



安全理事会第 1540(2004) 号决议  
所设委员会

2013 年 12 月 3 日危地马拉常驻联合国代表团给委员会主席的普通照会

危地马拉常驻联合国代表团向安全理事会第 1540(2004) 号决议所设委员会主席致意，并谨提及委员会主席 2013 年 2 月 27 日的信。就此，危地马拉代表团谨根据第 1540(2004) 和第 1673(2006) 号决议提交本国 2013 年 8 月 20 日的第三次国家报告(见附件一)和相关汇总表(见附件二)。



## 2013年12月3日危地马拉常驻联合国代表团给委员会主席的普通照会的附件一

### 危地马拉根据安全理事会第 1540 (2004) 和第 1673 (2006) 号决议提交的第三次国家报告

2013年8月

危地马拉政府特此根据安全理事会第 1540 (2004) 和第 1673 (2006) 号决议的规定提交第三次国家报告。

#### 第 1540 (2004) 号决议第 1 段

决定各国应不向企图开发、获取、制造、拥有、运输、转移或使用核生化武器及其运载工具的非国家行为者提供任何形式的支持；

危地马拉铭记国家立法并严格按照其国际安全承诺和义务，声明本国不拥有大规模杀伤性武器，也不向寻求使用这些武器的非国家行为者提供支助。

危地马拉认为，必须为促进国际和平而遵守国际法规则。因此，危地马拉的第一和第二次国家报告列出了危地马拉已加入并由共和国国会批准而成为其国内立法组成部分的各项国际安全文书。

此外，《刑法》第 374 条就制造、供应、收购、移走或拥有炸弹、爆炸物质、易燃物质、窒息性物质、有毒物质或用于制作此类物品的物质或材料规定了惩罚措施。

#### 第 1540 (2004) 号决议第 2 段

又决定各国应按照本国程序，通过和实施适当、有效的法律，禁止任何非国家行为者，尤其是为恐怖主义目的而制造、获取、拥有、开发、运输、转移或使用核生化武器及其运载工具，以及禁止企图从事上述任何活动、作为共犯参与这些活动、协助或资助这些活动的图谋；

如前几次报告所述，危地马拉法律将恐怖主义定为刑事罪行，<sup>a</sup> 并禁止个人进口、制造、转让、携带、输出、存储、从库存中取走或运输本报告所述武器<sup>b</sup> 或从事任何相关活动。

现行法律规定何为刑事罪行，并规定如何惩治和处罚罪犯。与此对应，《武器弹药法》规定如何惩罚任何进口、制造、出口、运输和(或)转让、拥有和(或)存储或携带化学、生物和(或)原子武器的人。<sup>c</sup>

<sup>a</sup> 《刑法典》第 391 条。

<sup>b</sup> 包括化学武器、生物武器、核武器以及用有毒化学物质改变或添加毒性的武器。《武器弹药法》(第 38-89 号法令)，第 2 条和第 81 条。

<sup>c</sup> 《武器弹药法》，第 16、81、83、85、89、91、93、95 和 97C 条。

危地马拉自 2005 年开始执行《预防和惩罚资助恐怖主义行为法》。<sup>d</sup> 危地马拉认为恐怖主义是危害人类罪，也是国际法规定的犯罪行为。此外，危地马拉通过机构间程序制定一项反恐怖主义法律草案，所涵盖范围包括使用核材料或化学物质(包括武器)或细菌物质的犯罪行为，例如为非法目的运输此类物质从而危及国际安全。

政府的反恐法律草案(2009 年)是国家努力防止、打击和消除这一祸害的一部分。这项工作依据的是有关国际文书，以及联合国安全理事会分别关于资助恐怖主义和不扩散大规模杀伤性武器的第 1373(2001)和第 1540(2004)号决议的规定。该法案目前正在由共和国国会予以审议。

国家民事警察通过其武器和爆炸物调查与退役司修订恐怖主义预防计划，<sup>e</sup> 并利用该机制每半年进行一次监测，促进预防行动。不断根据国家安全活动更新该计划。该计划被用作机构间反恐活动协调工具，包括采取联合行动保护生命，维护人身及财产的完整与安全，确保自由行使权利和自由，同时维护秩序和治安。

《刑法典》(第 391 条)和反恐法律草案对恐怖主义刑事罪的定义包含试图进行任何形式的恐怖活动。

反吸毒和打击贩运非法药物委员会根据《第 48-92 号法令》(《禁毒法》)和《第 95-2012 号政府决定》，通过《第 2-2008 号决定》，批准了《国家反吸毒和打击贩运非法药物政策》。

继完成 2004-2008 年国家反毒品战略后，上述政策于 2009 年生效，其中包含 5 个基本重点领域和 98 项战略行动，目标是全面应对使用和贩运非法药物及相关罪行这一全国性问题，并履行分配给上述委员会及其协调机构即执行秘书处的任务。该政策依据下列法案、决定和公约：

- 《预防和制止向恐怖主义提供资助法案》(第 58-2005 号法令)
- 《美洲国家禁止非法制造和贩运火器、弹药、爆炸物及其他有关材料公约》，1997 年(2002 年 9 月 9 日)
- 《制止向恐怖主义提供资助的国际公约》(第 71-2001 号法令)
- 《美洲国家反恐怖主义公约》(第 57-2005 号法令)。

国家药品监测中心负责执行《国家反吸毒和打击贩运非法药物政策》的第 14 号行动，包括建立数据库，收集可合法披露的关于洗钱和洗刷其他资产罪、恐怖主义罪、贩毒罪统计信息的数据库，供国家和国际专门机构使用。

<sup>d</sup> 《第 58-2005 号法令》第 4 条规定资助恐怖主义为犯罪；第 19 条规定了总体惩罚措施。

<sup>e</sup> 该反恐怖主义计划是武器和爆炸物调查与退役司的一项内部指令。计划反映了《国家民事警察法》规定的职能，并符合《制止恐怖主义爆炸的国际公约》和《国际船舶和港口设施保安规则》。

国家港口管理委员会和国家海港当局还发起一个机构间进程，拟定了关于在港口设施处理危险货物的条例草案。为了支持这些措施，2012年11月19日和20日，国家港口管理委员会举行了第五届港口全面安全问题论坛，目标是：提高对化学前体的安全、处理、储存和销毁等问题的认识；就如何在港口设施保护和处理危险品及相关问题提供指导；突出说明以非侵入方式检查货物完整性的重要性，特别是强调采取何种保护和保安途径对港口的效率和发展至关重要。

#### 第 1540(2004) 号决议第 3 段

还决定各国应采取和实施有效措施，建立国内管制，以防止核生化武器及其运载工具的扩散，包括对相关材料建立适当管制，并为此目的应：

(a) 制定和保持适当、有效的措施，对制造、使用、储存或运输中的这种物项进行衡算和保安；

(b) 制定和保持适当、有效的实物保护措施；

(c) 制定和保持适当、有效的边境管制和执法努力，以便按照本国法律授权和立法，并遵循国际法，包括必要时通过国际合作，查明、阻止、防止和打击这种物项的非法贩运和中间商交易；

(d) 对这些物项的出口和转口建立、制定、审查和保持适当、有效的国家管制，包括适当的法律和条例，以管制其出口、过境、转口和再出口，管制为这种出口和转口提供资金和服务，例如有助于扩散的融资和运输，以及建立最终用户管制；并对违反这种出口管制法律和条例的行为制订和实施适当的刑事或民事惩罚；

危地马拉不拥有任何化学、生物或核武器，不进行涉及此类武器的任何活动；危地马拉也禁止个人从事这些活动。<sup>f</sup> 同时，危地马拉就其境内为和平目的将化学、生物和核物质用于其他领域制定了法律。管理与此类物质相关的活动的法律如下：

《放射性同位素和电离辐射管制、使用和应用法》（《第 11-86 号法令》）及其《辐射安全和防护条例》（《第 55-2001 号政府决定》）；《放射性废物管理条例》（《第 559-98 号政府决定》）；《农药进口、制造、储存、运输、销售和使用的管理法》（《第 43-74 号法令》）；《农用杀虫剂及有关物质登记、营销、使用和管制管理法》（《第 377-90 号政府决定》）；从事农药、有关物质和(或)化肥分配、出口、制造、配制、再包装和储存的农业服务机构和其他类似机构的技术监督程序（《第 152-93 号部级决定》）；《植物和动物卫生法》（《第 36-98 号法令》）及其《细则》（《第 745-99 号政府决定》）；对有意从事与农业投入相关活动的个人或法人进行登记以及此类投入登记、延长登记、进口、退还、出口的管理条例（《第 1221-2004 号部级决定》）；《受限制物品法》及其实施条例（《第 123-85 号法令》）；《卫生法》（《第

<sup>f</sup> 《武器弹药法》第 81 条。

90-97 号法令》);《化学前体和化学物质管制法》(《第 54-2003 号政府决定》);《药物及相关产品的卫生管制条例》(《第 712-99 号政府决定》);《非电离辐射限值设定和管制条例》(《第 8-2011 号政府决定》)(由《第 313-2011 号政府决定》修订);关于家用和专业用农药的《中美洲技术条例》有关登记的规定(RTCA 65.03.44:07,《第 258-2010-COMIECO-LIX 号决议》附件 1);用于农用杀虫剂合成、制造、配制和(或)包装厂商授权和监控的卫生标准(《第 SP-M-1811-2004 号部级决定》);医院固体废弃物处理条例(《第 509-2001 号政府决定》);卫生和社会福利部的内部规定,其中规定须遵守能源和矿业部就放射性同位素及非电离辐射和电离辐射发布的条例;关于动物和水生生物资源及其产品和副产品的进口和国际运输的强制性一般规则(《第 2090-01 号部级决定》);自 2006 年 9 月 8 日起生效的关于有意从事与动物用产品相关活动的个人或法人登记以及动物用产品登记、延长登记、进口、出口、退还的管理条例(《第 390-2006 号部级决定》);自 2011 年 6 月 13 日起生效的关于兽医药物及相关产品及其制造、营销或包装厂商的《中美洲技术条例》(RTCA 65.05.51:08)有关卫生登记和监测的规定(废除有关兽医药品及相关产品登记的《第 390-2006 号部级决定》);关于动物饲料产品和厂商的《中美洲技术条例》(RTCA 65.05.52:11)有关卫生登记和监测的规定(废除《第 390-2006 号部级决定》有关动物饲料用产品登记的条款)。

关于另一事项,即对和平用途化学材料、核材料及生物材料设施、实体和(或)使用的执照颁发规则,危地马拉有以下条例:

(a) 国家禁止化学武器机构在外交部协调下,负责监测《关于禁止发展、生产、储存和使用化学武器及销毁此种武器的公约》的遵守情况(危地马拉于 2003 年加入该《公约》);

(b) 能源和矿业部能源司负责管理涉及放射源使用、应用、运输、分配、出售及转让、进口、出口的所有活动。该司还负责监测有放射性风险设施和工作接触高风险放射源的业务人员的放射性状况。

能源司还负责监测该国医疗和工业活动产生的放射性废物,包括进行定期检查,以及通过执照法律制度对此类活动给予正式授权。

能源司根据《放射性同位素和电离辐射管制、使用和应用法》及其实施细则所赋予的权力,已为国内管制放射性危险最高的放射源开展具体活动。这些活动的例子包括:(一) 检验放射性危险高的设施及颁发执照,特别是针对危地马拉各地用于放射治疗的含钴 60 和铯 137 设施;(二) 对港口安装放射性探测器和扫描检查卡车的情况进行验证、检验及颁发执照,从而对放射源和放射物质的运输加强监督;(三) 对金属回收行业安装放射性探测器的情况进行验证、检验和颁发执照,从而在无主放射源被熔炼前及时发现;(四) 有效管制用于工业放射用途的放射源,包括检验国内从事该行业的所有企业及颁发执照。

放射源物理安全条例草案首次提交于 2012 年，后于 2013 年修订。条例的制定获得美洲国家组织和美国能源部的支持。这一法律工具将更新用于有效管制放射源的方法，有助于防止恐怖行为。

此外，危地马拉还将参加 2013 年 9 月在巴拿马举行的第一次放射源物理安全性问题区域会议。这次会议将获得美国核管理委员会的支持。

(c) 农业和粮食部负责规范农业、林业和水生生物活动专用化学物质、化学药物、生物物质及相关物质的使用、搬运、制造、储存、营销、登记、进口、质量和残余物，并负责促进综合虫害管理和监测植物及动物卫生。<sup>8</sup>

2004 至 2006 年期间有效的农业投入法律已通过新法律文书予以修订，其中就农业投入的进口、出口、制造、配制、组合、营销作出了类似的规定。<sup>h</sup>

农业和粮食部有一个农业投入进口数据库，可供公共和私营机构查找此类投入的属性，并可查找进口或出口、制造、配制及组合此类投入的人(个人和(或)法人)。数据库的信息由危地马拉各地海关办事处工作人员提供。这是在区域性国际农业卫生组织领导下提供的农业保护服务的一部分。上述工作人员检查入境货物的状态和单据，确定其是否符合有关法律管理框架规定的进口条件。

(d) 卫生和社会福利部负责就血液服务方面的生物、化学、物理和(或)辐射危险实施生物安全措施。<sup>i</sup> 在这方面，该部管理与使用危险化学品和辐射防护相关的安全措施。该部还负责制定以下方面的规则：运输传染性材料或物质；处理可能具有传染性的样品；解决意外事故或接触污染材料或物质的情况。

卫生和社会福利部还负责管理人类健康和卫生监督方面合法活动所用化工、医药、生物及相关物质的使用、搬运、制造、储存、营销、登记、进口、质量和残余物。

(e) 国防部可就《受限制物品法》所列的活动(例如涉及氯酸盐和硝酸盐的活动<sup>j</sup>)颁发执照。在这方面，国防总参谋部特别是危地马拉陆军工程兵负责检

<sup>8</sup> 《植物和动物卫生法》第 6 条。

<sup>h</sup> 《第 5-2010 号法令：农用化学品登记法》；《第 343-2010 号政府决定：农用化学品登记法实施细则》；《第 342-2010 号政府决定：农业和粮食部化学肥料、土壤改良剂以及与化学肥料和土壤改良剂相关物质登记规则》；《第 87-2011 号政府决定：农业和粮食部关于农药、微生物农药、生物化学农药、节肢动物、捕食动物、寄生虫、拟寄生物近似物质登记、延长登记、核准(使用批准)和转让条例，关于进口、出口、退还此类物质的规定，以及与此类投入相关个人或法人的登记规则》；关于农用微生物杀虫剂及其登记的《中美洲技术条例》(RTCA 65.05.61:11)；《第 11-2011 号部级决定：有意进口、出口、制造、生产、处理、混合、配制、瓶装、再瓶装、包装、再包装、储存、营销技术级活性成分或配方农化产品的个人或法人登记和延长登记条件》。

<sup>i</sup> 《输血医学和血库技术标准手册》(2007 年)，第 8 章。

<sup>j</sup> 《受限制物品法》。该法第 1 条规定，受限制物品为：“氯酸盐、硝酸盐、爆炸物、炸药包、雷管、弹药、火药和其他可用于制造爆炸装置的材料，前提是其被国防部归类为受限制物品”。第 4 条提及由国防部和内政部颁发执照。

验有意获得执照从事下列活动的个人或实体：制造、加工、进口、出口、储存、运输、购买、转让或使用受限制物品。<sup>k</sup>

(f) 税务总局负责根据以上分段核查是否持有海关条例就某些产品规定的执照。税务总局还监控主要入境港口，包括检验与核查出入境货物的物理状态和单据状态。这项工作依据海关总署风险管理规则所规定的风险管理程序，用于处理进口、出口和海关过境制度报关单所含的先期信息，其中采用《海关法》第 84 条所规定的风险标准以及选择性和随机检验方法。此外还建立了一套程序，用于对已完成的外贸活动进行检查和(或)审计。这些工作均由海关总署和税务总局协同办理。

在此背景下，根据世界海关组织《全球贸易安全与便利标准框架》的建议，自 2007 年以来努力逐步将非侵入式检测设备(如 X 射线机)纳入危地马拉主要出入境口岸采用的管制机制，以便及时发现海关违规行为和恐怖威胁(辐射)。临时主管人(港口、航空主管部门)与海关总署联合审查操作设备并查看图像。如上所述，在货物出入境时进行检查，目的是查明海关违规行为以及化学、生物和放射性威胁。

此外，危地马拉还决定参加世界海关组织哥伦布计划，用以评估报关服务方面的需求。基于该评估所产生的建议，已采取若干战略行动，落实上述《标准框架》提出的最佳做法建议。

负责管制化学武器及辐射防护和安全的国家机构包括：

- (一) 《第 521-2007 号政府决定》建立了国家协调中心，作为负责处理化学武器制造、储存、使用和销毁相关问题的国家机关。该机构由外交部领导。
- (二) 《放射性同位素和电离辐射管制、使用和应用法》规定，能源和矿业部能源司是负责所有放射性物质及核能源事务的机构。

在这方面，能源部与国际原子能机构(原子能机构)技术合作部拉丁美洲司协作，为税务总局处理海关问题的决策人员举办培训，以增强对危地马拉边界的管控。此外，危地马拉军队人道主义援助部队也接受管理辐射突发事件的培训，以提高应对辐射及核紧急情况的能力，并增强对放射源及放射物质运输和非法贩运的管制。

还必须指出，危地马拉作为《1974 年国际海上人命安全公约》<sup>1</sup> 的缔约国，对危险货物的海上运输实施管制。危地马拉承诺遵守《国际海运危险货物规则》，因此发布安全标准，用以管理危险货物和有毒物质包括放射性物品和物质的海运。

<sup>k</sup> 《受限制物品法》第 5 条和第 6 条。

<sup>1</sup> 由《第 74-82 号法令》予以批准。

在海洋防护方面，危地马拉政府作为缔约国执行另一项有益的文书，即《国际船舶和港口设施保安规则》。<sup>m</sup> 《规则》的规定构成一套国际制度，供船舶和港口设施据以开展合作，及时发现并阻止威胁海运业的行为。<sup>n</sup> 危地马拉政府已作出相应国际承诺，保证阻止有人协助通过海运途径交易核武器、化学武器或生物武器及其运载方式。

#### 第 1540 (2004) 号决议第 6 段

确认有效的国家管制清单对执行本决议的作用，呼吁所有会员国必要时尽早拟订此种清单；

危地马拉政府认识到能源、化学品和前体管制清单具有效用和效益，因此使用此种清单。

#### 第 1540 (2004) 号决议第 7 段

又确认有些国家为在其境内执行本决议的规定可能需要援助，请有此能力的国家根据那些缺乏执行上述规定所需的法律和管制基础结构、执行经验和(或)资源的国家提出的具体请求酌情提供协助；

为了有效遵守联合国安理会第 1540 (2004) 和第 1673 (2006) 号决议并实现其目标，需要人力和物力资源。危地马拉因此请求提供援助，使其能够增强能力，快速应对可能威胁国家安全的事件、事故和恶意行为，特别在放射源物理安全性方面。考虑到本地区各国资源稀缺，更是需要获得这种援助。

这种援助的形式可以是培训有资格的工作人员和决策者执行国家计划，以应对危及本地区各国安全的辐射事故、意外情况、紧急情况。

危地马拉政府请求援助的方面还包括，建立单一窗口外贸机制或类似的未来机制，确保参与批准化学、生物和核物质进出口的机构之间能进行电子数据传输。这个技术工具应提供给参与危险物质管制的各机构，在实施过程中应配合参与防止非法行为的所有其他国家的活动。

#### 第 1540 (2004) 号决议第 8 段

吁请所有国家：

(a) 促进普遍批准、全面执行以及必要时加强旨在防止核生化武器扩散的其为缔约方的各项多边条约；

<sup>m</sup> 这项国际文书由国际海事组织(海事组织)海事安全委员会在其第七十五届和第七十六届会议上提出。

<sup>n</sup> 2001 年 9 月 11 日悲剧事件发生后，国际海事组织(海事组织)大会在其 2001 年 11 月举行的第二十二届会议上一致同意制定关于船只和港口设施安全的新措施，以提交 2002 年 12 月举行的 1974 年国际海上人命安全公约缔约国政府会议(称为“海事安全问题外交会议”)通过。

危地马拉尊重其按照国际法特别是《拉丁美洲和加勒比禁止核武器条约》(《特拉特洛尔科条约》)规定任务及原子能机构规定任务所作出的承诺和所担负的义务。

危地马拉除其第一次报告所述各项国际文书外,还已批准《美洲国家反恐怖主义公约》。该《公约》于2006年3月31日在危地马拉生效。危地马拉还与原子能机构缔结了《小数量核材料议定书》(《小数量议定书》)(INFCIRC/299)。该《议定书》自1982年起生效。2001年,危地马拉就其与原子能机构的《全面保障监督协定》签署了一项附加议定书。

此外,危地马拉于2004年加入《防止弹道导弹扩散国际行为守则》(《海牙行为守则》),<sup>o</sup>从而表明其在政治上有意愿成为该文书缔约国。

还应指出,危地马拉于2012年1月12日批准了《全面禁止核试验条约》。

(b) 如果尚未颁布国家规章和条例,则应颁布这种规章和条例,以确保遵守主要的多边不扩散条约所规定的义务;

第一次国家报告说明了相关的法律框架。

(c) 重申和履行进行多边合作的承诺,尤其是在国际原子能机构、禁止化学武器组织及《生物和毒素武器公约》的框架内,这是谋求和实现不扩散领域内共同目标和促进为和平目的开展国际合作的重要途径;

危地马拉于2003年成为《关于禁止发展、生产、储存和使用化学武器及销毁此种武器的公约》缔约国。在这方面,2005年根据该《公约》第七条的规定设立了由外交部协调的国家禁止化学武器机构。<sup>p</sup>

还须指出的是,危地马拉通过了《第521-2007号政府决定》,为上述国家机构及其业务团队奠定法律基础。国家机构定期举行会议,拟定必要的公告,因此属于持续性工作机构。此外,还于2007年8月设立了机构间技术小组,作为国家机构的业务部门。

危地马拉通过国家机构按《公约》第三条的规定提交了第一项公告。该公告于2007年10月发布。此外,还在西班牙国家机构支持下编写了2004-2006年期间的有关公告,所采用信息来自对参与制造化学品及其前体的产业进行的“抽样调查”。另外,国家机构负责人还建立了一个数据库,用于登记与有害化学物质相关的产业。

(d) 拟订适当的方式同产业界和公众一道努力,并周知它们本国根据此种法律承担的义务;

<sup>o</sup> 2004年5月19日外交部《DIPOM/SUBONU 1058-2004号备忘录》。

<sup>p</sup> 国家机构的参与方还包括国防部、卫生和社会福利部、农业和粮食部、经济事务部、环境和自然资源部、税务总署。

能源和矿业部能源司就颁发工业用放射源执照设定了限制和条件，其中一个先决条件是必须为负责辐射防护的人员和在职业中暴露于辐射的工人提供培训。培训形式为每年举办辐射防护课程。此课程除作为管制和安全机制外，还旨在向行业人员及时提供关于无授权放射性物质、无主放射源、危险放射性废物的信息，并就其向监管机构发出通报。<sup>9</sup>

四年来，由于实施管制机制，向业界提供了关于放射源的安全信息，还曾要求安装指示危险区和发出辐射警告的标牌系统。

印刷了 6 000 本题为“原子的秘密”的儿童漫画书，用以教育成人和小学生，使未来的公民了解使用和应用放射源的风险和效益。

农业和粮食部提供技术指导，协助有需要的企业办理化学和(或)生物投入包括农用和动物用投入的登记，或延长登记。为此目的，正在分发关于现有法律框架的信息。

#### 第 1540(2004)号决议第 9 段

又吁请所有国家促进关于不扩散的对话与合作，以应对核生化武器及其运载工具的扩散所构成的威胁：

能源和矿业部协同国防部、外交部出席了拉丁美洲和加勒比禁止核武器组织(拉加禁核组织)成立 40 周年纪念活动。

在这方面，2007 年 2 月在陆军总司令部所在地举行了一次小组讨论会。这是为促进国家努力实现拉加禁核组织保持拉美地区无核武器目标所开展活动的一部分。出席这次论坛的包括下列机构的代表：能源和矿业部、外交部、国防部、危地马拉各大学政治学系和国际关系学系、国会国防委员会、红十字国际委员会、美洲国家组织。出席论坛的还有各国驻危地马拉大使馆武官和联合国驻危地马拉代表。

#### 第 1540(2004)号决议第 10 段

为进一步应对这种威胁，还吁请所有国家按照本国法律授权和立法，并遵循国际法，采取合作行动，防止非法贩运核生化武器及其运载工具和相关材料：

危地马拉目前在中美洲海关联盟框架内与其他中美洲国家合作，就本区域进出口产品交流信息、实施管制。

2007 年，危地马拉批准了多项海关信息交换协议，协议对方主要是拉美国家、西班牙、葡萄牙、美利坚合众国。这些协议均在下列框架内签订：《中美洲经济

<sup>9</sup> 依据《放射性同位素和电离辐射管制、使用和应用法》(《第 11-86 号法令》)及其相关条例和安全理事会第 1540 号决议(2004)所载建议。

一体化总条约》；拉丁美洲、西班牙和葡萄牙国家海关关长会议；《多明尼加共和国-中美洲-美国自由贸易协定》。

此外，2010年，危地马拉海关总署实施了特许经营者方案，其依据是世界海关组织《全球贸易安全与便利标准框架》支柱2内提出的最佳做法建议。在该方案范围内，参与国际贸易供应链的各方能够按照管理安全、总体安全、人员安全国际标准获得“可信经营者”资格。到目前为止，已有两个经营者获得该地位，另有几个经营者正在等待资格核准。

此外，还通过中美洲武装部队会议实施了《打击有组织犯罪和相关活动计划》。该计划规定成员国情报工作人员定期开会，交换情报。另外，危地马拉边防军指挥官也与墨西哥、萨尔瓦多和洪都拉斯定期开会，交换情报。

附录

安全理事会第 1540 (2004) 号决议所设委员会国家联络人

Sonia Abigail García

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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	<a href="http://disarmament.un.org:8080/TreatyStatus.nsf">http://disarmament.un.org:8080/TreatyStatus.nsf</a> 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.

Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues		Yes	If yes, relevant information (i.e. signing, accession, ratification, etc.)	Remarks (information refers to the page of the English version of the national report or an official web site)
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	<a href="http://disarmament.un.org:8080/TreatyStatus.nsf">http://disarmament.un.org:8080/TreatyStatus.nsf</a>
10	Other Conventions/Treaties	X	Seabed Treaty Inter-American Convention on Transparency in Conventional Weapons Acquisitions	<a href="http://disarmament2.un.org/TreatyStatus.nsf/952a13b8945f4b07852568770078d9c2?Sear">http://disarmament2.un.org/TreatyStatus.nsf/952a13b8945f4b07852568770078d9c2?Sear</a>
11	International Atomic Energy Agency (IAEA)	X	Guatemala has been a member since March 1957	<a href="http://www.iaea.org/About/Policy/MemberStates/">http://www.iaea.org/About/Policy/MemberStates/</a>
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 <sup>a</sup> 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	<a href="http://www.sieca.org.gt/publico/Reuniones_Presidentes/Reuniones_Presidentes.htm">http://www.sieca.org.gt/publico/Reuniones_Presidentes/Reuniones_Presidentes.htm</a>
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 <sup>b</sup> of update 1

<sup>a</sup> Ministry of Foreign Affairs memorandum No. DIPOM-SUBONU 1058-2004, dated 19 May 2004.

<sup>b</sup> 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 <sup>c</sup>	X	State party to 11 of 12 multilateral conventions	Page 31 of the report

<sup>c</sup> 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			If yes, source document of national implementation law	Enforcement: civil/criminal penalties and others			Remarks	
	Yes				Yes				
	NW	CW	BW		NW	CW	BW		
1 Manufacture/produce	X	X	X	NW: Arms and Ammunition Act (Decree No. 15-2009) 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)  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	NW: Articles 17 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  CW: Articles 93 and 95 of the Arms and Ammunition Act Articles 287 and 404 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. Pages 2-4 and 31 of the report Page 2 of update 1
2 Acquire	X	X	X		X	X	X		
3 Possess	X	X	X		X	X	X		
4 Stockpile/store	X	X	X		X	X	X		

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			
					<p>Implementing regulation No. 85-2011</p> <p>Decree No. 58-2005, amending article 391 (“Terrorism”) of the Penal Code to criminalize this offence</p> <p>Decree No. 15-2012, Criminal Investigation Department Act, article 7 (h)</p>				<p>Article 95 of the Arms and Ammunition Act</p> <p>BW:</p> <p>Articles 16 and 82 of the Arms and Ammunition Act</p> <p>Article 82 of the Arms and Ammunition Act</p> <p>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</p> <p>Articles 82 and 116 of the Arms and Ammunition Act</p>	
5	Develop	X	X	X	<p>NW:</p> <p>Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)</p> <p>CW:</p> <p>Convention on the Prohibition of the Development, Production, Stockpiling and Use of</p>	X	X	X	<p>NW:</p> <p>Article 82 of the Arms and Ammunition Act</p> <p>CW:</p> <p>Article 85 of the Arms and Ammunition Act</p> <p>Article 287 of the Penal Code (Decree No. 17-73)</p>	<p>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.</p> <p>Page 2 of update 1</p>

	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			Yes								
		NW	CW	BW	If yes, source document of national implementation law	NW	CW		BW	If yes, source document			
								<p>Chemical Weapons and on Their Destruction</p> <p>BW: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction</p>				<p>BW: Article 82 of the Arms and Ammunition Act</p>	(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	<p>NW: Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90), article 2</p> <p>CW: Arms and Ammunition Act, article 2</p> <p>BW: Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90), article 2</p>	X	X	X	<p>NW: Article 126 of the Arms and Ammunition Act</p> <p>CW: Article 91 of the Arms and Ammunition Act</p> <p>BW: Article 126 of the Arms and Ammunition Act</p>	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	<p>NW: Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90), articles 81, 83 and 91</p> <p>CW: Arms and Ammunition Act, articles 2 and 81</p> <p>BW: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction</p>	X	X	X	<p>NW: Articles 81, 83 and 91 of the Arms and Ammunition Act</p> <p>CW: Articles 81 and 91 of the Arms and Ammunition Act</p> <p>BW: Articles 287 and 404 of the Penal Code (Decree No. 17-73)</p>	<p>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.</p> <p>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)</p> <p>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)</p>
8	Use	X	X	X	<p>NW: Decree No. 58-2005, amending article 391 (“Terrorism”) of the Penal Code to criminalize this offence</p> <p>CW: International Convention for the Suppression of Terrorist Bombings</p>		X		<p>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</p> <p>CW: Article 81 of the Arms and Ammunition Act</p>	



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			Yes						
	NW	CW	BW	If yes, source document of national implementation law	NW	CW		BW	If yes, source document	
12	Above-mentioned activities related to means of delivery <sup>d</sup>	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

<sup>d</sup> 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<sup>e</sup>**

**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 <sup>f</sup>		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		

<sup>e</sup> 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.

<sup>f</sup> 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 <sup>f</sup>		NW	CW	BW		
				<p>IAEA Regulations for the Safe Transport of Radioactive Material, substantiated by Radioactive Waste Management Regulations (Governmental Decision No. 559-98), articles 7 and 25</p> <p>CW:</p> <p>Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74), articles 1-3, 5, 7, 11-13</p> <p>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)</p> <p>Plant and Animal Health Act (Decree No. 36-98), articles 6, 11 and 20, and its implementing</p>				<p>Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77</p> <p>BW:</p> <p>Articles 36-48 of the Plant and Animal Health Act (Decree No. 36-98).</p> <p>Health Code (Decree No. 90-97), articles 224-233</p> <p>Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77</p>	<p>Page 5 of update 1</p> <p>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.</p>

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 <sup>f</sup>		NW	CW	BW		
				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 agricultural pesticides (Ministerial Decision SP-M-1811-2004)					

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	BW <sup>f</sup>		NW	CW	BW		
				<p><b>BW:</b></p> <p>Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74), articles 1-3, 5, 7, 11-13</p> <p>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</p> <p>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)</p> <p>Plant and Animal Health Act (Decree No. 36-98), articles 6, 11 and 20 and its implementing regulations (Governmental Decision No. 745-99)</p>					

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 <sup>f</sup>		NW	CW	BW		
				<p>Decree No. 5-2010, Agrochemicals Registration Act</p> <p>Governmental Decision No. 343-2010 regulating the Agrochemicals Registration Act</p> <p>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</p> <p>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</p> <p>Ministerial Decision No. 11-2011 setting out registration and renewal</p>					

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 <sup>f</sup>		NW	CW	BW		
				<p>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</p> <p>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)</p> <p>Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226</p> <p>Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99)</p> <p>Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003)</p>					

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 <sup>f</sup>		NW	CW	BW		
				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)					
				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					

	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 <sup>f</sup>		NW	CW	BW		
					radioisotopes and non-ionizing and ionizing radiation					
9	Measures to secure transport	X	X	X	<p>NW: IAEA Regulations for the Safe Transport of Radioactive Material, substantiated by Radioactive Waste Management Regulations (Governmental Decision No. 559-98), article 32</p> <p>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</p> <p>BW: Central American Uniform Customs Code, article 63: prohibited goods</p>	X	X	X	Chapter XI-2 of the International Ship and Port Facility Security Code	<p>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<sup>g</sup> for the National Centre for Radioactive Waste, following international guidelines and with the support of IAEA experts.</p> <p>These regulations are in the process of being approved by the relevant authorities. Page 5 of update 1</p> <p>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</p>

<sup>g</sup> 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 <sup>f</sup>		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	<p>NW: Radiological Safety and Protection Regulations (Governmental Decision No. 55-2001), articles 26-27, 46-47, 174, 186</p> <p>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)</p> <p>BW: Plant and Animal Health Act (Decree No. 36-98), article 32</p>	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 <sup>f</sup>		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)					
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 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

	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 <sup>f</sup>		NW	CW	BW		
										for the handling of dangerous goods and toxic substances during shipping. Pages 4, 6 and 7 of update 1.  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 <sup>h</sup> in order to protect the maritime transport sector. Page 7 of update 1
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 <sup>i</sup>		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	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. <sup>j</sup>  The Plant and Animal Health Act regulates only the use, handling, manufacture, storage,

<sup>h</sup> 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.

<sup>i</sup> 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.

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 <sup>f</sup>		NW	CW	BW		
				(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 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,				(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	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-related activities and monitoring.

<sup>j</sup> 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 <sup>f</sup>		NW	CW	BW		
				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 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					

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 <sup>f</sup>		NW	CW	BW		
				<p>products.</p> <p>BW:</p> <p>Plant and Animal Health Act (Decree No. 36-98), article 6, and its implementing regulations<sup>i</sup> (Ministerial Decision No. 1221-2004)</p> <p>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</p> <p>Health Code (Decree No. 90-97), articles 69, 72,</p>					

	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 <sup>f</sup>		NW	CW	BW		
					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)					
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)				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 <sup>f</sup>		NW	CW	BW		
				<p>Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99)</p> <p>Decree No. 5-2010, Agrochemicals Registration Act</p> <p>Governmental Decision No. 343-2010 regulating the Agrochemicals Registration Act</p> <p>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</p> <p>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</p>					

	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 <sup>f</sup>		NW	CW	BW		
					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.					
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 <a href="http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf">http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf</a>
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 <a href="http://ola.iaea.org/FactSheets/CountryDetails.asp?country=GT">http://ola.iaea.org/FactSheets/CountryDetails.asp?country=GT</a>
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

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	
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 <a href="http://www.opcw.org/docs/directory/section4.pdf">http://www.opcw.org/docs/directory/section4.pdf</a>
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			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
1	Border control	X	X	X	<p><b>NW:</b>            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</p> <p><b>CW:</b>            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</p>	X	X	X	<p><b>NW, CW:</b>            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</p> <p><b>BW:</b>            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</p>	<p>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.</p> <p>Page 6 of update 1</p>

	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		
					<p>Regulations of the Central American Uniform Customs Code</p> <p>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)</p> <p>Central American Uniform Customs Code</p> <p>Regulations of the Central American Uniform Customs Code</p>				<p>Border security and control: Ministry of the Interior and Ministry of Defence</p>	
2	Technical support of border control measures	X	X	X	<p>NW: Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), article 8.10</p> <p>CW: Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003)</p> <p>Plant and Animal Health Act (Decree No. 36-98), article 6</p>	X	X	X	<p>NW: X-ray, detection and radiation equipment at the main ports of entry to the country</p> <p>CW: Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003)</p> <p>Plant and Animal Health Act (Decree No. 36-98), article 6</p>	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 controlling activities related to chemical substances. The Ministry of Energy 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			If yes, source document	Yes			If yes, source document	
		NW	CW	BW		NW	CW	BW		
					<p>Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99)</p> <p>BW: Plant and Animal Health Act (Decree No. 36-98), article 6.</p>				<p>Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77</p> <p>BW: Plant and Animal Health Act (Decree No. 36-98), title VI</p>	<p>Mines, through the Department of Energy, is involved in controlling activities related to nuclear substances.</p> <p>Pages 4, 5 and 6 of update 1</p> <p>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.</p>
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	X	X	<p>NW: Functions, powers and jurisdiction of the Customs Administration (Decision No. 05-99 of the Tax Administration Superintendency)</p> <p>Central American Uniform Customs Code</p> <p>Regulations of the Central American Uniform Customs Code</p> <p>Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), article 8.10</p> <p>CW: Functions, powers and jurisdiction of the Customs</p>		X	X	<p>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)</p> <p>Guatemala does not possess chemical weapons; nevertheless, the Ministry of Defence is responsible for regulating nitrates and chlorates (restricted items).</p> <p>Page 4</p> <p>BW: Regulations for the registration of individuals or</p>	<p>Meanwhile, the Division of Arms and Ammunition Control enforces the ban on activities using chemical weapons.</p> <p>Pages 2 and 6 of update 1</p> <p><a href="http://www.sieca.org.gt/publico/marco_legal/protocolos/protocolo16.htm">http://www.sieca.org.gt/publico/marco_legal/protocolos/protocolo16.htm</a></p>

	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		
					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				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)	
4	Enforcement agencies/ authorities	X	X	X	NW: Ministry of Energy and Mines, through the Department of Energy. Act on the Control, Use and	X	X	X	NW: Ministry of Energy and Mines, through the Department of Energy	Guatemala does not possess chemical, biological or nuclear weapons; nevertheless, the current Government addresses these

	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		
					<p>Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), article 8.10</p> <p>CW: Division of Arms and Ammunition Control, Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90)</p> <p>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)</p>				<p>Division of Arms and Ammunition Control</p> <p>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)</p> <p>BW: Tax Administration Superintendency Organization Act (Decree 1-98), article 3</p>	<p>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.</p> <p>Meanwhile, the Division of Arms and Ammunition Control enforces the ban on activities using biological weapons.</p> <p>Pages 2 and 4 of update 1</p> <p>In addition, the Department of Energy of the Ministry of Energy and Mines is the agency responsible for controlling activities related to radioactive substances and nuclear energy.</p> <p>Page 6 (b) of update 1</p>
5	Export control legislation in place	X	X	X	<p>NW: Arms and Ammunition Act (Decree No. 39-89)</p>	X	X	X	<p>NW: Article 89: Illegal export of firearms and of chemical,</p>	<p>Although Guatemala does not have any nuclear weapons, the Division of Arms and Ammunition</p>

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		
				<p>Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86), article 8.10</p> <p>CW: Arms and Ammunition Act (Decree No. 39-89)</p> <p>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)</p>				<p>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</p> <p>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</p> <p>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</p>	<p>Control enforces the ban on their illegal export.</p> <p>Meanwhile, the Department of Energy controls activities related to radioactive substances and nuclear energy.</p> <p>Pages 2 and 6 of update 1</p> <p>Guatemala does not possess biological weapons; nevertheless, the current Government addresses these issues in its foreign policy.</p> <p>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 purview of the Division of Arms and Ammunition Control.</p> <p>Pages 1 and 5 of update 1</p>

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		
6	Licensing provisions	X	X	X	<p>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</p> <p>CW: Plant and Animal Health Act (Decree No. 36-98) 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,</p>	X	X	X	<p>NW: Chapter X of the Act on the Control, Use and Application of Radioisotopes and Ionizing Radiation (Decree-Law No. 11-86): Sanctions</p> <p>CW: Plant and Animal Health Act (Decree No. 36-98), title VI Restricted Items Act (Decree-Law No. 123-85), chapter IV</p> <p>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</p>	<p>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</p> <p>However, the Department of Energy is responsible for licensing activities using radioactive substances and nuclear energy.<sup>k</sup> Pages 4 (b) and 6 (b) of update 1 <a href="http://faolex.fao.org/docs/texts/gua61785.doc">http://faolex.fao.org/docs/texts/gua61785.doc</a> The Ministry of Health and Social Welfare is</p>
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						

<sup>k</sup> 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			If yes, source document	Yes			If yes, source document	
	NW	CW	BW		NW	CW	BW		
				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 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					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		
				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 registration and renewal conditions for individuals or legal entities interested in importing, exporting, manufacturing, producing, processing, mixing, formulating, bottling,					

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		
					rebotting, packaging, repackaging, storing and marketing technical-grade active ingredients or formulated agrochemical products.					
11	National licensing authority	X	X	X	<p>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</p> <p>CW: Ministry of Health and Social Welfare and Ministry of Agriculture and Food Plant and Animal Health Act (Decree No. 36-98)</p> <p>Ministry of Defence (nitrates and chlorates) Restricted Items Act (Decree-Law No. 123-85)</p> <p>BW: Ministry of Agriculture and Food</p>	X	X	X	<p>NW: Department of Energy of the Ministry of Energy and Mines</p> <p>BW: Ministry of Agriculture and Food</p>	

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		
12	Interagency review for licenses			X	<p>CW:</p> <p>Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74)</p> <p>Plant and Animal Health Act (Decree No. 36-98), articles 6, 11 and 20, and its implementing regulations (Governmental Decision No. 745-99)</p> <p>Restricted Items Act and its implementing regulations (Decree-Law No. 123-85)</p> <p>Regulations for the Control of Chemical Precursors and Substances (Governmental Decision No. 54-2003)</p> <p>Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226</p> <p>Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99)</p> <p>Regulations for the Control of Chemical Precursors and</p>			X	<p>Plant and Animal Health Act (Decree No. 36-98), title VI</p> <p>Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77</p>	<p>NW:</p> <p>Not applicable. Since Guatemala does not possess nuclear weapons, it does not have in place the measures referred to in these paragraphs.</p> <p>CW:</p> <p>Not applicable. Since Guatemala does not possess chemical weapons, it does not have in place the measures referred to in these paragraphs.</p> <p>BW:</p> <p>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.</p>

	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		
13	Control lists		X	X						<p>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.</p> <p>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 has a database on imports of inputs for use in agriculture and in animals.</p> <p>Page 5 of update 1</p> <p>The Ministry of Health and Social Welfare is responsible for licensing lawful activities for the protection of human health using biological substances.</p>
14	Updating of lists		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		
				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 transfer regulations for substances similar to					

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, 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: Central American Uniform Customs Code	X	X	X	NW: Tax Administration Superintendency Organization Act (Decree 1-98), article 3.b	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	Regulations of the Central American Uniform Customs Code	X	X	X	CW: Tax Administration Superintendency Organization Act (Decree 1-98), article 3.b	
22	Re-export control	X	X	X	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 Regulations of the Central American Uniform Customs Code	X	X	X	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		
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, amended by Decree No. 74-90), article 81: General prohibitions  CW: Act regulating the Import, Manufacture, Storage,	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 of weapons	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 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

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		
				<p>Transport, Sale and Use of Pesticides (Decree-Law No. 43-74)</p> <p>Arms and Ammunition Act (Decree No. 39-89)</p> <p>Health Code (Decree No. 90-97), articles 69, 72, 73, 75, 106, 107, 162-171, 178-183, 196, 197, 201, 202, 206-212, 226</p> <p>Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99)</p> <p><b>BW:</b></p> <p>Arms and Ammunition Act (Decree No. 39-89)</p> <p>(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,</p>				<p>infectious samples, and accidents or exposure to contaminating material and/or substances.</p> <p>Pages 2 and 5 of update 1 Act regulating the Import, Manufacture, Storage, Transport, Sale and Use of Pesticides (Decree-Law No. 43-74)</p> <p>Article 83 of the Arms and Ammunition Act (Decree No. 39-89, amended by Decree No. 74-90): Illegal import of weapons</p> <p>Health Code (Decree No. 90-97), articles 224-233</p> <p>Regulations for Health Controls of Medications and Related Products (Governmental Decision No. 712-99), articles 6, 27, 51, 64, 65, 67, 77</p>	

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		
				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 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		
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	<p>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.</p> <p>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.</p>	Pages 36 and 37 of the report Page 2 of update 1

**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 <a href="#">1540 (2004)</a> 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			

<i>Can information be provided on the following issues?</i>		<i>Yes</i>		<i>Remarks</i>
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.<sup>1</sup> 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

<sup>1</sup> 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 <sup>m</sup>			

<sup>m</sup> Information may include references to voluntary implementation national action plan and visits to States, at their invitation, by the 1540 Committee.