUTHORITY] is authorised to facilitate inspections of the individuals, entities (and their facilities) and carriers subject to regulation under this [ACT, STATUTE, ORDINANCE, LAW] to ensure their compliance with this [ACT, STATUTE, ORDINANCE, LAW] and any regulations issued hereunder, including compliance with all applicable biosecurity measures. <i>Designation of inspectors</i> (2) The [RESPONSIBLE AUTHORITY] may designate persons or classes of persons as inspectors for the purpose of the enforcement of this [ACT, STATUTE, ORDINANCE, LAW], and may set conditions for the conduct of inspection activities. <i>Carrying out of inspections</i> (3) An inspector may, with the consent of the person in control of any premises or under a warrant, enter the premises and exercise any power under subsection (4) to ensure – (a) that the provisions of this [ACT, STATUTE, ORDINANCE, LAW] and any regulations issued hereunder have been or are being complied with; or (b) that the conditions applicable to a license or permit issued under sections [] or [] have been or are being complied with by the license or permit holder. <i>Powers</i> (4) An inspector carrying out an inspection may – (a) search any premises; (b) operate any photographic or video-recording equipment anywhere in or around the premises provided safety regulations in force at the premises permit doing so; (c) require the attendance of and question any person whom the inspector considers will be able to assist in the inspection; (d) inspect or examine, take samples of, detain or remove any substance or item considered relevant by the inspector to the enforcement of this [ACT, STATUTE, ORDINANCE, LAW]; (e) require any person to produce for inspection, or to copy, any document that the inspector believes contains any information relevant to the administration of this [ACT, STATUTE, ORDINANCE, LAW]; (f) use or cause to be used any equipment at the place to make copies of any data or any record, book of account or other document; (g) use or cause to be used any computer or data processing system to examine any data contained in or available to the computer or system; (h) reproduce or cause to be reproduced any record from the data, in the form of a printout or other intelligible output, and remove the printout or other output for examination or copying; (i) have operated any equipment, including electronic equipment located at the premises;</p>	<p><i>Section 4.1. General rule</i> “(1) International inspections can be carried out in any place under the jurisdiction of [State Party] when required by the Convention. (2) International inspections shall only be carried out in facilities that produced, processed or consumed scheduled chemicals or discrete organic chemicals in the past and facilities in which the production, processing or consumption of scheduled chemicals is anticipated unless the international inspection qualifies as a challenge inspection or an investigation in a case of alleged use of chemical weapons, or as part of the verification activities related to chemical weapons production facilities and their destruction under the Convention. (3) In performing their duties international inspectors have the powers, privileges and immunities as laid down in the Convention.” <i>Section 4.2. Escort team</i> “(1) At each international inspection, the [competent authority] shall appoint an escort team, each member of which shall be authorised to act as an escort. (2) Escorts shall meet the inspectors at the point of entry to the territory, be present during their operations and accompany them back to the point of exit from the territory. (3) Escorts shall ensure that the international inspectors abide by the rules established in the Convention. They shall ensure that the inspected persons comply with their duties under this [Act, Statute, Ordinance, etc.] and the regulations to be established thereunder. (4) The responsibility of the head of the escort team includes representing [State Party] vis-à-vis the head of the inspection team and the persons subject to international verification. (5) Further rights and duties of the escort team and the head of the escort team shall be established in regulations to be established under this [Act, Statute, Ordinance, etc.]” <i>Section 4.3. Inspected persons and personnel</i> “(1) Inspected persons and their personnel shall (a) facilitate the international inspection; and (b) cooperate with the international inspectors and the escort team during the preparation and performance of, and follow-up to the inspection. (2) Inter alia, they shall – (a) grant access to the inspection site to the international inspectors and the escort team and – in case of a challenge inspection – to any observer; (b) grant access to relevant records to the international inspectors and the escort team; (c) provide all relevant information and data requested by the international inspectors; (d) take and analyse samples [and/or] tolerate the taking and analysis of samples and the taking of photos in accordance with the Convention, this law and its implementing regulations; (e) tolerate the installation and use of continuous</p>	<p><i>Section 3.4. Inspections, verification and monitoring, and enforcement</i> “(1) The [competent authority] shall implement a system of inspection of nuclear facilities and transport, through regulations issued under this [Act, Statute, Ordinance, etc.], to verify compliance with the applicable requirements and conditions of any license issued under Section 3.2, paragraphs (1) and (2). (2) The [competent authority] shall implement a system of verification of the safety and security of radioactive sources through safety and security assessments; monitoring and verification of compliance with any license issued under Section 3.2, paragraph (4); inspections; and the maintenance of appropriate records by license holders. The verification system shall be provided for in the regulations issued under this [Act, Statute, Ordinance, etc.]. (3) Where the [competent authority] has established that any person or licensee has committed a violation of relevant nuclear security regulations issued under this [Act, Statute, Ordinance, etc.], the conditions of a license issued under Section 3.2, or other requirements that do not constitute a criminal offense under Section 6 of this [Act, Statute, Ordinance, etc.], the [competent authority] may impose any of the following penalties: additional license conditions, license suspension, license revocation or imposition of a civil monetary penalty not to exceed [amount] for each such violation.”</p>

			<p>(j) be accompanied by an expert, as appropriate, chosen by the inspector and authorised by the [RESPONSIBLE AUTHORITY]; and</p> <p>(k) require that any person in control of the premises take any other reasonable measures that the inspector considers appropriate.</p> <p>(5) A power referred to in subsection (4) may only be exercised in a manner that the person in control of the premises believes, on reasonable grounds, to be in accordance with safety procedures applicable at the premises.</p> <p><i>Inspection warrants</i></p> <p>(6) An inspector may apply for a warrant where the consent of the person in control of any premises cannot be obtained or is refused under subsection (3).</p> <p>(7) A [JUSTICE OF THE PEACE, MAGISTRATE] may issue a warrant authorising the inspector named in the warrant to enter the premises, subject to any conditions that may be specified in the warrant, if he is satisfied that there are reasonable grounds for believing that –</p> <p>(a) entry to the premises is necessary for the purpose under subsection (1); and</p> <p>(b) entry to the premises cannot be obtained, has been refused or there are reasonable grounds to believe that entry will be refused.”</p> <p><i>Section 19. Obligations of inspectors</i></p> <p><i>Identification certificates</i></p> <p>“(1) An inspector, expert, or a representative of the [RESPONSIBLE AUTHORITY] shall be given a certificate of designation.</p> <p>(2) An inspector, expert, or a representative of the [RESPONSIBLE AUTHORITY] on entering any premises under this [ACT, STATUTE, ORDINANCE, LAW] shall produce the certificate of designation at the request of the person in control of the premises, at any reasonable time.</p> <p><i>Notice of entry and seizure</i></p> <p>(3) Every inspector shall, as soon as is practicable after completing the inspection, give the person in control of the premises a written notice stating that the premises have been entered, if, at any time between the time of entry of any premises to be inspected and the time the inspection is completed, there is no person appearing to be in control of the premises, and specify the following matters –</p> <p>(a) the time and date of entry;</p> <p>(b) the circumstances and purpose of entry; and</p> <p>(c) the name of every person entering.</p> <p>(4) Every inspector shall provide copies of any documents under subsection (3) to the [RESPONSIBLE AUTHORITY].</p> <p>(5) Every inspector shall, where applicable, have a warrant with him or her and produce it if required to do so, and where any thing is seized, give the person in control of the premises a written inventory of all things so seized.</p> <p><i>Inspector report and referral for investigation</i></p> <p>(6) Every inspector shall provide a report of their inspection to the [RESPONSIBLE AUTHORITY] and describe any suspected non-compliance with this [ACT, STATUTE, ORDINANCE, LAW] or the regulations issued hereunder. The [RESPONSIBLE AUTHORITY] may refer cases of suspected non-compliance to the [APPROPRIATE LAW ENFORCEMENT AGENCY] for investigation under section [].”</p> <p><i>Section 20. Obligations of persons in control of inspected</i></p>	<p>monitoring instruments and systems and seals, and notify the National Authority immediately if an event occurs or may occur which may have an impact on the monitoring system.</p> <p>(3) Further rights and duties of inspected persons and their personnel may be specified in regulations to be established under this [Act, Statute, Ordinance, etc.].</p> <p><i>Section 4.4 Procedures</i></p> <p>(1) The [competent authority] shall notify the international inspection to the inspected person as soon as possible.</p> <p>(2) The inspected person shall be assumed to have granted its consent, unless it informs the National Authority of the opposite within a timeline indicated in the notification in accordance with paragraph 1.</p> <p>(3) In the event that the inspected person does not consent to the inspection, the National Authority shall apply for a search warrant on behalf of the international inspectors and the members of the escort team. The warrant shall be granted if the conditions for carrying out an international inspection under the Convention are fulfilled.</p> <p>(4) An appeal by the inspected person against a search warrant shall not have suspensive effect on the carrying out of the international inspection.</p>	
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