

Portuguese legislation on the implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT)

With reference to the request from the United Nations Office on Drugs and Crime (UNODC) please find enclosed some information regarding the Implementation by Portugal of the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT).

Portugal attaches great importance to international cooperation, be it multilateral or bilateral in the fight against terrorism. According to Article 8 of the Constitution of the Portuguese Republic, the norms and principles of general or common international law are an integral part of Portuguese law. The norms contained in duly ratified or approved international conventions come into force in Portuguese internal law once they have been officially published and remain so for as long as they are internationally binding on the Portuguese State.

The norms issued by the competent organs of international organisations to which Portugal belongs come directly into force in Portuguese internal law, on condition that this is laid down in the respective constituent treaties. The norms and principles of general law form an integral part of Portuguese law.

Portugal is part of the 19 international legal instruments to prevent terrorism. Portugal signed the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) on the 21st September 2005. Portugal ratified ICSANT on the 25th September 2014. Regarding the implementation of ICSANT, Portugal has a set of internal legislation, plans, and regulations:

1. The Law on Combating Terrorism -[Law nº 52/2003](#), of 22 August, as most recently amended by Law nº 79/2021, of 24 November: Law 52/2003, of 22 August, transposed EU Framework Decision 475/JHA/2002 into the Portuguese legal order. The Law has a wide scope and aims to punish the activities of groups, terrorist organisations and terrorist associations, as well as encompasses the punishment of individual acts of terrorism.

(...)

Article 2 - Terrorist Organizations

1. A terrorist group, organization or association can be any group of two or more people who, acting concerted, aim to damage national integrity and independence, prevent, alter or subvert the functioning of the state institutions provided for in the Constitution, force public authorities to carry out an act, refrain from carrying it out or tolerate it is being carried out, or intimidate certain people, groups of people or the population in general, by means of:

(....)

f) Crimes involving the use of nuclear energy, firearms, biological or chemical weapons, explosive substances or devices, incendiary means of any nature, parcel, or letter bombs.

(...)

2. Portuguese Counter-Terrorism National Strategy (ENCT) - [Resolution of the Council of Ministers nº 7-A/2015](#), of 20 February:

The ENCT represents a mobilization of commitment, coordination and cooperation of all national authorities and agencies, with direct and indirect responsibility in the prevention and fight against the terrorist threat. It's grounded and structured around five main pillars:

- i. Detect – as the early identification of potential terrorist threats, through the acquisition of essential knowledge for effective combat;
- ii. Prevent – which seeks to know and identify the causes that determine the emergence of processes of radicalization, recruitment and terrorist acts.
- iii. Protect – to strengthen the security of the priority targets, reducing their vulnerability, despite the impact of potential terrorist threats.
- iv. Pursue – the action to dismantle or neutralize terrorist initiatives designed or running, and their support networks, preventing the movement and communications and access to finance and usable materials in the terrorist attacks and submit events to the action of justice; and
- v. Respond – the operational management of all means to be used in response to terrorist incidents. Responsiveness to limit the consequences of a terrorist act, whether at the human level and in terms of infrastructure.

3. The National Action Plan for the Prevention and Response to Chemical, Biological, Radiological and Nuclear security incidents (PANPRIS)¹ – Supplement to the ENCT;

4. Plan for Coordination, Control and Operational Command of the Security Forces and Services (PCCCOFS)² Annex A - Tactical-Police Incident Management

5. The National Operational Directive nº3 (NRBQ) - [Integrated Nuclear, Radiological, Biological and Chemical Operations Device](#), by National Civil Protection Authority (ANEPC – Autoridade Nacional de Proteção Civil) ("safety" context).

(...)

Article 4 - Purpose

This National Operational Directive (NRBQ) is an instrument of planning, organization, coordination and operational command in the framework of response actions to

¹ The document is classified)

² The document is classified)

emergencies involving NRBC agents and as a reference document for plans and directives of other public or private entities in the area of protection and rescue.

Article 5 - Scope and validity

a) This Directive is of national scope and applies to the entire continental territory and to all organizations and entities that contribute and cooperate for protection and rescue, specifically regarding the response actions to possible emergencies involving NRBC agents.

b) Excluded from the scope of this Directive are the incidents that, due to their origin, constitute serious tactical-police incidents and whose responsibility falls under the scope of the Forces and Security Services (FSS) or the Internal Security System (ISS).

c) Also excluded from the scope of this Directive are events classified as situations of war, state of siege or state of emergency, in the scope of which, as provided in Article 59 of the Basic Law on Civil Protection, civil protection activities are subject to the provisions of the National Defense Law and the Law on the State of Siege and the State of Emergency.

d) This Directive is of permanent execution from the date of homologation.

(...)

6. Internal Security Law – Law n.º [53/2008, of 29 August](#)

“Article 18 - Control competencies

(...)

3 - In addition to those that may be classified as such by the Ministers of Internal Administration and Justice, incidents that are considered serious tactical-police incidents that require the joint and combined intervention of more than one security force and service and that involve

a) (...)

b) (...)

c) The use of explosive, incendiary, nuclear, radiological, biological or chemical substances

d) (...)

7. Law nº 83/2017, of 18 August - [Establishes measures to combat money laundering and terrorist financing](#), partially transposes Directives 2015/849/EU, of the European Parliament and of the Council, of 20 May 2015, and 2016/2258/EU, of the Council, of 6

December 2016, amends the Criminal Code and the Industrial Property Code and revokes Law Nº 25/2008, of 5 June, and Decree-Law Nº 125/2008, of 21 July.

We also highlight the following acts (excluding International Law acts):

1. **Council of Ministers Resolution nº 88/2015, of 6 October** – Creates the [Committee for the Coordination of Policies for Prevention and Combating Money Laundering and the Financing of Terrorism](#)

2. **Banco de Portugal Notice nº 1/2022, of 6 June** - [Lays down the necessary aspects to ensure compliance with the duties to prevent money laundering and terrorist financing in the activities of financial entities subject to supervision by Banco de Portugal](#), revoking Notice nº 2/2018 and Instruction nº 2/2021.

3. **CMVM Regulation nº 2/2020, of 17 March** - [CMVM Regulation on the Prevention of Money Laundering and Terrorist Financing](#), as amended by CMVM Regulation nº 5/2022, of 9 June