

Denmark

Operative Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

Denmark does not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Acquirement, possession, transfer and use of nuclear, chemical and biological weapons and their means of delivery

Acquirement, possession, transfer and use of nuclear, chemical and biological weapons and their means of delivery is – depending on the form of weapon in question, cf. the definitions below – regulated in the following provisions of the Weapons Act:

According to the Weapons Act, Section 1, Subsection 1, no. 4, cf. Section 2, Subsection 1, it is prohibited without a license from the Minister of Justice to acquire, possess or use *"hand grenades, bombs, cartridges and similar objects appearing to be weapons or ammunition, which contain or are designed to contain solid substances, liquids or gases which, upon dispersion, cause injury, stun or irritate, and parts of such weapons or ammunition objects, together with equipment to operate them"*.

Furthermore, according to the Weapons Act, Section 4, Subsection 3, cf. the Order on Weapons and Explosives Etc., Section 15, it is prohibited to possess or use "chemical weapons".

According to the Weapons Act, Section 2, Subsection 2, cf. the Order of Weapons and Explosives etc., Section 16, Subsection 1, it is prohibited to transfer ("convey or hand over") *"hand grenades, bombs, cartridges and similar objects appearing to be weapons or ammunition, which contain or are designed to contain solid substances, liquids or gases which, upon dispersion, cause injury, stun or irritate, and parts of such weapons or ammunition objects, together with equipment to operate them"* unless the person acquiring or receiving them produces the necessary licence and identifies himself as the licensee.

It should be noted that the above mentioned provisions, including the legal possibility of issuing licences, is administrated in accordance with the Treaty on the Non-proliferation of Nuclear Weapons (NPT), the Biological and Toxin Weapons Convention (BTWC) and the Convention on the Prohibition of Chemical Weapons (CWC). Thus, licences for nuclear, chemical and biological weapons can not be granted. Violation of the mentioned provisions in the Weapons Act and the Order on Weapons and Explosives is a criminal offence.

Transportation of nuclear, chemical and biological weapons and their means of delivery

According to the Weapons Act, Section 7 a, cf. the Order on Transportation of Weapons etc. between Third Countries, it is prohibited to transport *weapons (of any kind) and war equipment* to countries covered by a UN, EU or OSCE arms embargo. Furthermore, it is prohibited to transport weapons and war equipment between third countries if the competent authorities in these countries have not issued the necessary export and import licenses according to national legislation in these countries.

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Violation of Section 7 a of the Weapons Act and the provisions of the Order on Transportation of Weapons etc. between Third Countries is a criminal offence. Furthermore, any transportation of weapons with the purpose of terrorism is a criminal offence according to the Criminal Code, Section 114, Subsection 1, cf. Subsection 2.

The Criminal Code, Section 192 a, concerns any person who, in contravention of the legislation on weapons and explosives, imports, produces, owns, carries, uses, or transfers weapons or explosives which because of their highly dangerous character are suitable in causing significant damage, or any person who, in contravention of the legislation on weapons and explosives, develops or for the purpose hereof carries out research in solids, liquids, or gasses, which by diffusion have harmful, anaesthetizing or irritating effects.

Biological materials:

In accordance with the Danish Medicines Law no. 656 of 28 July 1995, Section 8, medicinal products must not be manufactured, imported, exported, stored, sold, supplied, dispensed, or packed without an authorization from The Danish Medicines Agency. In accordance with the same law, Section 9, The Danish Medicines Agency inspects facilities, which hold an authorization in accordance with Section 8. Such inspection relates to the content, composition, quality and storage of medicinal products and the conditions under which medicinal products are manufactured, sold or delivered.

On presentation of appropriate identification and without a court order, the representatives of The Danish Medicines Agency have access to the facilities. The Danish Medicines Agency may take or demand samples of medicinal products or substances, which are used for their manufacture. It may require all information necessary for its inspection.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

The Danish Customs Code (law nr. 765 from 05.07.2004); European Community Customs Code (EC2913/92); gives Customs officers the power to demand information in relation to goods imported or exported. Where there are grounds to believe that a declaration as to the ultimate destination of the goods is false, the goods may be detained and ultimately forfeited.

The Danish Customs Code also gives Customs officers the power to stop and search vehicles or vessels to check if they are carrying prohibited goods.

The European Community Customs Code (EC2913/92) grants Customs authorities the power to examine goods and take samples for the purpose of verifying a customs declaration.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, transshipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Dual-use items

The legal basis for control of dual-use items in Denmark is EU-regulation 1334/2000. Hence, reference is made to the EU Common Report that will be

transmitted to the UNSC 1540 Special Committee separately. This EU Report covers areas of EU and Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

Through EU-regulation 1334/2000 Denmark controls the export of items listed by the various export control regimes: the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Zangger Committee, the Australia Group and the Wassenaar Arrangement.

EU-regulation 1334/2000 is supplemented by national legislation describing the national administration of the regulation, including penal sanctions in case of violation. This act, Act on the application of certain European Communities Acts on economic relations to third countries, (Consolidated Act No 612 of 25th of June 2003), was latest amended in 2003. Following this amendment a licence requirement is now imposed if exporters have grounds for suspecting that certain exports may be related to WMD (1334/2000, art. 4, paragraph 5). This implies end use controls in the sense that export of items not listed in the control list can be denied due to critical circumstances in relation to the export, not only to countries of concern but also when end-users are non-state actors known be related to terrorism.

The maximum penalty for offences related to this act is imprisonment and/or an unlimited fine (Consolidated Act No 612 of 25th of June 2003). In case of aggravating circumstances and when the violation is related to WMD the offence is covered by the Criminal Code, (Consolidated Act No 814 of 30th of September 2003).

Operative Paragraph 5

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons; Denmark has ratified the Nuclear Non-Proliferation Treaty (NPT); the Chemical Weapons Convention (CWC); and the Biological and Toxin Weapons Convention (BTWC). Denmark is member of the IAEA