



Security Council

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Security Council Committee established pursuant to resolution [1540 \(2004\)](#)

Note verbale dated 3 December 2013 from the Permanent Mission of Guatemala to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Guatemala to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [1540 \(2004\)](#) and has the honour to refer to his communication of 27 February 2013. In that regard, it has the honour to submit the third national report of Guatemala pursuant to resolutions [1540 \(2004\)](#) and [1673 \(2006\)](#) (see annex I) and the corresponding matrix, dated 20 August 2013 (see annex II).



Annex I to the note verbale dated 3 December 2013 from the Permanent Mission of Guatemala to the United Nations addressed to the Chair of the Committee

Third national report of Guatemala pursuant to Security Council resolutions 1540 (2004) and 1673 (2006)

August 2013

The Government of Guatemala hereby submits its third national report pursuant to the provisions of Security Council resolutions 1540 (2004) and 1673 (2006).

Paragraph 1 of resolution 1540 (2004)

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;

Mindful of national legislation and in strict accordance with its international security commitments and obligations, Guatemala declares that it does not possess weapons of mass destruction, nor does it provide support to non-State actors that seek to use such weapons.

Guatemala considers it essential to comply with the rules of international law in support of international peace. The first and second national reports accordingly list the international security instruments to which the State of Guatemala is a party and which form part of domestic law by virtue of their ratification by the Congress of the Republic.

Additionally, article 374 of the Penal Code establishes penalties for the manufacture, supply, acquisition, removal or possession of bombs; explosive, flammable, asphyxiating or toxic materials; or substances or materials for use in their preparation.

Paragraph 2 of resolution 1540 (2004)

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

As noted in previous reports, terrorism is a criminal offence under Guatemalan legislation,^a which likewise prohibits private individuals from importing, manufacturing, transferring, bearing, exporting, storing, removing from storage or transporting the weapons^b covered by this report or from engaging in any related activities.

The legislation in force establishes criminal offences and provides for punishments and penalties for offenders. The Arms and Ammunition Act accordingly

^a Article 391 of the Penal Code.

^b Inter alia, chemical, biological and atomic weapons, and weapons altered or poisoned with chemical substances. Arms and Ammunition Act (Decree-Law No. 38-89), articles 2 and 81.

punishes anyone who imports, manufactures, exports, transports and/or transfers, possesses and/or deposits, or bears chemical, biological and/or atomic weapons.^c

The Act on the Prevention and Punishment of the Financing of Terrorism^d has been in force in Guatemala since 2005. Guatemala considers terrorism to be a crime against humanity and an offence under international law. In addition, through an inter-institutional process, a draft law on counter-terrorism was developed which covers crimes involving the use of nuclear materials or chemical (including weapons) or bacteriological substances, such as their transport for illicit purposes that jeopardize international security.

The Government's draft counter-terrorism bill (2009) is part of the national effort to prevent, combat and eradicate this scourge. This is in line with the relevant international instruments and the provisions of United Nations Security Council resolutions 1373 (2001) and 1540 (2004) concerning the financing of terrorism and the non-proliferation of weapons of mass destruction, respectively. The bill is being considered by the Congress of the Republic.

For its part, through its Division for the Investigation and Decommissioning of Weapons and Explosives, the National Civil Police updates the terrorism prevention plan,^e which serves as a mechanism to conduct semi-annual monitoring and facilitate preventive action. The plan is continuously updated in line with national security activities. In the area of counter-terrorism, the plan is used as a tool to support inter-institutional coordination, including joint initiatives aimed at protecting the lives, physical integrity and security of persons and property and the free exercise of rights and liberties while maintaining order and public security.

Attempts to commit terrorist activities of any kind are included in the definition of the criminal offence of terrorism contained in the Penal Code (article 391) and in the draft counter-terrorism bill.

In accordance with Decree No. 48-92 (Narcotics Act) and Governmental Decision No. 95-2012, the Commission against Addictions and Illicit Drug Trafficking adopted decision No. 2-2008 approving the National Policy to Combat Addictions and Illicit Drug Trafficking.

The policy entered into force in 2009, following the conclusion of the 2004-2008 National Anti-Drug Strategy, and is made up of 5 basic focus areas and 98 strategic actions. It aims to provide a comprehensive response to the national problem of illicit drug use and trafficking and related offences, and fulfil the role assigned to the Commission and its Executive Secretariat — its coordinating body — in accordance with the following acts, decisions and conventions:

- Act for the Prevention and Suppression of the Financing of Terrorism (Decree No. 58-2005)

^c Arms and Ammunition Act, articles 16, 81, 83, 85, 89, 91, 93, 95 and 97C.

^d Decree No. 58-2005. Article 4 provides for the offence of financing terrorism; article 19 lays down general penalties.

^e The counter-terrorism plan is an internal instruction of the Division for the Investigation and Decommissioning of Weapons and Explosives. The plan reflects the functions assigned by the National Civil Police Act and is in compliance with the International Convention for the Suppression of Terrorist Bombings and the International Ship and Port Facility Security Code.

- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, 1997 (9 September 2002)
- International Convention for the Suppression of the Financing of Terrorism (Decree No. 71-2001)
- Inter-American Convention against Terrorism (Decree No. 57-2005).

The National Drug Monitoring Centre implements action No. 14 of the National Policy to Combat Addictions and Illicit Drug Trafficking, which calls for the establishment of a database containing statistical information that can lawfully be disclosed on the crimes of laundering money and other assets, terrorism and drug trafficking, for use by national and international specialized agencies.

Draft regulations have also been drawn up on the handling of dangerous goods in port facilities, following an inter-institutional process initiated by the National Port Commission and the national seaport authority. To support these measures, on 19 and 20 November 2012, the National Port Commission held the fifth Forum on Comprehensive Port Security, which aimed, inter alia, to raise awareness of topics relating to the security, handling, storage and destruction of chemical precursors; provide guidance on protecting and handling dangerous goods in port facilities and related issues; and underscore the importance of conducting non-intrusive inspections of the integrity of the cargo, emphasizing in particular the ways in which protection and security are essential to port productivity and development.

Paragraph 3 of resolution 1540 (2004)

Decides further that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials, and to this end shall:

- (a) **Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;**
- (b) **Develop and maintain appropriate effective physical protection measures;**
- (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;**
- (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, trans-shipment 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;**

Guatemala does not possess any chemical, biological or nuclear weapons and does not carry out any activities involving such weapons; private individuals are

also prohibited from engaging in those activities.^f However, legislation does exist for the control of chemical, biological and nuclear substances that are used in other fields, for peaceful purposes, within Guatemalan territory. The laws that regulate activities linked to such substances are as follows:

Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86) and its Radiological Safety and Protection Regulations (Governmental Decision No. 55-2001); Radioactive Waste Management Regulations (Governmental Decision No. 559-98); Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74); Regulations on the Registration, Marketing, Use and Control of Agricultural Pesticides and Related Substances (Governmental Decision No. 377-90); Technical supervision procedures in agricultural services, establishments for the distribution, export, manufacture, formulation, repackaging and storage of agricultural pesticides, related substances and/or fertilizers, and other similar establishments (Ministerial Decision No. 152-93); Plant and Animal Health Act (Decree No. 36-98) and its Regulations (Governmental Decision No. 745-99); Regulations for the registration of individuals or legal entities interested in conducting activities linked to agricultural inputs and for the registration, renewal, import, return and export of such inputs (Ministerial Decision No. 1221-2004); Restricted Items Act and its implementing regulations (Decree-Law No. 123-85); Health Code (Decree No. 90-97); Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003); Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99); Regulation for the Establishment and Control of Non-Ionizing Radiation Limits (Governmental Decision No. 8-2011) (amended by Governmental Decision No. 313-2011); Central American Technical Regulation on pesticides for domestic and professional use. Registration requirements (RTCA 65.03.44:07, annex 1 to Resolution 258-2010-COMIECO-LIX); Health standards for authorizing and monitoring factories that synthesize, manufacture, formulate and/or package agricultural pesticides (Ministerial Decision SP-M-1811-2004); Regulations for the treatment of hospital solid waste (Governmental Decision No. 509-2001); internal regulations of the Ministry of Health and Social Welfare, providing for compliance with the regulations issued by the Ministry of Energy and Mines on the topic of radioisotopes and non-ionizing and ionizing radiation; Mandatory general rules on the import and international transport of animals and hydrobiological resources and their products and by-products (Ministerial Decision No. 1090-2001); Requirements for the registration of individuals and legal entities interested in conducting activities linked to products for use on animals and for the registration, renewal, import, export and return of products for animals (Ministerial Decision No. 390-2006), in force since 8 September 2006; Central American Technical Regulation (RTCA 65.05.51:08) on veterinary medications and related products and the establishments that manufacture, market or package them, requirements for health registration and monitoring, in force since 13 June 2011 (repeals the articles in Ministerial Decision No. 390-2006 on the registration of veterinary medications and related products); Central American Technical Regulation (RTCA 65.05.52:11) on animal feed products and establishments, requirements

^f Article 81 of the Arms and Ammunition Act.

for health registration and monitoring (repeals the articles in Ministerial Decision No. 390-2006 on the registration of products used in animal feed).

With regard to the other issue of licensing provisions for chemical, nuclear and biological materials facilities, entities and/or use, for peaceful purposes, Guatemala has the following regulations:

(a) The National Authority for the Prohibition of Chemical Weapons, coordinated by the Ministry of Foreign Affairs, is responsible for monitoring compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, to which Guatemala has been a party since 2003;

(b) The Ministry of Energy and Mines, through the Department of Energy, regulates all activities relating to the use, application, transport, distribution, sale and transfer, import and export of radioactive sources. The Department also monitors radiation levels at facilities with radioactive risk and among operations personnel who work with high-risk sources.

The Department of Energy also monitors radioactive waste generated by medical and industrial activities in the country by conducting periodic inspections and duly authorizing such activities using the legal mechanism of licensing.

By virtue of the powers conferred on it by the Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation and its implementing regulations, the Department of Energy has established specific activities to control the radiation sources of highest radiological risk within the country. Examples of such activities are: (i) inspection and licensing of high-radiological-risk facilities, especially those containing sources of cobalt-60 and caesium-137, which are used for medical purposes in radiation therapy throughout Guatemala; (ii) verification, inspection and licensing of the installation of radiation detectors and scanning of trucks at ports, in order to better monitor the transport of radioactive sources and material; (iii) verification, inspection and licensing of the installation of radiation detectors in the metal recycling industry, with a view to detecting orphan sources in a timely fashion, prior to smelting; and (iv) effective control of radioactive sources used in industrial radiology through the inspection and licensing of all companies involved in that industry within the country.

The regulations on the physical security of radioactive sources were first submitted in draft form in 2012 and were revised in 2013. These regulations are being developed with the support of the Organization of American States (OAS) and the United States Department of Energy. This legal tool will help prevent terrorist acts by updating the methods used to effectively control radioactive sources.

In addition, Guatemala will participate in the first regional meeting on the physical security of radioactive sources, which will be held in Panama in September 2013, with the support of the United States Nuclear Regulatory Commission.

(c) It is the responsibility of the Ministry of Agriculture and Food to regulate the use, handling, manufacture, storage, marketing, registration, import, quality and residues of chemical, chemicopharmaceutical, biological and related substances for

specific use in agricultural, forestry and hydrobiological activities, as well as to promote integrated pest management and monitoring of plant and animal health.^g

The legislation on agricultural inputs that was in force from 2004 to 2006 has been amended through new legal instruments that set out similar requirements for the import, export, manufacture, formulation, assembly and marketing of agricultural inputs.^h

The Ministry of Agriculture and Food has a database on imports of agricultural inputs through which public and private institutions find information on the properties of such inputs as well on the persons (individual and/or legal) who import or export, manufacture, formulate and assemble them. Information for the database is supplied by individuals working in customs offices throughout Guatemala, as part of the Agricultural Protection Service, under the authority of the Regional International Organization for Agricultural Health. The individuals in question check the physical and documentary status of goods entering the country and determine whether or not they fulfil the prerequisites for importation, in accordance with the legal framework governing their responsibilities.

(d) The Ministry of Health and Social Welfare oversees biosecurity measures for biological, chemical, physical and/or radiation risks associated with blood services.ⁱ In that regard, it manages the safety measures for the use of dangerous chemicals and for radiation protection. It also deals with protocols on the transport of infectious material or substances, the handling of potentially infectious samples, and accidents or exposure to contaminating material or substances.

The Ministry of Health and Social Welfare is also responsible for regulating the use, handling, manufacture, storage, marketing, registration, import, quality and residues of chemical, pharmaceutical, biological and related substances used specifically in lawful activities concerning human health and health monitoring.

(e) The Ministry of Defence may grant licences for activities referred to in the Restricted Items Act, such as those dealing with chlorates and nitrates.^j In that

^g Article 6 of the Plant and Animal Health Act.

^h Decree No. 5-2010, Agrochemicals Registration Act; Governmental Decision No. 343-2010, Regulations on the Agrochemicals Registration Act; Governmental Decision No. 342-2010, Regulations on the registration of fertilizers, soil improvers and substances related to fertilizers or soil improvers with the Ministry of Agriculture and Food; Governmental Decision No. 87-2011, Registration, renewal, endorsement (approval for use) and transfer regulations for substances similar to pesticides, microbial pesticides, biochemical pesticides, arthropods, predators, parasites and parasitoids, the requirements for importing, exporting and returning them, and the registration of individuals or legal entities linked to these inputs with the Ministry of Agriculture and Food; Central American Technical Regulation (RTCA) 65.05.61:11 on microbiological pesticides for agricultural use and registration requirements; and Ministerial Decision No. 11-2011, Registration and renewal conditions for individuals or legal entities interested in importing, exporting, manufacturing, producing, processing, mixing, formulating, bottling, rebottling, packaging, repackaging, storing and marketing technical-grade active ingredients or formulated agrochemical products.

ⁱ Manual of Technical Standards for Transfusion Medicine and Blood Banks (2007), chapter 8.

^j Restricted Items Act. Article 1 of the Act stipulates that restricted items are “chlorates, nitrates, explosives, explosive cartridges, percussion caps, ammunition, gunpowder and other materials which may be used for the manufacture of explosive devices, provided that they are classified as restricted items by decision of the Ministry of Defence”. Article 4 refers to the granting of licences by the Ministry of Defence.

regard, the National Defence General Staff, specifically the Corps of Engineers of the Guatemalan Army, is responsible for conducting inspections in respect of the individuals or entities interested in obtaining a licence for an activity involving the manufacture, processing, import, export, storage, transport, acquisition, transfer or use of restricted items.^k

(f) The Tax Administration Superintendency is responsible for verifying possession of the licence required for certain products under customs regulations, in accordance with the subparagraphs above. The Superintendency also monitors the primary ports of entry by reviewing and verifying the physical and documentary status of goods entering and leaving the country. Those activities are based on a risk management procedure set out in the Customs Administration Risk Module, which is used to process the advance information contained in customs declarations for the import, export and customs transit regimes, using risk criteria and the selective and random approach referred to in article 84 of the Customs Code. There is also a procedure in place to conduct checks and/or audits of foreign trade activities that have already been carried out; these are conducted jointly by the Customs Administration and the Tax Administration of the Superintendency.

In this context, in line with the recommendations set out in the World Customs Organization (WCO) SAFE Framework of Standards to Secure and Facilitate Global Trade, efforts have been made since 2007 to gradually integrate non-intrusive inspection equipment (such as X-ray machines) into the control mechanisms employed at the country's main ports of entry and exit in order to detect customs offences and terrorist threats (radiation). The equipment is operated and the images are reviewed jointly by the temporary stores (ports, aviation authorities) and the Customs Administration. As indicated above, the inspection is conducted when goods enter and leave the country, with the goal of detecting customs offences and chemical, biological and radioactive threats.

In addition, Guatemala opted to participate in the World Customs Organization Columbus Programme, which was used to conduct a diagnostic needs assessment of customs services. Based on the recommendations resulting from this assessment, a number of strategic actions have been taken to implement the best practices recommendations set out in the above-mentioned Framework of Standards.

The national authorities responsible for regulating chemical weapons and radiological protection and safety are as follows:

- (i) Governmental Decision No. 521-2007 established the National Coordination Centre as the national authority responsible for handling issues connected with the production, storage, use and destruction of chemical weapons. This authority reports to the Ministry of Foreign Affairs.
- (ii) The Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation establishes that the Department of Energy of the Ministry of Energy and Mines is the office responsible for the control of all matters relating to radioactive substances and nuclear energy.

In that connection, the Department of Energy has worked with the International Atomic Energy Agency (IAEA) Department of Technical Cooperation, Division for Latin America, to provide training for decision-makers dealing with customs issues

^k Articles 5 and 6 of the Restricted Items Act.

within the Tax Administration Superintendency with a view to improving controls along Guatemalan borders. Likewise, the Humanitarian Assistance Corps of the Guatemalan Army has been trained to manage radiation emergencies to improve capacity to respond to radiation and nuclear emergencies and to improve control over the transport and illegal trafficking of radioactive sources and material.

It is also important to note that Guatemala, as a State party to the International Convention for the Safety of Life at Sea (1974),¹ regulates the maritime transport of dangerous goods. As part of its commitment to the International Maritime Dangerous Goods Code, it issues safety standards governing the management of dangerous goods and toxic substances during maritime transport, including radioactive goods and substances.

Another useful instrument in maritime protection that the Guatemalan Government implements as a State party to the Convention is the International Ship and Port Facility Security Code,^m whose provisions constitute the international system under which ships and port facilities cooperate in order to detect and prevent acts that threaten the maritime transport industry.ⁿ The Guatemalan Government has accordingly made international commitments as a guarantee against the facilitation of trade in nuclear, chemical or biological weapons or their means of delivery through maritime traffic.

Paragraph 6 of resolution 1540 (2004)

Recognizes the utility, in implementing the present resolution, of effective national control lists, and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

Recognizing their utility and effectiveness, the Guatemalan Government uses control lists concerning energy, chemicals and precursors.

Paragraph 7 of resolution 1540 (2004)

Recognizes also that some States may require assistance in implementing the provisions of the present resolution within their territories, and invites States in a position to do so to offer assistance as appropriate, in response to specific requests, to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

Human and material resources are needed to effectively comply with and achieve the aims of United Nations Security Council resolutions 1540 (2004) and 1673 (2006). Guatemala therefore requests aid to improve its capacity to respond rapidly to incidents, accidents and malicious acts that may threaten the security of States, especially with regard to the physical security of radioactive sources, considering the scant resources of the countries in the region.

¹ Ratified by Decree-Law No. 74-82.

^m This international instrument was presented by the Maritime Safety Committee of the International Maritime Organization (IMO) during its seventy-fifth and seventy-sixth sessions.

ⁿ Following the tragic events of 11 September 2001, the Assembly of the International Maritime Organization (IMO) unanimously agreed at its twenty-second session, held in November 2001, that new measures relating to the security of ships and of port facilities should be developed for adoption by a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (known as the Diplomatic Conference on Maritime Security), in December 2002.

Such aid could take the form of training for qualified personnel and decision makers to implement the national plan to respond to radiological incidents, accidents or emergencies that jeopardize the security of States in the region.

The Guatemalan Government further requests aid to ensure the electronic transmission of data between entities involved in authorizing imports and exports of chemical, biological and nuclear substances through the single-window facility for foreign trade or a similar future mechanism. This technical tool should be made available to institutions involved in the control of dangerous substances and should be implemented in line with the activities of all other countries involved in the prevention of illicit acts.

Paragraph 8 of resolution 1540 (2004)

Calls upon all States:

(a) To promote the universal adoption and full implementation and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Guatemala respects its commitments and obligations under international law, especially the mandates of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and the mandates of IAEA.

In addition to the international instruments cited in its first report, Guatemala has ratified the Inter-American Convention against Terrorism, which entered into force in Guatemala on 31 March 2006. It has also concluded a protocol on small quantities of nuclear material (Small Quantities Protocol) with IAEA under INFCIRC/299, which has been in force since 1982. In 2001, it signed an additional protocol to its IAEA comprehensive safeguards agreement.

Furthermore, Guatemala acceded to the International Code of Conduct against Ballistic Missile Proliferation (The Hague Code of Conduct) in 2004,^o thereby demonstrating its political will to become a party to this instrument.

It is also worth noting that on 12 January 2012, Guatemala ratified the Comprehensive Nuclear-Test-Ban Treaty.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

The relevant legal framework is set out in the first national report.

^o Memorandum No. DIPOM/SUBONU 1058-2004 of the Ministry of Foreign Affairs dated 19 May 2004.

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Guatemala has been a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction since 2003. In that context, and in accordance with the provisions of article VII of the Convention, the National Authority for the Prohibition of Chemical Weapons was established in 2005 under the coordination of the Ministry of Foreign Affairs.^p

It is also important to mention the adoption of Governmental Decision No. 521-2007, which provides a legal foundation for the National Authority and its operational team, which meets periodically to draw up the necessary declarations and whose work is thus of an ongoing nature. Furthermore, in August 2007 the Inter-Agency Technical Team was set up as the operational arm of the National Authority.

Guatemala, through the National Authority, submitted its initial declaration in compliance with the provisions of article III of the Convention. This declaration was made in October 2007. Similarly, the relevant declarations for the period 2004-2006 were drawn up with the support of the National Authority of Spain, using information received through a “sample” of industries involved in the production of chemicals and their precursors. In addition, the head of the National Authority developed a database to register industries associated with hazardous chemical substances.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Within the limits and conditions governing the issuance of licences for the use of radioactive sources in industry, the Ministry of Energy and Mines, through the Department of Energy, considers it a prerequisite that training be provided to those responsible for radiological protection and to occupationally exposed workers. This is achieved through an annual radiological protection course. In addition to being a control and safety mechanism, the course serves to provide those involved in industry with timely information regarding unauthorized radioactive materials, orphan sources and dangerous radioactive waste, and to provide notification thereof to the regulatory authority.^q

^p The National Authority also includes the Ministry of Defence, the Ministry of Health and Social Welfare, the Ministry of Agriculture and Food, the Ministry of Economic Affairs, the Ministry of the Environment and Natural Resources, and the Tax Administration Superintendency.

^q Pursuant to the Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), its associated regulations and the recommendations contained in Security Council resolution 1540 (2004).

Over the past four years, as a result of the control mechanisms, information on the safety of sources has been provided to industry and there have been requests to install signage systems to indicate danger zones and warn against radiation.

Six thousand copies of the children's comic book entitled "Secrets of the Atom" have been printed in order to educate both adults and primary school-age children, with a view to shaping future citizens who are informed about the risks and benefits of the use and application of radioactive sources.

For its part, the Ministry of Agriculture and Food provides technical guidance to companies seeking to register or to renew their registration of chemical and/or biological inputs, including those for agricultural and animal use. Information on the existing legal framework is being disseminated for that purpose.

Paragraph 9 of resolution 1540 (2004)

Also calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by the proliferation of nuclear, chemical, or biological weapons and their means of delivery;

The Ministry of Energy and Mines, in coordination with the Ministry of Defence and the Ministry of Foreign Affairs, participated in the commemoration of the fortieth anniversary of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL).

In that context, a panel discussion was held on the site of the army high command in February 2007, as part of activities to bolster national efforts to achieve the OPANAL objective of keeping the Latin American region free of nuclear weapons. The forum was attended by representatives of the following institutions, inter alia: the Ministry of Energy and Mines, the Ministry of Foreign Affairs, the Ministry of Defence, the political science and international relations faculties of various Guatemalan universities, the Congressional Defence Committee, the International Committee of the Red Cross and OAS. Also present were military attachés from embassies accredited to Guatemala and the United Nations representative in the country.

Paragraph 10 of resolution 1540 (2004)

Further calls upon all States, as a means to further counter that threat, to take cooperative action, in accordance with their national legal authorities and legislation and consistent with international law, to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Guatemala is cooperating with other Central American countries, within the framework of the Central American Customs Union, with a view to exchanging information and carrying out controls on products imported to and exported from the region.

During 2007, Guatemala ratified agreements for the exchange of customs information, primarily with Latin American countries, Spain, Portugal and the United States of America. All of this was done within the framework of the General Treaty on Central American Economic Integration; the Meeting of National Customs Directors of Latin America, Spain and Portugal; and the Dominican Republic-Central America-United States Free Trade Agreement.

In addition, in 2010, the Guatemalan Customs Administration implemented the Authorized Economic Operator Programme, which is based on the best practice recommendations under Pillar 2 of the WCO SAFE Framework of Standards to Secure and Facilitate Global Trade. Under this programme, parties involved in the international trade supply chain can qualify as “trusted operators” in accordance with international standards for administrative security, general security and personnel security. To date, two parties have achieved this status and authorization is pending for several more.

Furthermore, the Plan to Counter Organized Crime and Related Activities has been implemented through the Conference of Central American Armed Forces. The Plan provides for regular meetings for the exchange of information among intelligence officers from member countries. Similarly, border unit commanders have held regular meetings for the exchange of information with Mexico, El Salvador and Honduras.

Enclosure

**National points of contact for the Security Council Committee
established pursuant to resolution [1540 \(2004\)](#)**

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Annex II to the note verbale dated 3 December 2013 from the Permanent Mission of Guatemala to the United Nations addressed to the Chair of the Committee*

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

State: **Guatemala**
Date of the report: **27 October 2004**
Date of the update: **20 August 2013**

<i>Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues</i>		<i>Yes</i>	<i>If yes, relevant information (i.e. signing, accession, ratification, etc.)</i>	<i>Remarks (information refers to the page of the English version of the national report or an official web site)</i>
1	Nuclear Non-Proliferation Treaty (NPT)	X	Deposited: 22 September 1970	Page 32 of the report
2	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)	Page 32 of the report
3	Convention for the Suppression of Acts of Nuclear Terrorism			
4	Convention on Physical Protection of Nuclear Material (CPPNM)			
5	2005 Amendment to the CPPNM		Deposited: 8 February 1987	Page 31 of the report
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Signed: 20 September 1999	http://disarmament.un.org:8080/TreatyStatus.nsf Guatemala ratified the Comprehensive Nuclear Test Ban Treaty (CTBT) on 12 January 2012. Page 8 of update 1

* The matrix, which was submitted by Guatemala in Spanish, is available in English and Spanish only.

	<i>Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues</i>	<i>Yes</i>	<i>If yes, relevant information (i.e. signing, accession, ratification, etc.)</i>	<i>Remarks (information refers to the page of the English version of the national report or an official web site)</i>
7	Chemical Weapons Convention (CWC)	X	Deposited: 12 February 2003	Page 32 of the report The National Authority for the Prohibition of Chemical Weapons presented its initial declaration in The Hague in October 2007. Declarations for the years 2004 to 2006 were also presented. Page 8 of update 1
8	Biological Weapons Convention (BWC)	X	Deposited: 19 September 1973	Page 32 of the report
9	Geneva Protocol of 1925	X	Deposited: 3 May 1983	http://disarmament.un.org:8080/TreatyStatus.nsf
10	Other Conventions/Treaties	X	Seabed Treaty Inter-American Convention on Transparency in Conventional Weapons Acquisitions	http://disarmament2.un.org/TreatyStatus.nsf/952a13b8945f4b07852568770078d9c2?Sear
11	International Atomic Energy Agency (IAEA)	X	Guatemala has been a member since March 1957	http://www.iaea.org/About/Policy/MemberStates/
12	Hague Code of Conduct (HCOC)	X	Subscribed: 19 May 2004. Ministry of Foreign Affairs memorandum No. DIPOM-SUBONU 1058-2004	In 2004, Guatemala subscribed ^a to the Hague Code of Conduct as a sign of its political will to be a party to this instrument. Page 7 of update 1
13	Other Arrangements	X	“Central America united against terrorism” declaration, adopted 19 September 2001	http://www.sieca.org.gt/publico/Reuniones_Presidentes/Reuniones_Presidentes.htm
14	General statement on non-possession of WMD	X	Guatemala declares that it does not possess weapons of mass destruction, nor does it provide support to non-State actors that seek to use such weapons	Page 2 ^b of update 1

^a Ministry of Foreign Affairs memorandum No. DIPOM-SUBONU 1058-2004, dated 19 May 2004.

^b Page numbers refer to the Spanish version of the report.

	<i>Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues</i>	<i>Yes</i>	<i>If yes, relevant information (i.e. signing, accession, ratification, etc.)</i>	<i>Remarks (information refers to the page of the English version of the national report or an official web site)</i>
15	General statement on commitment to disarmament and non-proliferation	X	Guatemala declares its commitment to the objectives of the disarmament and non-proliferation treaties	Page 2 of update 1
16	General statement on non-provision of WMD and related materials to non-State actors	X	Guatemala does not provide any form of support to non-State actors that seek to acquire weapons of this type	Page 2 of update 1
17	Other ^c	X	State party to 11 of 12 multilateral conventions	Page 31 of the report

^c Including, as appropriate, information with regard to membership in relevant international, regional or subregional organizations.

OP 2 — Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW)

State: **Guatemala**
 Date of the report: **27 October 2004**
 Date of the update: **20 August 2013**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document of national implementation law	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
1	Manufacture/produce	X	X	X	NW:	X	X	X	NW:	Guatemala does not possess nuclear weapons, chemical weapons, or weapons of mass destruction; nevertheless, the current Government addresses these issues in its foreign policy. In addition, national legislation prohibits the activities referred to in this paragraph. Pages 2-4 and 31 of the report Page 2 of update 1
2	Acquire	X	X	X	Arms and Ammunition Act (Decree No. 15-2009)	X	X	X	Articles 17 and 82 of the Arms and Ammunition Act	
3	Possess	X	X	X	Implementing regulation No. 85-2011	X	X	X	Article 82 of the Arms and Ammunition Act	
4	Stockpile/store	X	X	X	Decree No. 58-2005, amending article 391 (“Terrorism”) of the Penal Code to criminalize this offence Decree No. 15-2012, Criminal Investigation Department Act, article 7 (h) CW: Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90), articles 2 and 81 BW: Arms and Ammunition Act (Decree No. 15-2009)	X	X	X	Article 391 of the Penal Code (Decree No. 17-73) amended by Decree No. 58-2005, Act for the Prevention and Suppression of the Financing of Terrorism, article 2 Articles 82 and 116 of the Arms and Ammunition Act CW: Articles 93 and 95 of the Arms and Ammunition Act Articles 287 and 404 of the Penal Code (Decree No. 17-73)	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document of national implementation law	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Implementing regulation No. 85-2011 Decree No. 58-2005, amending article 391 (“Terrorism”) of the Penal Code to criminalize this offence Decree No. 15-2012, Criminal Investigation Department Act, article 7 (h)				Article 95 of the Arms and Ammunition Act BW: Articles 16 and 82 of the Arms and Ammunition Act Article 82 of the Arms and Ammunition Act Article 391 of the Penal Code (Decree No. 17-73), amended by Decree No. 58-2005, Act for the Prevention and Suppression of the Financing of Terrorism, article 2 Articles 82 and 116 of the Arms and Ammunition Act	
5	Develop	X	X	X	NW: Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) CW: Convention on the Prohibition of the Development, Production, Stockpiling and Use of	X	X	X	NW: Article 82 of the Arms and Ammunition Act CW: Article 85 of the Arms and Ammunition Act Article 287 of the Penal Code (Decree No. 17-73)	Guatemala does not possess nuclear weapons, chemical weapons, or weapons of mass destruction; nevertheless, the current Government addresses these issues in its foreign policy. In addition, national legislation prohibits the activities referred to in this paragraph. Page 2 of update 1

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document of national implementation law	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Chemical Weapons and on Their Destruction BW: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction				BW: Article 82 of the Arms and Ammunition Act	(The conventions to which Guatemala is a party become part of domestic law once they have been ratified by the Congress of the Republic)
6	Transport		X	X	NW: Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90), article 2 CW: Arms and Ammunition Act, article 2 BW: Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90), article 2	X	X	X	NW: Article 126 of the Arms and Ammunition Act CW: Article 91 of the Arms and Ammunition Act BW: Article 126 of the Arms and Ammunition Act	Guatemala does not possess nuclear weapons or weapons of mass destruction; nevertheless, the current Government addresses these issues in its foreign policy. In addition, national legislation prohibits the activities referred to in this paragraph. Page 2 of update 1

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document of national implementation law	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
7	Transfer	X	X	X	NW: Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90), articles 81, 83 and 91 CW: Arms and Ammunition Act, articles 2 and 81 BW: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction	X	X	X	NW: Articles 81, 83 and 91 of the Arms and Ammunition Act CW: Articles 81 and 91 of the Arms and Ammunition Act BW: Articles 287 and 404 of the Penal Code (Decree No. 17-73)	Guatemala does not possess weapons of mass destruction; nevertheless, the current Government addresses these issues in its foreign policy. In addition, national and international legislation prohibits the activities referred to in this paragraph. Pages 2 and 3 of update 1 (The conventions to which Guatemala is a party become part of domestic law once they have been ratified by the Congress of the Republic) Pages 2 and 7 of update 1 (The treaties to which Guatemala is a party become part of domestic law once they have been ratified by the Congress of the Republic)
8	Use	X	X	X	NW: Decree No. 58-2005, amending article 391 (“Terrorism”) of the Penal Code to criminalize this offence CW: International Convention for the Suppression of Terrorist Bombings		X		NW: Article 391 of the Penal Code (Decree No. 17-73), amended by Decree No. 58-2005, Act for the Prevention and Suppression of the Financing of Terrorism, article 2 CW: Article 81 of the Arms and Ammunition Act	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document of national implementation law	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					In force since 13 March 2002 BW: Decree No. 58-2005, amending article 391 (“Terrorism”) of the Penal Code to criminalize this offence				Article 374 of the Penal Code BW: Article 391 of the Penal Code (Decree No. 17-73), amended by Decree No. 58-2005, Act for the Prevention and Suppression of the Financing of Terrorism, article 2	
9	Participate as an accomplice in above-mentioned activities	X	X	X		X	X	X	CW: Articles 394 and 398 of the Penal Code BW: Articles 394 and 398 of the Penal Code (Decree No. 17-73)	
10	Assist in above-mentioned activities	X	X	X						
11	Finance above-mentioned activities	X	X	X	Act for the Prevention and Suppression of the Financing of Terrorism (Decree No. 58-2005)	X	X	X	Articles 4 and 5 of the Act for the Prevention and Suppression of the Financing of Terrorism (Decree No. 58-2005)	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document of national implementation law	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
12	Above-mentioned activities related to means of delivery ^d	X	X		NW: Arms and Ammunition Act (Decree No. 15-2009) CW: Arms and Ammunition Act (Decree No. 39-89 amended by Decree No. 74-90) BW: Arms and Ammunition Act (Decree No. 15-2009)		X		NW: Article 15 of the Arms and Ammunition Act BW: Article 15 of the Arms and Ammunition Act	national legislation prohibits and penalizes the activities referred to in this paragraph. Page 2 of update 1
13	Involvement of non-State actors in above-mentioned activities	X	X		NW: Arms and Ammunition Act (Decree No. 15-2009) CW: Arms and Ammunition Act (Decree No. 39-89 amended by Decree No. 74-90), article 81 BW: Arms and Ammunition Act (Decree No. 15-2009)		X	X	NW: Article 82 of the Arms and Ammunition Act CW: Articles 16, 83, 85, 89, 91, 93, 95, 97C and 101 of the Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90) BW: Article 15 of the Arms and Ammunition Act	Guatemala does not possess weapons of mass destruction; nevertheless, the current Government addresses this issue in its foreign policy. In addition, the Arms and Ammunition Act prohibits the involvement of non-State actors in these activities. Page 2 of update 1

^d Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document of national implementation law	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
14	Other	X	X		CW: Terrorism prevention plan of the Division for the Investigation and Decommissioning of Weapons and Explosives, National Civil Police. Counter-terrorism plan 001-2008 (internal decision of the Ministry of the Interior) Draft counter-terrorism bill					Page 3 of update 1

OP 3 (a) and (b) — Account for/Secure/Physically protect NW, CW and BW, including Related Materials^e

State: **Guatemala**
Date of the report: **27 October 2004**
Date of the update: **20 August 2013**

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?		National legal framework			Enforcement: civil/criminal penalties and others				Remarks	
		Yes			If yes, source document	Yes				If yes, source document
		NW	CW	BW ^f		NW	CW	BW		
1	Measures to account for production	X	X	X	NW: Small quantities protocol, IAEA (INFCIRC/299) Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), articles 7, 8, 10, 26, 27, 46, 47, 174, 186 Regulation for the Establishment and Control of Non-Ionizing Radiation Limits (Governmental Decision No. 8-2011, revised by Governmental Decision No. 313-2011)	X	X	X	NW: Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86, article 7), chapter X CW: Articles 36-48 of the Plant and Animal Health Act (Decree No. 36-98) Articles 12-14 of the Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74) Health Code (Decree No. 90-97, articles 224-233)	Guatemala does not possess chemical or biological weapons, or weapons of mass destruction; nevertheless, the current Government addresses these issues in its foreign policy. In addition, national legislation regulates all activities involving substances of this nature for peaceful purposes and penalizes related illegal activities. The legislation referred to in these subparagraphs only regulates those activities related to chemical or biological substances for specific use in agricultural, forestry and hydrobiological activities. Page 4 of update 1
2	Measures to account for use	X	X	X		X	X	X		
3	Measures to account for storage	X	X	X		X	X	X		
4	Measures to account for transport	X	X	X			X	X		
5	Other measures for accounting	X	X	X			X	X		
6	Measures to secure production	X	X	X		X	X	X		
7	Measures to secure use	X	X	X		X	X	X		
8	Measures to secure storage	X	X	X		X	X	X		

^e Related materials: 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.

^f Information required in this section may also be available in the State's Confidence Building Measures report, if submitted to the BWC Implementation Support Unit (online at: [http://www.unog.ch/80256EE600585943/\(httpPages\)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument)).

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW ^f		NW	CW	BW		
					IAEA Regulations for the Safe Transport of Radioactive Material, substantiated by Radioactive Waste Management Regulations (Governmental Decision No. 559-98), articles 7 and 25 CW: Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74), articles 1-3, 5, 7, 11-13 Technical supervision procedures in agricultural services, establishments for the distribution, export, manufacture, formulation, repackaging and storage of agricultural pesticides, related substances and/or fertilizers, and other similar establishments (Ministerial Decision No. 152-93) Plant and Animal Health Act (Decree No. 36-98), articles 6, 11 and 20, and its implementing				Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77 BW: Articles 36-48 of the Plant and Animal Health Act (Decree No. 36-98). Health Code (Decree No. 90-97), articles 224-233 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77	Page 5 of update 1 The legislation referred to in these subparagraphs regulates only those lawful activities related to chemical, biological or radioactive substances for specific use in public health-related activities and monitoring.

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?		National legal framework			Enforcement: civil/criminal penalties and others			Remarks			
		Yes			Yes						
		NW	CW	BW ^f	If yes, source document	NW	CW		BW	If yes, source document	
					regulations (Governmental Decision No. 745-99)						
					Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226						
					Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99)						
					Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003)						
					Central American Technical Regulation on pesticides for domestic and professional use. Registration requirements (RTCA 65.03.44:07, annex 1 to Resolution No. 258-2010-COMIECO-LIX)						
					Health standards for authorizing and monitoring factories that synthesize, manufacture, formulate and/or package						

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW ^f		NW	CW	BW		
					agricultural pesticides (Ministerial Decision SP-M-1811-2004) BW: Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74), articles 1-3, 5, 7, 11-13 Regulations on the Registration, Marketing, Use and Control of Agricultural Pesticides and Related Substances (Governmental Decision No. 377-90), articles 2, 5, 6, 7, 10, 16, 20, 24, 26 and 143-147 Technical supervision procedures in agricultural services, establishments for the distribution, export, manufacture, formulation, repackaging and storage of agricultural pesticides, related substances and/or fertilizers, and other similar establishments (Ministerial Decision No. 152-93)					

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW ^f		NW	CW	BW		
					Plant and Animal Health Act (Decree No. 36-98), articles 6, 11 and 20 and its implementing regulations (Governmental Decision No. 745-99) Decree No. 5-2010, Agrochemicals Registration Act Governmental Decision No. 343-2010 regulating the Agrochemicals Registration Act Governmental Decision No. 342-2010 regulating the registration of fertilizers, soil improvers and substances related to fertilizers or soil improvers with the Ministry of Agriculture and Food Governmental Decision No. 87-2011, Registration, renewal, endorsement (approval for use) and transfer regulations for substances similar to pesticides, microbial pesticides, biochemical pesticides, arthropods, predators, parasites and					

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BWf		NW	CW	BW		
					parasitoids, the requirements for importing, exporting and returning them, and the registration of individuals or legal entities linked to these inputs with the Ministry of Agriculture and Food Ministerial Decision No. 11-2011 setting out registration and renewal conditions for individuals or legal entities interested in importing, exporting, manufacturing, producing, processing, mixing, formulating, bottling, rebottling, packaging, repackaging, storing and marketing technical-grade active ingredients or formulated agrochemical products Regulations for the registration of individuals or legal entities interested in conducting activities linked to agricultural inputs and for the registration, renewal, import, return and export of such inputs (Ministerial Decision No. 1221-2004)					

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BWf		NW	CW	BW		
					Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99) Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003) Regulation for the Establishment and Control of Non-Ionizing Radiation Limits (Governmental Decision No. 8-2011, revised by Governmental Decision No. 313-2011) Central American Technical Regulation on pesticides for domestic and professional use. Registration requirements (RTCA 65.03.44:07, annex 1 to Resolution No. 258-2010-COMIECO-LIX)					

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Health standards for authorizing and monitoring factories that synthesize, manufacture, formulate and/or package agricultural pesticides (Ministerial Decision SP-M-1811-2004) Regulations for the treatment of hospital solid waste (Governmental Decision No. 509-2001) Internal regulations of the Ministry of Health and Social Welfare, providing for compliance with the regulations issued by the Ministry of Energy and Mines on the topic of radioisotopes and non-ionizing and ionizing radiation					

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
9	Measures to secure transport	X	X	X	NW: IAEA Regulations for the Safe Transport of Radioactive Material, substantiated by Radioactive Waste Management Regulations (Governmental Decision No. 559-98), article 32 CW: Central American Uniform Customs Code, article 63: prohibited goods Regulations of the Central American Uniform Customs Code, article 234: transport of dangerous goods International Maritime Dangerous Goods Code BW: Central American Uniform Customs Code, article 63: prohibited goods	X	X	X	Chapter XI-2 of the International Ship and Port Facility Security Code	Although Guatemala does not possess any weapons of mass destruction, it does have regulations in place for activities using nuclear materials for peaceful purposes. In 2006, the Department of Energy established the Regulations for the Safe Transport of Radioactive Material ^g for the National Centre for Radioactive Waste, following international guidelines and with the support of IAEA experts. These regulations are in the process of being approved by the relevant authorities. Page 5 of update 1 Guatemala does not possess chemical or biological weapons; nevertheless the current Government addresses these issues in its foreign policy. In addition, national and international legislation regulates all activities involving substances of this nature for peaceful purposes and penalizes related illegal activities. Page 6 of update 1

^g This regulation will allow for better monitoring of the transport of radioactive sources, equipment and materials within the country and across borders.

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Regulations of the Central American Uniform Customs Code, article 234: transport of dangerous goods International Maritime Dangerous Goods Code					
10	Other measures for securing	X	X	X	NW: Radiological Safety and Protection Regulations (Governmental Decision No. 55-2001), articles 26-27, 46-47, 174, 186 CW: Plant and Animal Health Act (Decree No. 36-98), article 32 Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99)	X	X		NW: Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), chapter X	Guatemala does not possess chemical or biological weapons; nevertheless, national legislation regulates all activities involving substances of this nature for peaceful purposes and penalizes related illegal activities. Page 4 of update 1

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					BW: Plant and Animal Health Act (Decree No. 36-98), article 32 Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99)					
11	Regulations for physical protection of facilities/materials/ transports		X	X	NW: Radioactive Waste Management Regulations (Governmental Decision No. 559-98), articles 5-7, 10-11, 19-20, 25, 32-33 International Ship and Port Facility Security Code of the International Maritime Organization (IMO) IMO International Maritime Dangerous Goods Code CW, BW: IMO International Ship and Port Facility Security Code		X	X	NW: Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), chapter X Chapter XI-2 of the International Ship and Port Facility Security Code CW, BW: Chapter XI-2 of the International Ship and Port Facility Security Code	Although Guatemala does not possess any weapons of mass destruction, it does have regulations in place for activities using nuclear material for peaceful purposes. Under the Radioactive Waste Management Regulations, the Department of Energy has a National Centre for Radioactive Waste. Similarly, as a party to the IMO International Convention for the Safety of Life at Sea, Guatemala is guided by the International Ship and Port Facility Security Code and the International Maritime

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW ^f		NW	CW	BW		
										<p>Dangerous Goods Code, which set out the rules for detecting and preventing acts that are perceived to pose a threat to the security of ships and port facilities, as well as regulations for the handling of dangerous goods and toxic substances during shipping. Pages 4, 6 and 7 of update 1.</p> <p>The provisions of the International Ship and Port Facility Security Code allow ships and port facilities to work together to detect and prevent acts that are perceived to pose a threat^h in order to protect the maritime transport sector. Page 7 of update 1</p>

^h Following the tragic events of 11 September 2001, the Assembly of the International Maritime Organization (IMO) unanimously agreed at its twenty-second session, held in November 2001, that new measures relating to the security of ships and of port facilities should be developed for adoption by a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (known as the Diplomatic Conference on Maritime Security), in December 2002.

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW ^f		NW	CW	BW		
12	Licensing/registration of installations/facilities/persons/entities/use/handling of materials		X	X	CW: Restricted Items Act (Decree-Law No. 123-85) and its implementing regulations (Governmental Decision No. 55-2001), article 4 Plant and Animal Health Act (Decree No. 36-98), article 6, and its implementing regulations ⁱ (Ministerial Decision No. 1221-2004). Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99) Decree No. 5-2010, Agrochemicals Registration Act		X	X	CW: Article 27 of the Restricted Items Act Articles 36-48 of the Plant and Animal Health Act Health Code (Decree No. 90-97), articles 224-233 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77 BW: Articles 36-48 of the Plant and Animal Health Act (Decree No. 36-98) Health Code (Decree No. 90-97), articles 224-233 Regulations for Health Controls of Medications and Related Products (Governmental Decision	The Restricted Items Act relates to the licensing of any activities concerning the manufacture, processing, import, export, storage, transport, acquisition, transfer and use of restricted items, such as chlorates and nitrates. ^j The Plant and Animal Health Act regulates only the use, handling, manufacture, storage, marketing, registration, import, quality and residues of biological and related substances, for specific use in agricultural, forestry and hydrobiological activities. Pages 8, 9, 21 and 22 of the report Pages 4 and 5 of update 1 The legislation referred to herein regulates only those lawful activities related to chemical, biological or radioactive substances for specific use in public health-

ⁱ Regulations for the registration of individuals or legal entities interested in conducting activities linked to agricultural inputs and requirements for the registration of agricultural inputs with the Ministry of Agriculture and Food.

^j Articles 5 and 6 of the Restricted Items Act and its implementing regulations. In addition, article 1 of the Act stipulates that restricted items are “chlorates, nitrates, explosives, explosive cartridges, percussion caps, ammunition, gunpowder and other materials which may be used for the manufacture of explosive devices, provided that they are classified as restricted items by decision of the Ministry of Defence”.

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW ^f		NW	CW	BW		
					Governmental Decision No. 343-2010 regulating the Agrochemicals Registration Act Governmental Decision No. 342-2010 regulating the registration of fertilizers, soil improvers and substances related to fertilizers or soil improvers with the Ministry of Agriculture and Food Governmental Decision No. 87-2011, Registration, renewal, endorsement (approval for use) and transfer regulations for substances similar to pesticides, microbial pesticides, biochemical pesticides, arthropods, predators, parasites and parasitoids, the requirements for importing, exporting and returning them, and the registration of individuals or legal entities linked to these inputs with the Ministry of Agriculture and Food, Central American Technical Regulation				No. 712-99), articles 6, 27, 51, 64, 65, 67, 77	related activities and monitoring.

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW ^f		NW	CW	BW		
					65.05.61:11 on microbiological pesticides for agricultural use and registration requirements, and Ministerial Decision No. 11-2011 setting out registration and renewal conditions for individuals or legal entities interested in importing, exporting, manufacturing, producing, processing, mixing, formulating, bottling, rebottling, packaging, repackaging, storing and marketing technical-grade active ingredients or formulated agrochemical products. BW: Plant and Animal Health Act (Decree No. 36-98), article 6, and its implementing regulations ⁱ (Ministerial Decision No. 1221-2004) Governmental Decision No. 87-2011, Registration, renewal, endorsement (approval for use) and transfer regulations for					

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					substances similar to pesticides, microbial pesticides, biochemical pesticides, arthropods, predators, parasites and parasitoids, the requirements for importing, exporting and returning them, and the registration of individuals or legal entities linked to these inputs with the Ministry of Agriculture and Food, Central American Technical Regulation 65.05.61:11 on microbiological pesticides for agricultural use Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99)					

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks	
		Yes			If yes, source document	Yes			If yes, source document		
		NW	CW	BW ^f		NW	CW	BW			
13	Reliability check of personnel			X	X	NW: Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), and its Radiological Safety and Protection Regulations (Governmental Decision No. 55-2001) Radioactive Waste Management Regulations (Governmental Decision No. 559-98) CW, BW: Regulations for the registration of individuals or legal entities interested in conducting activities linked to agricultural inputs and for the registration, renewal, import, return and export of such inputs (Ministerial Decision No. 1221-2004) Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99)				NW: Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), chapter X CW, BW: Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77	The regulations set out registration and renewal requirements for individuals or legal entities that import, export, produce, manufacture, formulate, develop, bottle, rebottle, package, repackage, distribute and sell inputs for agricultural use, and for their authorized import, export and return. Page 4 of update 1 The regulations set out registration and renewal requirements for individuals or legal entities that import, export, manufacture, bottle and market inputs for the purpose of protecting human health.

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW ^f		NW	CW	BW		
					Decree No. 5-2010, Agrochemicals Registration Act Governmental Decision No. 343-2010 regulating the Agrochemicals Registration Act Governmental Decision No. 342-2010 regulating the registration of fertilizers, soil improvers and substances related to fertilizers or soil improvers with the Ministry of Agriculture and Food Governmental Decision No. 87-2011, Registration, renewal, endorsement (approval for use) and transfer regulations for substances similar to pesticides, microbial pesticides, biochemical pesticides, arthropods, predators, parasites and parasitoids, the requirements for importing, exporting and returning them, and the registration of individuals or legal entities linked to these					

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?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW ^f		NW	CW	BW		
					inputs with the Ministry of Agriculture and Food, Central American Technical Regulation 65.05.61:11 on microbiological pesticides for agricultural use and registration requirements, and Ministerial Decision No. 11-2011 setting out registration and renewal conditions for individuals or legal entities interested in importing, exporting, manufacturing, producing, processing, mixing, formulating, bottling, rebottling, packaging, repackaging, storing and marketing technical-grade active ingredients or formulated agrochemical products.					
14	Measures to account for/secure/ physically protect means of delivery									Not applicable. Guatemala does not possess biological weapons or their means of delivery, nor does it carry out genetic engineering work.

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

State: **Guatemala**
Date of the report: **27 October 2004**
Date of the update: **20 August 2013**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		Yes	If yes, source document	Yes	If yes, source document	
1	National regulatory authority	X	Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), article 8.1, and its Radiological Safety and Protection Regulations (Governmental Decision No. 55-2001)	X	National authority: Department of Energy	The scope of licences granted by the Department of Energy is limited to medical, industrial and research purposes. Pages 4 and 5 of update 1
2	IAEA Safeguards Agreements	X	Agreements entered into force on 1 February 1982 Additional protocol signed on 14 December 2001			Page 32 of the report http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	IAEA Code of Conduct on the Safety and Security of Radioactive Sources	X	IAEA Code of Conduct on the Safety and Security of Radioactive Sources	Page 32 of the report
4	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources			X		

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		Yes	If yes, source document	Yes	If yes, source document	
5	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources			X	Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86) and its Radiological Safety and Protection Regulations (Governmental Decision No. 55-2001).	By means of the legal mechanism of inspections and licensing, the Department of Energy registers activities related to radioactive sources, ionizing radiation and/or radioactive waste, inter alia in order to prevent related illegal activities.
6	Other Agreements related to IAEA	X	IAEA regional project on dealing with radiological emergencies (RLA/9/054) Revised Supplementary Agreement concerning the Provision of Technical Assistance by IAEA. Entered into force on 9 February 1981 Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency. Ratified on 8 September 1988			The Division of Radiological Protection and Security of the Department of Energy is working on developing a national plan based on the IAEA regional project on dealing with radiological emergencies, RLA/9/054. Pages 4 and 5 of update 1 http://ola.iaea.org/FactSheets/CountryDetails.asp?country=GT
7	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Convention on the Physical Protection of Nuclear Material. In force since 8 February 1987 Convention on Early Notification of a Nuclear Accident. In force since 8 September 1988			The Congress of the Republic is discussing the approval of the Convention on the Physical Protection of Nuclear Material and the amendments to broaden its scope to nuclear installations. Page 3 of update 1

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		Yes	If yes, source document	Yes	If yes, source document	
8	Other	X	Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco). In force since 1 February 1982	X	The Department of Energy has the authority to impose fines and/or to suspend/cancel licences. Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), chapter X	Page 7 of update 1 (The treaties to which Guatemala is a party become part of domestic law once they have been ratified by the Congress of the Republic)

OP 3 (a) and (b) — Account for/Secure/Physically protect CW including Related Materials (CW specific)**State: Guatemala****Date of the report: 27 October 2004****Date of the update: 20 August 2013**

<i>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?</i>		<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties and others</i>		<i>Remarks</i>
		<i>Yes</i>	<i>If yes, source document</i>	<i>Yes</i>	<i>If yes, source document</i>	
1	National CWC authority	X	National authority (Governmental Decision No. 521-2007): Ministry of Foreign Affairs	X	National authority: Ministry of Foreign Affairs	Pages 6 and 8 of update 1 http://www.opcw.org/docs/directory/section4.pdf
2	Reporting Schedule I, II and III chemicals to OPCW	X	The national authority submitted declarations to OPCW	X	The national authority submitted the initial declaration in October 2007. The relevant declarations were also prepared for the period 2004-2006.	Page 8 of update 1
3	Account for, secure or physically protect “old chemical weapons”	X				Not applicable. Guatemala does not possess old chemical weapons.
4	Other legislation/ regulations controlling chemical materials	X	Chemical Weapons Convention	X	Article 27 of the Restricted Items Act (Decree-Law No. 123-85)	Although Guatemala does not possess chemical weapons, the current Government addresses these issues in its foreign policy. In addition, national and international legislation regulates activities involving chemical substances for peaceful purposes. Page 8 of update 1

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		Yes	If yes, source document	Yes	If yes, source document	
						(The conventions to which Guatemala is a party become part of domestic law once they have been ratified by the Congress of the Republic)
5	Other					

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

State: **Guatemala**
Date of the report: **27 October 2004**
Date of the update: **20 August 2013**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		Yes	If yes, source document	Yes	If yes, source document	
1	Regulations for genetic engineering work					Not applicable. Guatemala does not possess biological weapons or their means of delivery, nor does it carry out genetic engineering work.
2	Other legislation/ regulations related to safety and security of biological materials	X	Manual of Technical Standards for Transfusion Medicine and Blood Banks (2007), chapter 8 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 8-33			The Ministry of Health oversees biosecurity measures for biological, chemical, physical and/or radiation risks associated with blood services. Page 5 of update 1 The regulations set out registration and renewal requirements for individuals or legal entities that import, export, manufacture, bottle and market biological products for the purpose of protecting human health.
3	Other					

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

State: **Guatemala**
 Date of the report: **27 October 2004**
 Date of the update: **20 August 2013**

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes				Yes				
		NW	CW	BW		NW	CW	BW		
					If yes, source document				If yes, source document	
1	Border control	X	X	X	NW: Functions, powers and jurisdiction of the Customs Administration (Decision No. 05-99 of the Tax Administration Superintendency) Central American Uniform Customs Code Regulations of the Central American Uniform Customs Code CW: Functions, powers and jurisdiction of the Customs Administration (Decree 1-98 of the Congress of the Republic of Guatemala, Tax Administration Superintendency Organization Act) Central American Uniform Customs Code	X	X	X	NW, CW: Tax Administration Superintendency Organization Act (Decree 1-98), article 3 Implementing institutions: Ministry of Health and Social Welfare; Ministry of Agriculture and Food; Customs Administration Border security and control: Ministry of the Interior and Ministry of Defence BW: Tax Administration Superintendency Organization Act (Decree 1-98), article 3 Implementing institutions: Ministry of Health and Social Welfare; Ministry of Agriculture and Food; Customs Administration	Guatemala does not possess chemical or biological weapons or weapons of mass destruction; nevertheless, the current Government addresses these issues in its foreign policy. In addition, during the import and/or export process, it is the responsibility of the Tax Administration Superintendency to verify possession of the necessary licences for those biological products that must be licensed under the customs regime. Page 6 of update 1

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Regulations of the Central American Uniform Customs Code BW: Functions, powers and jurisdiction of the Customs Administration (Decree 1-98 of the Congress of the Republic of Guatemala, Tax Administration Superintendency Organization Act) Central American Uniform Customs Code Regulations of the Central American Uniform Customs Code				Border security and control: Ministry of the Interior and Ministry of Defence	
2	Technical support of border control measures	X	X	X	NW: Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), article 8.10 CW: Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003)	X	X	X	NW: X-ray, detection and radiation equipment at the main ports of entry to the country CW: Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003)	Guatemala does not possess biological, chemical or nuclear weapons or weapons of mass destruction; nevertheless, the current Government addresses these issues in its foreign policy. In addition, the Ministry of Health and Social Welfare and the Ministry of Agriculture are involved in

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Plant and Animal Health Act (Decree No. 36-98), article 6 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99) BW: Plant and Animal Health Act (Decree No. 36-98), article 6.				Plant and Animal Health Act (Decree No. 36-98), article 6 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77 BW: Plant and Animal Health Act (Decree No. 36-98), title VI	controlling activities related to chemical substances. The Ministry of Energy and Mines, through the Department of Energy, is involved in controlling activities related to nuclear substances. Pages 4, 5 and 6 of update 1 With regard to chemical weapons, the national authority is the National Coordination Centre for the production, stockpiling, use and destruction of chemical weapons. This authority is attached to the Ministry of Foreign Affairs.
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	X	X	NW: Functions, powers and jurisdiction of the Customs Administration (Decision No. 05-99 of the Tax Administration Superintendency) Central American Uniform Customs Code Regulations of the Central American Uniform Customs Code Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), article 8.10		X	X	CW: Regulations for the registration of individuals or legal entities interested in conducting activities linked to agricultural inputs and for the registration, renewal, import, return and export of such inputs (Ministerial Decision No. 1221-2004) Guatemala does not possess chemical weapons; nevertheless, the Ministry of Defence is responsible for regulating nitrates and chlorates (restricted items).	Meanwhile, the Division of Arms and Ammunition Control enforces the ban on activities using chemical weapons. Pages 2 and 6 of update 1 http://www.sieca.org.gt/publico/marco_legal/protocolos/protocolo16.htm

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					CW: Functions, powers and jurisdiction of the Customs Administration (Decree 1-98 of the Congress of the Republic of Guatemala, Tax Administration Superintendency Organization Act) Central American Uniform Customs Code Regulations of the Central American Uniform Customs Code BW: Functions, powers and jurisdiction of the Customs Administration (Decree 1-98 of the Congress of the Republic of Guatemala, Tax Administration Superintendency Organization Act) Central American Uniform Customs Code Regulations of the Central American Uniform Customs Code				Page 4 BW: Regulations for the registration of individuals or legal entities interested in conducting activities linked to agricultural inputs and for the registration, renewal, import, return and export of such inputs (Ministerial Decision No. 1221-2004)	

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
4	Enforcement agencies/ authorities	X	X	X	NW: Ministry of Energy and Mines, through the Department of Energy. Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), article 8.10 CW: Division of Arms and Ammunition Control, Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90) BW: Ministry of Agriculture and Food, Plant and Animal Health Act (Decree No. 36-98), article 6 Division of Arms and Ammunition Control Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90)	X	X	X	NW: Ministry of Energy and Mines, through the Department of Energy Division of Arms and Ammunition Control CW: National Authority for the Prohibition of Chemical Weapons (Governmental Decision No. 521-2007): Ministry of Foreign Affairs, Division of Arms and Ammunition Control, Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90) BW: Tax Administration Superintendency Organization Act (Decree 1-98), article 3	Guatemala does not possess chemical, biological or nuclear weapons; nevertheless, the current Government addresses these issues in its foreign policy. In addition, the Ministry of Agriculture and Food is responsible for regulating the use, handling, manufacture, storage, marketing, registration, import, quality and residues of chemical, chemicopharmaceutical, biological and related substances for specific use in agricultural, forestry and hydrobiological activities. Meanwhile, the Division of Arms and Ammunition Control enforces the ban on activities using biological weapons. Pages 2 and 4 of update 1 In addition, the Department of Energy of the Ministry of Energy and Mines is the agency responsible for

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
										controlling activities related to radioactive substances and nuclear energy. Page 6 (b) of update 1
5	Export control legislation in place	X	X	X	NW: Arms and Ammunition Act (Decree No. 39-89) Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), article 8.10 CW: Arms and Ammunition Act (Decree No. 39-89) BW: Plant and Animal Health Act (Decree No. 36-98), article 6 Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90)	X	X	X	NW: Article 89: Illegal export of firearms and of chemical, biological and nuclear weapons, Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90) Chapter X of the Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86): Sanctions CW: Articles 89 and 91 of the Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90): Illegal export of firearms and of chemical, biological and nuclear weapons	Although Guatemala does not have any nuclear weapons, the Division of Arms and Ammunition Control enforces the ban on their illegal export. Meanwhile, the Department of Energy controls activities related to radioactive substances and nuclear energy. Pages 2 and 6 of update 1 Guatemala does not possess biological weapons; nevertheless, the current Government addresses these issues in its foreign policy. In addition, the Ministry of Agriculture and Food is responsible for licensing activities related to biological substances. Sanctions related to the illegal export of such substances fall within the

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes				Yes				
		NW	CW	BW		NW	CW	BW		
					If yes, source document				If yes, source document	
									BW: Article 89 of the Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90): Illegal export of firearms and of chemical, biological and nuclear weapons	purview of the Division of Arms and Ammunition Control. Pages 1 and 5 of update 1
6	Licensing provisions	X	X	X	NW: Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), article 8.10: Granting of licences for the production, use, handling, transport, marketing, import, export and application of radioactive substances, and for the establishment and operation of radioactive facilities CW: Plant and Animal Health Act (Decree No. 36-98)	X	X	X	NW: Chapter X of the Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86): Sanctions CW: Plant and Animal Health Act (Decree No. 36-98), title VI Restricted Items Act (Decree-Law No. 123-85), chapter IV	Guatemala does not possess chemical, biological or nuclear weapons, nor does it grant licences to individuals for activities related to them. However, the Ministry of Health and Social Welfare, the Ministry of Agriculture and Food and the Ministry of Defence (chlorates and nitrates) are responsible for licensing activities related to chemical or biological substances, as appropriate. Page 5 of update 1
7	Individual licensing	X	X	X		X	X	X		
8	General licensing	X	X	X		X	X	X		
9	Exceptions from licensing	X	X	X		X				
10	Licensing of deemed export/ visa	X		X		X				

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Restricted Items Act — nitrates and chlorates (Decree-Law No. 123-85) Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-03) Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99) BW: Plant and Animal Health Act (Decree No. 36-98) (Ministerial Decision No. 1221-2004) Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226				BW: Plant and Animal Health Act (Decree No. 36-98), title VI Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77	However, the Department of Energy is responsible for licensing activities using radioactive substances and nuclear energy. ^a Pages 4 (b) and 6 (b) of update 1 http://faolex.fao.org/docs/texts/gua61785.doc The Ministry of Health and Social Welfare is responsible for licensing lawful activities for the protection of human health using biological substances.

^a The scope of licences granted by the Department of Energy is limited to medical, industrial and research purposes.

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes				Yes				
		NW	CW	BW		NW	CW	BW		
					Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99) (1) Decree No. 5-2010, Agrochemicals Registration Act, (2) Governmental Decision No. 343-2010 regulating the Agrochemicals Registration Act, (3) Governmental Decision No. 342-2010 regulating the registration of fertilizers, soil improvers and substances related to fertilizers or soil improvers with the Ministry of Agriculture and Food, (4) Governmental Decision No. 87-2011, Registration, renewal, endorsement (approval for use) and transfer regulations for substances similar to pesticides, microbial pesticides, biochemical pesticides, arthropods, predators, parasites and parasitoids, the requirements for importing, exporting and returning them, and the registration of individuals or legal					

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes				Yes				
		NW	CW	BW		NW	CW	BW		
					If yes, source document				If yes, source document	
					entities linked to these inputs with the Ministry of Agriculture and Food, Central American Technical Regulation 65.05.61:11 on microbiological pesticides for agricultural use and registration requirements, and Ministerial Decision No. 11-2011 setting out registration and renewal conditions for individuals or legal entities interested in importing, exporting, manufacturing, producing, processing, mixing, formulating, bottling, rebottling, packaging, repackaging, storing and marketing technical-grade active ingredients or formulated agrochemical products.					
11	National licensing authority	X	X	X	NW: Department of Energy of the Ministry of Energy and Mines Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), chapter II	X	X	X	NW: Department of Energy of the Ministry of Energy and Mines BW: Ministry of Agriculture and Food	

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					CW: Ministry of Health and Social Welfare and Ministry of Agriculture and Food Plant and Animal Health Act (Decree No. 36-98) Ministry of Defence (nitrates and chlorates) Restricted Items Act (Decree-Law No. 123-85) BW: Ministry of Agriculture and Food					
12	Interagency review for licenses			X	CW: Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74) Plant and Animal Health Act (Decree No. 36-98), articles 6, 11 and 20, and its implementing regulations (Governmental Decision No. 745-99) Restricted Items Act and its implementing regulations (Decree-Law No. 123-85)			X	Plant and Animal Health Act (Decree No. 36-98), title VI Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77	NW: Not applicable. Since Guatemala does not possess nuclear weapons, it does not have in place the measures referred to in these paragraphs. CW: Not applicable. Since Guatemala does not possess chemical weapons, it does not have in place the measures referred to in these paragraphs.

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003) Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99) Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003)					BW: Guatemala does not possess, biological weapons, nor does it grant licences to individuals for activities related to them. However, the Ministry of Agriculture and Food, with assistance from the Ministry of Health and Social Welfare, is responsible for regulating the requirements, conditions and procedures for the registration of pesticides. Page 5 of update 1
13	Control lists		X	X						Guatemala does not possess chemical weapons; nevertheless, the Ministry of Agriculture and Food, the Ministry of Health and Social Welfare and the Ministry of Defence have control lists of chemical substances that are regulated in accordance with the relevant national legislation.
14	Updating of lists		X	X	Central American Technical Regulation on pesticides for domestic and professional use. Registration requirements (RTCA 65.03.44:07, annex I to Resolution 258-2010-COMIECO-LIX) Health standards for authorizing and monitoring factories that synthesize, manufacture, formulate and/or package agricultural					Guatemala does not possess biological

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					pesticides (Ministerial Decision SP-M-1811-2004) BW: Regulations on the registration, marketing, use and control of agricultural pesticides and similar substances (Ministry of Agriculture and Food Governmental Decision No. 377-90) and its amendments (Ministry of Agriculture and Food Governmental Decision No. 4-94) Implementing regulations of the Plant and Animal Health Act (Governmental Decision No. 745-99) Regulations for the registration of individuals or legal entities interested in conducting activities linked to agricultural inputs and requirements for the registration of agricultural inputs (Ministerial Decision No. 1221-2004 of the Ministry of Agriculture and Food)					weapons; nevertheless, the current Government addresses these issues in its foreign policy. In addition, the Ministry of Agriculture and Food has a database on imports of inputs for use in agriculture and in animals. Page 5 of update 1 The Ministry of Health and Social Welfare is responsible for licensing lawful activities for the protection of human health using biological substances.

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Ministry of Health and Social Welfare Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99) Decree No. 5-2010, Agrochemicals Registration Act Governmental Decision No. 343-2010 regulating the Agrochemicals Registration Act Governmental Decision No. 342-2010 regulating the registration of fertilizers, soil improvers and substances related to fertilizers or soil improvers with the Ministry of Agriculture and Food Governmental Decision No. 87-2011, Registration, renewal, endorsement (approval for use) and					

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes				Yes				
		NW	CW	BW		NW	CW	BW		
					If yes, source document				If yes, source document	
					transfer regulations for substances similar to pesticides, microbial pesticides, biochemical pesticides, arthropods, predators, parasites and parasitoids, the requirements for importing, exporting and returning them, and the registration of individuals or legal entities linked to these inputs with the Ministry of Agriculture and Food, Central American Technical Regulation 65.05.61:11 on microbiological pesticides for agricultural use and registration requirements, and Ministerial Decision No. 11-2011 setting out registration and renewal conditions for individuals or legal entities interested in importing, exporting, manufacturing, producing, processing, mixing, formulating, bottling, rebottling, packaging, repackaging, storing and marketing technical-grade active ingredients or formulated agrochemical products					

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
15	Inclusion of technologies									Not applicable. Guatemala does not have biological weapons or means of delivery.
16	Inclusion of means of delivery									
17	End-user controls									
18	Catch all clause									
19	Intangible transfers									
20	Transit control	X	X	X	NW:	X	X	X	NW:	Guatemala does not possess chemical, biological or nuclear weapons. However, during the import/export process, it is the responsibility of the Tax Administration Superintendency to verify possession of the necessary licences for those biological products that must be licensed under the customs regime. Page 6 of update 1
21	Trans-shipment control	X	X	X	Central American Uniform Customs Code	X	X	X	Tax Administration Superintendency Organization Act (Decree 1-98), article 3.b	
22	Re-export control	X	X	X	Regulations of the Central American Uniform Customs Code CW: Central American Uniform Customs Code Regulations of the Central American Uniform Customs Code, articles 394, 274 and 537-539 respectively BW: Central American Uniform Customs Code	X	X	X	CW: Tax Administration Superintendency Organization Act (Decree 1-98), article 3.b BW: Tax Administration Superintendency Organization Act (Decree 1-98), article 3.b	

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Regulations of the Central American Uniform Customs Code					
23	Control of providing funds	X	X	X	Act for the Prevention and Suppression of the Financing of Terrorism (Decree No. 58-2005)	X	X	X	Article 19 of the Act for the Prevention and Suppression of the Financing of Terrorism (Decree No. 58-2005): Sanctions	Page 2 of update 1
24	Control of providing transport services	X		X	NW: Arms and Ammunition Act (Decree No. 39-89) BW: Manual of Technical Standards for Transfusion Medicine and Blood Banks (2007), chapter 8	X	X	X	Article 91: Illegal transport and transfer of firearms and of chemical, biological and nuclear weapons, Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90)	Guatemala does not possess chemical, biological or nuclear weapons; however, the Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation and the Arms and Ammunition Act regulate, prohibit and penalize activities using materials of this type or similar materials.
25	Control of importation	X	X	X	NW: Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86) and its Radiological Safety and Protection Regulations (Governmental Decision No. 55-2001) Arms and Ammunition Act (Decree No. 39-89,	X	X	X	Chapter X of the Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86): Sanctions Article 83 of the Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90): Illegal import	Pages 2 and 4 of update 1 Pages 19-21 of the report Page 4 of update 1 The Ministry of Health and Social Welfare is responsible for granting import and export licences for lawful

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					amended by Decree No. 74-90), article 81: General prohibitions CW: Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74) Arms and Ammunition Act (Decree No. 39-89) Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226 Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99) BW: Arms and Ammunition Act (Decree No. 39-89) (1) Decree No. 5-2010, Agrochemicals Registration Act, (2) Governmental Decision No. 343-2010 regulating the				of weapons	activities for the protection of human health using chemical substances. The Manual, meanwhile, refers to protocols on the transport of infectious material or substances, the handling of potentially infectious samples, and accidents or exposure to contaminating material and/or substances. Pages 2 and 5 of update 1 Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74) Article 83 of the Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90): Illegal import of weapons Health Code (Decree No. 90-97), articles 224-233 Regulations for Health Controls of Medications

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					Agrochemicals Registration Act, (3) Governmental Decision No. 342-2010 regulating the registration of fertilizers, soil improvers and substances related to fertilizers or soil improvers with the Ministry of Agriculture and Food, (4) Governmental Decision No. 87-2011, Registration, renewal, endorsement (approval for use) and transfer regulations for substances similar to pesticides, microbial pesticides, biochemical pesticides, arthropods, predators, parasites and parasitoids, the requirements for importing, exporting and returning them, and the registration of individuals or legal entities linked to these inputs with the Ministry of Agriculture and Food, Central American Technical Regulation 65.05.61:11 on microbiological pesticides for agricultural use and registration requirements, and Ministerial Decision No. 11-2011 setting out					and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77

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?		National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
		Yes			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					registration and renewal conditions for individuals or legal entities interested in importing, exporting, manufacturing, producing, processing, mixing, formulating, bottling, rebottling, packaging, repackaging, storing and marketing technical-grade active ingredients or formulated agrochemical products					
26	Extraterritorial applicability									Not applicable. Guatemala does not possess biological or nuclear weapons.
27	Other		X	X	Plant and Animal Health Act (Decree No. 36-98)		X	X	NW: The Governments of Guatemala and Mexico have signed a memorandum of understanding on the establishment of a high-level border security group in order to protect their common border.	Pages 36 and 37 of the report Page 2 of update 1

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?	National legal framework				Enforcement: civil/criminal penalties, and measures of implementation, etc.				Remarks
	Yes			If yes, source document	Yes			If yes, source document	
	NW	CW	BW		NW	CW	BW		
								CW, BW: Title VI of the Plant and Animal Health Act (Decree No. 36-98): Disciplinary measures Articles 93, 95 and 97C of the Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90): Illegal possession, storage and bearing of firearms and of chemical, biological and nuclear weapons The Governments of Guatemala and Mexico have signed a memorandum of understanding on the establishment of a high-level border security group in order to protect their common border.	

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

State: **Guatemala**
Date of the report: **27 October 2004**
Date of the update: **20 August 2013**

<i>Can information be provided on the following issues?</i>		<i>Yes</i>		<i>Remarks</i>
1	Control lists — items (goods/equipment/materials/technologies)	X	Understanding the usefulness and effectiveness of control lists, Guatemala has lists of items related to energy and to chemicals and their precursors. Guatemala has implemented the Columbus Programme, a customs capacity-building tool in the framework of the World Customs Organization (WCO).	Guatemala does not possess chemical, biological and/or nuclear weapons; nevertheless, the current Government addresses these issues in its foreign policy. Page 6 of update 1
2	Control lists — other	X		
3	Assistance offered			Guatemala has not received any requests for assistance.
4	Assistance requested	X	Assistance was provided to the Government of Guatemala by a mission undertaken by the Expert Group of the Security Council Committee established pursuant to resolution 1540 (2004) concerning weapons of mass destruction and the United Nations Office on Drugs and Crime, March 2008. Requests: Assistance to enhance the capacity for immediate response to incidents, accidents and malicious acts that might threaten national security (physical security of radioactive sources). Assistance to ensure the electronic transmission of information among the entities involved in authorizing the import and export of chemical, biological and nuclear substances for peaceful purposes.	Page 7 of update 1
5	Point of Contact for assistance			

Can information be provided on the following issues?		Yes		Remarks
6	Assistance in place (bilateral/multilateral)	X	<p>Guatemala is cooperating with other Central American countries, within the framework of the Central American Customs Union, with a view to exchanging information and carrying out controls on products imported to and exported from the region.</p> <p>During 2007, Guatemala ratified agreements for the exchange of customs information, primarily with Latin American countries, Spain, Portugal and the United States of America. All of this was done within the framework of the General Treaty on Central American Economic Integration; the Meeting of National Customs Directors of Latin America, Spain and Portugal; and the Dominican Republic — Central America — United States Free Trade Agreement.</p> <p>In addition, in 2010, the Guatemalan Customs Administration implemented the Authorized Economic Operator Programme, which is based on the best practice recommendations under Pillar 2 of the WCO SAFE Framework of Standards to Secure and Facilitate Global Trade. Under this programme, parties involved in the international trade supply chain can qualify as “trusted operators” in accordance with international standards for administrative security, general security and personnel security. To date, two parties have achieved this status and authorization is pending for several more.</p> <p>Furthermore, the Plan to Counter Organized Crime and Related Activities has been implemented through the Conference of Central American Armed Forces. The Plan provides for regular meetings for the exchange of information among intelligence officers from member countries.^{cc} Similarly, border unit commanders have held regular meetings for the exchange of information with Mexico, El Salvador and Honduras.</p>	Pages 9 and 10 of update 1
7	Work with and inform industry	X	<p>Annual course on radiological protection by the Department of Energy</p> <p>Technical guidance for businesses seeking to register or renew their registration of chemical and/or biological inputs, inter alia, for use in agriculture or in animals. Provided by the Ministry of Agriculture and Food.</p> <p>Workshop aimed at domestic industries to involve them in and inform them of national commitments. National Authority for the Prohibition of Chemical Weapons, June 2007.</p>	Page 9 of update 1

^{cc} El Salvador, Guatemala, Honduras, Nicaragua and Dominican Republic.

<i>Can information be provided on the following issues?</i>		<i>Yes</i>		<i>Remarks</i>
8	Work with and inform the public	X	A panel discussion was held as part of activities to bolster national efforts to achieve the objectives of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), namely to keep the region free of nuclear weapons. Organized by the Ministry of Energy and Mines, the Ministry of Defence and the Ministry of Foreign Affairs, February 2007.	Page 9 of update 1
9	Point of Contact			
10	Other ^{dd}			

^{dd} Information may include references to voluntary implementation national action plan and visits to States, at their invitation, by the 1540 Committee.