

# The Australia Group

Fighting the spread of chemical and biological weapons

Strengthening global security



The Australia Group (AG) is an informal forum of countries which, through the harmonization of export controls, seeks to ensure that exports do not contribute to the development of chemical or biological weapons. Coordination of national export control measures assists Australia Group participants to fulfill their obligations under the Chemical Weapons Convention and the Biological and Toxin Weapons Convention to the fullest extent possible.

## The Australia Group: An Introduction

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The Australia Group is an informal arrangement which aims to allow exporting or transshipping countries to minimize the risk of assisting chemical and biological weapon (CBW) proliferation. The Group meets annually to discuss ways of increasing the effectiveness of participating countries' national export licensing measures to prevent would-be proliferators from obtaining materials for CBW programs.

Participants in the Australia Group do not undertake any legally binding obligations: the effectiveness of their cooperation depends solely on a shared commitment to CBW non-proliferation goals and the strength of their respective national measures. Key considerations in the formulation of participants' export licensing measures are:

- they should be effective in impeding the production of chemical and biological weapons;
- they should be practical, and reasonably easy to implement, and
- they should not impede the normal trade of materials and equipment used for legitimate purposes.

All states participating in the Australia Group are parties to the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC), and strongly support efforts under those Conventions to rid the world of CBW.

# The Australia Group

## Australia Group Participants

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1. Argentina (1993)
2. Republic of Korea (1996)
3. Australia (1985)
4. Latvia (2004)
5. Austria (1989)
6. Lithuania (2004)
7. Belgium (1985)
8. Luxembourg (1985)
9. Bulgaria (2001)
10. Malta (2004)
11. Canada (1985)
12. Netherlands (1985)
13. Croatia (2007)
14. New Zealand (1985)
15. Republic of Cyprus (2000)
16. Norway (1986)
17. Czech Republic (1994)
18. Poland (1994)
19. Denmark (1985)
20. Portugal (1985)
21. Estonia (2004)
22. Romania (1995)
23. European Commission (1985)
24. Slovak Republic (1994)
25. Finland (1991)
26. Slovenia (2004)
27. France (1985)
28. Spain (1985)
29. Germany (1985)
30. Sweden (1991)
31. Greece (1985)
32. Switzerland (1987)
33. Hungary (1993)
34. Republic of Turkey (2000)
35. Iceland (1993)
36. Ukraine (2005)
37. Ireland (1985)
38. United Kingdom (1985)
39. Italy (1985)
40. United States (1985)
41. Japan (1985)

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## The Origins of the Australia Group

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In early 1984, a United Nations investigation team found that Iraq had used chemical weapons (CW) in the Iran-Iraq war in violation of the 1925 Geneva Protocol, and that at least some of the precursor chemicals and materials for its CW program had been sourced through legitimate trade channels. In response, several countries introduced export controls on certain chemicals that could be used to manufacture CW.

These controls suffered from a lack of uniformity, and it soon became apparent that attempts were being made to circumvent them. This led Australia to propose a meeting of the countries with export controls with the aim of harmonising their national licensing measures and enhancing cooperation. The first meeting of what subsequently became known as the Australia Group took place in Brussels in June 1985. At that meeting, the 15 participating countries and the European Commission agreed that there was value in exploring how existing export controls might be made more effective to prevent the spread of CW.

The Group has met regularly since then, and annual meetings are now held in Paris. The scope of the export controls discussed by the Group has evolved to address emerging threats and challenges. Evidence of the diversion of dual-use materials to biological weapons programs in the early 1990s led to participants' adoption of export controls on specific biological agents. The control lists developed by the Group have also expanded to include technologies and equipment which can be used in the manufacturing or disposal of chemical and biological weapons.

The number of countries participating in the Australia Group has grown from 15 in 1985 to 40 plus the European Commission.

## Objectives of the Group

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Chemical and biological weapons (CBW) are indiscriminate in their application and their deadly effects have been known since ancient times. They were first used on a large scale in the First World War, with soldiers being exposed to poisonous gases, including phosgene and sulfur mustard (a blistering agent). The result was over one million casualties and approximately 100,000 fatalities. Since that time, CBW technology has become more advanced, and hence even more lethal. The use by Iraq of CW in the form of nerve agents and sulfur mustard in the Iran-Iraq war in the 1980s, and the 1995 poison gas (sarin) attack on the Tokyo underground, provide chilling examples of the indiscriminate and inhumane effects of these weapons.

The principal objective of Australia Group participants' is to use licensing measures to ensure that exports of certain chemicals, biological agents, and dual-use chemical and biological manufacturing facilities and equipment, do not contribute to the spread of CBW. The Group achieves this by harmonizing participating countries' national export licensing measures. The Group's activities are especially important given that the international chemical and biotechnology industries are a target for proliferators as a source of materials for CBW programs.

Participants have recognized from the outset that export licensing measures are not a substitute for the strict and universal observance of the 1925 Geneva Protocol, the 1972 Biological and Toxin Weapons Convention (BWC) and the Chemical Weapons Convention (CWC). All participants in the Australia Group are States Parties to both the BWC and the CWC. Support for these regimes and their aims remains the overriding objective of Australia Group participants. Export licensing measures instituted by individual members assist in implementing key obligations under the CWC (Article I, 1 (a) and (d)) and the BWC (Articles I and III).

Export licensing measures also demonstrate participants determination of members to avoid not only direct but also inadvertent involvement in the spread of CBW, and to express their opposition to the use of these weapons. It is also in the interests of commercial firms and research institutes and of their governments to ensure that they do not inadvertently supply chemicals, chemical equipment, biological agents or biological equipment for use in the manufacture of CBW. Global chemical and biological industries have firmly supported this principle.

# The Australia Group

## Activities

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The Australia Group is an informal arrangement. The purpose of Australia Group meetings is to explore the scope for increasing the effectiveness of existing controls, including through information exchange, the harmonization of national measures and, where necessary, the consideration of the introduction of additional measures.

All participants have licensing measures over 63 chemical weapons precursors. Participants also require licenses for the export of specific:

- Dual-use chemical manufacturing facilities, equipment and related technology;
- Plant pathogens;
- Animal pathogens;
- Biological agents; and
- Dual-use biological equipment and related technology.

The above items form the basis for the Group's 'common control lists', which have been developed during Australia Group consultations and are adjusted from time to time to ensure their continued effectiveness. Measures agreed by meetings of the Group are applied on a national basis, although all participants agree they will be more effective if similar measures are introduced by all potential exporters of relevant chemicals, biological agents and equipment and by countries of possible transshipment. Under these measures, exports are denied only if there is a well founded concern about potential diversion for CBW purposes.

Australia Group participants encourage all countries to take the necessary steps to ensure that they and their industries are not contributing to the spread of CBW. Export licensing measures demonstrate the determination of Australia Group countries to avoid involvement in the proliferation of these weapons in violation of international law and norms. In addition to being consistent with non-proliferation provisions at the CWC and BWC, such measures are required at all states to ensure compliance with UN Security Resolution 1540.

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## Relationship with the Chemical Weapons Convention

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Australia Group participants strongly supported the negotiations in the Conference on Disarmament in Geneva leading to the conclusion of the Chemical Weapons Convention (CWC). They became original signatories to the Convention when it opened for signature in Paris in January 1993 and are States Parties to that Convention. Australia Group participants are now playing an active and constructive role in the Organization for the Prohibition of Chemical Weapons (OPCW) in The Hague.

The CWC contains a number of provisions relating to the transfer of chemicals which may be diverted to CW programs. Article I of the CWC prohibits States Parties from assisting, encouraging or inducing anyone to engage in activity prohibited by the Convention, or from developing, producing, acquiring, or stockpiling chemical weapons. Article VI requires States Parties to ensure that the development, production, acquisition, retention, transfer or use of toxic chemicals and their precursors does not take place for purposes prohibited by the Convention. In addition, Parts VI, VII and VIII of the Annex on Implementation and Verification impose specific restrictions on the trade in chemicals listed in the Schedules to the Convention.

Participants in the Australia Group reflect support for the CWC as the principal instrument for addressing the threat posed by chemical weapons. Australia Group participants believe their involvement in the Group is fully consistent with the CWC and indeed is an effective means of implementing those key obligations in the CWC listed above. The establishment of efficient national export licensing mechanisms serves to strengthen the non-proliferation goals of the CWC, whilst at the same time encouraging trade in chemical materials for legitimate, peaceful purposes.

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## Relationship with the Biological Weapons Convention

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All of the participants in the Australia Group are States Parties to the Biological and Toxin Weapons Convention (BWC), which has been in force since 1975. They have also been active in efforts to strengthen the Treaty, including through active participation in the confidence building measures agreed by successive BWC review conferences, and in annual meetings since the Fifth Review Conference in 2001.

Article I of the BWC prohibits States Parties from developing, producing, stockpiling, or otherwise acquiring or retaining biological agents and toxins, or related biological weapons or equipment. Article III of the BWC obliges States Parties to prevent the transfer of materials which might assist the manufacture, or any means of acquiring, biological weapons. The Australia Group's activities serve to support the objectives of the BWC by enhancing the effectiveness of national export licensing measures.

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## The Australia Group and Legitimate Trade

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Australia Group participants see export licensing as a vital means of ensuring that legitimate trade in chemicals, biological agents, and related equipment can proceed unfettered. Careful regulation of potentially sensitive exports helps to reduce the risk that companies will unwittingly export products for use in CBW programs, and therefore attract severe penalties. This gives companies greater confidence to trade in products which have the potential to be used in the production of CBW.

Licensing measures resulting from the Australia Group's operations have a minimal impact on total trade in chemicals, biological agents and dual-use items and equipment. Export licences deter proliferation by increasing visibility of trade in relevant materials, and provide authority to stop a sale if the product concerned is likely to contribute to a CBW program. The licensing measures applied by Australia Group participants thus affect only sales to a small number of countries where there is evidence of an interest in developing or maintaining a CBW capacity or a risk of diversion to terrorists groups. The Group's activities are limited to non-proliferation measures, and are neither intended to favour the commercial development of industries in participating states, nor to hinder legitimate economic development in other countries.

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## Australia Group Common Control Lists

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- Chemical Weapons Precursors
- Dual-use chemical manufacturing facilities and equipment and related technology and software
- Dual-use biological equipment and related technology and software
- Biological agents
- Plant pathogens
- Animal pathogens

## Guidelines for Transfers of Sensitive Chemical or Biological Items

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June 2012

The Government of xxx has, after careful consideration and consistent with its obligations under the BTWC and the CWC, decided that, when considering the transfer of equipment, materials, technology and software that could contribute to chemical and biological weapons activities, it will act in accordance with the following Guidelines.

1. The purpose of these Guidelines is to limit the risks of proliferation and terrorism involving chemical and biological weapons (CBW) by controlling tangible and intangible transfers that could contribute to CBW activities by states or non-state actors, consistent with Article III of the Biological Weapons Convention, Article I of the Chemical Weapons Convention, and all relevant United Nations Security Council Resolutions. In accordance with Article X of the Biological Weapons Convention and Article XI of the Chemical Weapons Convention, these Guidelines are not intended to impede chemical or biological trade or international cooperation that could not contribute to CBW activities or terrorism. These Guidelines, including the attached Australia Group (AG) control lists and subsequent amendments thereto, form the basis for controlling transfers to any destination beyond the Government's national jurisdiction or control of materials, equipment, technology and software that could contribute to CBW activities. The Government will implement these Guidelines in accordance with its national legislation.
2. These Guidelines will be applied to each transfer of any item in the AG control lists. However, it is a matter for the Government's discretion to determine whether and to what extent to apply expedited licensing measures in the case of transfers to destinations it judges possess consistently excellent non proliferation credentials. Vigilance will be exercised in the consideration of all transfers of items on the AG control lists. Transfers will be denied if the Government judges, on the basis of all available, persuasive information, evaluated according to factors including those in paragraph 3, that the controlled items are intended to be used in a chemical weapons or biological weapons program, or for CBW terrorism, or that a significant risk of diversion exists. It is understood that the decision to transfer remains the sole and sovereign judgment of the Government.
3. In fulfilling the purposes of these Guidelines, national export control legislation, including enforcement and sanctions for violations, plays an important role.
4. To fulfill the purposes of these Guidelines, the evaluation of export applications will take into account the following non-exhaustive list of factors:
  - a. Information about proliferation and terrorism involving CBW, including any proliferation or terrorism-related activity, or about involvement in clandestine or illegal procurement activities, of the parties to the transaction;
  - b. The capabilities and objectives of the chemical and biological activities of the recipient state;

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- c. The significance of the transfer in terms of (1) the appropriateness of the stated end-use, including any relevant assurances submitted by the recipient state or end-user, and (2) the potential development of CBW;
  - d. The role of distributors, brokers or other intermediaries in the transfer, including, where appropriate, their ability to provide an authenticated end-user certificate specifying both the importer and ultimate end-user of the item to be transferred, as well as the credibility of assurances that the item will reach the stated end-user;
  - e. The assessment of the end-use of the transfer, including whether a transfer has been previously denied to the end-user, whether the end-user has diverted for unauthorized purposes any transfer previously authorized, and, to the extent possible, whether the end-user is capable of securely handling and storing the item transferred;
  - f. The extent and effectiveness of the export control system in the recipient state as well as any intermediary states;
  - g. The applicability of relevant multilateral agreements, including the BTWC and CWC.
5. In a manner consistent with its national legislation and practices, the Government should, before authorizing a transfer of an AG-controlled item, either (a) satisfy itself that goods are not intended for reexport; (b) satisfy itself that, if reexported, the goods would be controlled by the recipient government pursuant to these guidelines; or (c) obtain satisfactory assurances that its consent will be secured prior to any retransfer to a third country.
  6. The objective of these Guidelines should not be defeated by the transfer of any non-controlled item containing one or more controlled components where the controlled component(s) are the principal element of the item and can feasibly be removed or used for other purposes. (In judging whether the controlled component(s) are to be considered the principal element, the Government will weigh the factors of quantity, value, and technological know-how involved and other special circumstances that might establish the controlled component or components as the principal element of the item being procured.) The objective of these Guidelines also should not be defeated by the transfer of a whole plant, on any scale, that has been designed to produce any CBW agent or AG-controlled precursor chemical.
  7. The Government reserves the discretion to: (a) apply additional conditions for transfer that it may consider necessary; (b) apply these guidelines to items not on the AG control lists; and (c) apply measure to restrict exports for other reasons of public policy consistent with its treaty obligations.
  8. In furtherance of the effective operation of the Guidelines, the Government will, as necessary and appropriate, exchange relevant information with other governments applying the same Guidelines.
  9. The Government encourages the adherence of all states to these Guidelines in the interest of international peace and security.

(Latest versions of Control Lists to be attached)

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## Further provisions applicable to Australia Group Participants

In addition, participants in the Australia Group, consistent with their obligations under the BTWC and CWC and in accordance with their national legislation have, after careful consideration, decided also to give equal respect to the following provisions.

### **Catch-All**

1. Participant states will ensure that their regulations require the following:
  - a. an authorization for the transfer of non-listed items where the exporter is informed by the competent authorities of the Participant State in which it is established that the items in question may be intended, in their entirety or part, for use in connection with chemical or biological weapons activities;
  - b. that if the exporter is aware that non-listed items are intended to contribute to such activities it must notify the authorities referred to above, which will decide whether or not it is expedient to make the export concerned subject to authorization.
2. Participant states are encouraged to share information on these measures on a regular basis, and to exchange information on catch-all denials relevant for the purpose of the AG.

### **No Undercut Policy**

In accordance with the Group's agreed procedures, a license for an export that is essentially identical to one denied by another AG participant will only be granted after consultations with that participant, provided it has not expired or been rescinded. Essentially identical is defined as being the same biological agent or chemical or, in the case of dual-use equipment, equipment which has the same or similar specifications and performance being sold to the same consignee. The terms of the Group's 'no undercut policy' do not apply to denials of items under national catch-all provisions.

### **Common Approaches**

AG participants implement these Guidelines in accordance with the Group's agreed common approaches on end-user undertakings and chemical mixtures.

### **Intra EU Trade**

So far as trade within the European Union is concerned, each member State of the European Union will implement the Guidelines in the light of its commitments as a member of the Union.

### **Brokering Services**

AG members should have in place or establish measures against illicit activities that allow them to act upon brokering services related to items mentioned in the AG control lists which could contribute to CBW activities. AG members will make every effort to implement those measures in accordance with their domestic legal framework and practices.

## Australia Group Membership

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Countries interested in applying for Australia Group membership should, in the first instance, forward a third person note with an expression of interest to the Australia Group Chair. The Chair will then inform AG participants and seeks their views and/or list the item for discussion at the next AG plenary meeting. After AG participants agree to consider the application, the Chair will liaise with the candidate country for provision of a formal application with detailed information on the country's legislation and policy of export controls, relevant to the purposes of the AG, to ensure it addresses the criteria for participation. The candidate country must meet all the criteria and no exceptions or exemptions are made.

AG participants will then scrutinize the application and may take up specific issues and questions with the candidate country bilaterally or through the AG Chair. The Chair will seek advice from AG participants on the status of their scrutiny of the application and determine when the AG is ready to take a decision as to whether the candidate country should be admitted to the AG. The decision is made by consensus i.e. all AG participants must agree to admit the candidate country.

Criteria for participation include, but are not limited to:

- A commitment to prevent the spread of CBW proliferation, including being a party, in good standing, to the Biological and Toxins Weapons Convention and the Chemical Weapons Convention.
- Being a manufacturer, exporter or transshipper of AG controlled items.
- Adopting and implementing the *AG Guidelines for Transfers of Sensitive Chemical or Biological Items*.
- Implementing an effective export control system which provides national controls for all items on the AG common control lists and is supported by adequate licensing and enforcement regimes.
- Creating legal penalties and sanctions for contravention of controls and being willing to enforce them.
- Creating relevant channels for the exchange of information including: accepting the confidentiality of the information exchange; creating liaison channels for expert discussions; and creating a denial notification system protecting commercial confidentiality.
- Agreeing to participate in the AG in a way that will strengthen the effectiveness of the AG in preventing CBW proliferation.

Note: This criteria is part of the AG's long-standing policy on membership.

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## Publications

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### [Australia Group Background Paper](#)

#### **2012**

[Australia Group Meeting](#), 11 - 15 June 2012, Paris

#### **2011**

[Australia Group Meeting](#), 6 - 10 June 2011, Paris

#### **2010**

[Australia Group Meeting](#), 31 May - 4 June 2010, Paris

#### **2009**

[Australia Group Meeting](#), 21-25 September 2009, Paris

#### **2008**

[Australia Group Meeting](#), 14-18 April 2008, Paris

#### **2007**

[Australia Group Booklet](#), July 2007 (PDF)

[Australia Group Meeting](#), 4-7 June 2007, Paris

#### **2006**

[Australia Group Meeting](#), 12-15 June 2006, Paris

#### **2005**

[Australia Group Meeting](#), 18-21 April 2005, Sydney

[20 Years of Australia Group Cooperation](#) (PDF)

#### **2004**

[Australia Group Meeting](#), 7-10 June 2004, Paris

[Awareness Raising Guide](#)

#### **2003**

[Australia Group Meeting](#), 2-5 June 2003, Paris

#### **2002**

[Australia Group Meeting](#), 3-6 June 2002, Paris

#### **2001**

[Australia Group Meeting](#), 1-4 October 2001, Paris

#### **2000**

[Australia Group Meeting](#), 2-5 October 2000, Paris

#### **1999**

[Australia Group Meeting](#), 4-8 October 1999, Paris

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## **1998**

[Australia Group Meeting](#), 9-15 October 1998, Paris

## **1997**

[Australia Group Meeting](#), 6-9 October 1997, Paris

## **1996**

[Australia Group Meeting](#), 14-17 October 1996, Paris

## **1995**

[Australia Group Meeting](#), 16-19 October 1995, Paris

## **1994**

[Australia Group Meeting](#), 29-1 November-December 1994, Paris

## **1993**

[Australia Group Meeting](#), 2-10 June 1993, Paris