SIXTH REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

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Review of the operation of the Convention as provided for in its Article XII

BACKGROUND INFORMATION DOCUMENT ON COMPLIANCE BY STATES PARTIES WITH THEIR OBLIGATIONS UNDER THE CONVENTION

Submissions from States Parties

Introduction

1. In paragraph 22 of its report (BWC/CONF.VI/PC/2), the Preparatory Committee for the Sixth Review Conference decided to request the Secretariat to compile a background information document on compliance by States Parties with all their obligations under the Convention. For the purposes of compiling this document, the Secretariat was to request States Parties to provide information on compliance with all the provisions of the Convention. In accordance with the request of the Preparatory Committee, this document has been complied from submissions made by States Parties as requested by the Secretariat. The information is reproduced as submitted by States Parties, in some cases with minor editing. The Secretariat has not added any material, comment or analysis.

Argentina

2. Act No. 25.886 of 2004 introduced an amendment to article 189 bis of the Criminal Code, which reads as follows:

> "A penalty of 5 to 15 years for anyone who, for the purpose of contributing to the commission of offences against public safety or causing damage to machinery, or in the manufacture of products, acquires, produces, supplies or possesses bombs, materials or apparatuses capable of releasing nuclear energy, radioactive materials or nuclear substances or the wastes thereof, radioactive isotopes, explosive, inflammable, asphyxiating, toxic or biologically hazardous materials of substances or materials intended for the preparation thereof."
>
> "The same penalty shall be imposed on anyone who knows or ought to know that he or she is contributing to the commission of offences against public safety or offences which are

intended to cause damage to machinery or in the manufacture of products, and gives instructions for the preparation of substances or materials referred to in the preceding paragraph."

"The mere possession of the materials referred to in the preceding paragraph, without proper legal authorization, or that which cannot be justified by reasons of domestic or industrial use, shall be punishable by a prison term of six months to two years and a fine of 1,000 to 10,000 pesos."

3. In this way Argentina is implementing the Biological and Toxin Weapons Convention in terms of the actions banned under article I and article IV of the Convention through the imposition of the appropriate penalties for any activity involving one of the cases provided for in those articles.

4. Argentina has also complied with United Nations Security Council resolution 1540 by submitting the requested reports promptly and in the due form. A meeting on "Advancing in the implementation of United Nations Security Council resolution 1540 (2004)", sponsored by the United Kingdom and our country, was held in Buenos Aires between 26 and 28 September 2005.

5. In the same way, under paragraph 8 (d) of Security Council resolution 1540, the Armed Forces Institute of Scientific and Technical Research in the Ministry of Defence, together with the Office of the Director for International Security, Space and Nuclear Affairs of the Ministry of Foreign Affairs, has established an internal programme of activities. Its purpose is to warn the scientific community, academic institutions and commercial laboratories conducting research and development activities of the risk of improper use of the biological sciences and the possibility of inadvertent assistance in the development of biological weapons. This purpose includes efforts to publicize the treaties and systems in which Argentina participates, notably those relating to the prohibition of biological weapons, such as the Biological Weapons Convention and the Australia Group.

Australia

6. Information is provided under subheadings relating to key provisions of the Convention and draws on Australia's submission of Confidence Building Measures covering the 2005 calendar year, which is available publicly at http://www.dfat.gov.au/security/biological_weapons.html.

Article I: Never under any circumstances acquire or retain biological weapons

7. Australia has never had an offensive biological research, development or production program or obtained biological weapons through transfer and has never acquired or retained biological weapons or their means of delivery. We have implemented legislative and regulatory measures that give effect the prohibitions of this Article, and have initiated a variety of other actions to raise awareness in the biotechnological sector of the threat posed by biological weapons, including the need to enhance the security of hazardous biological substances.

Article II: To destroy or divert to peaceful purposes biological weapons and associated resources

8. Australia has never had an offensive biological research, development or production program or obtained biological weapons through transfer, and, accordingly, has had no need to destroy or divert to peaceful purposes any biological weapons, as required under the provisions of this Article.

Article III: Not to transfer, or in any way assist, encourage or induce anyone else to acquire or retain biological weapons

9. Australia's compliance with this Article with respect to international transfers is demonstrated by the implementation of effective export control legislation, an outline of which is provided in our recent CBM return (Form E, p. 44).

10. Australia is currently reviewing the security of hazardous biological materials within Australia. A possible outcome of the review is the development and implementation of new "biosecurity legislation" and an associated regulatory scheme that would prohibit the transfer of key biological materials between entities within Australia which are not authorised to retain such materials.

11. Our commitment to the principles of the Article is underscored by our permanent chairing of the Australia Group and active regional outreach program with respect to the BWC, CWC and UNSCR 1540.

Article IV: To take any necessary measures to implement the provisions of the BWC domestically

12. There are a number of Australian legislative enactments that have been implemented to satisfy Australia's BWC obligations to counter biological weapons proliferation and bio-terrorism, as outlined in our recent CBM return (Form E, p. 43). The principal enactments are: the Crimes (Biological Weapons) Act 1976; the Customs Act 1901 and associated regulations; and the Weapons of Mass Destruction (Prevention of Proliferation) Act 1995. In addition, the Quarantine Act 1908 and the Gene Technology Act 2000, as well as legislation administered by the various State and Territory governments within Australia, regulate activities with biological materials and, as an indirect consequence, assist to implement our legislative obligations under the BWC.

13. The Quarantine Act 1908 provides broad powers to the Director of Quarantine to control the importation and use of biological materials in Australia with the aim of preventing or controlling the introduction, establishment or spread of diseases or pests that will (or could) cause significant damage to human beings, animals, plants and/or other aspects of the environment or economic activities.

14. The Gene Technology Act 2000, supported by the Gene Technology Regulations 2001, constitutes the Australian Government's system for regulating 'dealings' with genetically modified organisms (GMO). 'Dealings' with a GMO is defined as conducting experiments, making, developing or producing a GMO; breeding, propagating, growing or raising a GMO; and importing, possessing, using or transporting a GMO. The Act regulates dealings with all

GMOs and, depending on the dealing, may impose conditions such as containment requirements. Each State and Territory government in Australia has enacted, or is in the process of enacting, corresponding legislation. The Gene Technology Regulator assisted by the Office of the Gene Technology Regulator administers the *Gene Technology Act 2000* and related regulations.

15. In light of the recent increase in terrorist–WMD concerns (as evidenced by Security Council Resolution 1540 and as discussed at the BWC Meeting of Experts in Geneva in 2003) Australia is reviewing the regulation, reporting and security around the storage, sale and handling of hazardous materials, including biological materials. As noted in our response to compliance with Article III, a possible outcome of this review will be the implementation of new biosecurity legislation and an associated regulatory scheme for 'high risk' biological agents. This would ensure that all BWC-related legislation and associated regulations and controls are effective, consistent and sufficient to prevent the procurement or possession of such goods for illegal purposes.[1]

16. Australia interprets "any necessary measures" to include non-legislative mechanisms, such as awareness-raising and the promulgation of codes of conduct for scientists. The Australian Government has an increasingly active awareness-raising program relevant to BWC and the need for sound biosecurity practices and has encouraged the development and promulgation of codes of conduct for scientists at multiple levels, from 'grass roots' to nationally agreed codes for researchers.

17. In addition, Australia has implemented effective plant, animal and human disease surveillance systems, through the Department of Agriculture, Fisheries and Forestry and the Department of Health and Ageing, respectively. These systems have been implemented in the context of protecting humans and agriculture from inadvertent disease establishment and spread but equally, comprise part of the national strategy to detect deliberate/suspicious disease outbreaks – whether by state or non-state actors. These surveillance systems relate to compliance with Articles VI, VII, X and, thereby, implementation of IV.

Article V: To consult bilaterally and multilaterally to solve any problems with the implementation of the BWC

18. Australia considers that an objective of Article V is to provide a mechanism that gives States Parties confidence that other Sates Parties are compliant with the Convention. In the absence of a legally binding verification protocol, a key means of providing such confidence is the submission of Confidence Building Measures (CBM). Australia is one of only about 12 States Parties that has submitted CBMs every year and, we understand, among only three that makes its CBM return available publicly.

19. In addition, Australia has worked actively in the Asia-Pacific region to promote compliance with the BWC. In February 2005, Australia and Indonesia co-hosted a BWC regional workshop in Australia, attended by all States Parties in South East Asia as well as Papua New Guinea and New Zealand, to discuss issues related to the Convention in the context of the 2003-2005 BWC intersessional work program. In March 2006, Australia and Indonesia co-hosted the second BWC regional workshop in Indonesia (Bali), to build on the discussions of the

[1] Australia, Model Strategy for Implementing BWC Obligations, BWC/MSP.2003/MX/WP.39, Working Paper presented to the Meeting of Experts (Geneva, 18–29 August 2003).

first workshop. This cooperation has laid the foundation for strengthening of the BWC – including its implementation – in the Asia-Pacific region.

Article VI: To request the UN Security Council to investigate alleged breaches of the BWC and to comply with its subsequent decisions

20. Australia has complied with Article VI, most notably through our on-going support of the UN Secretary General's investigative mechanism, as set out in General Assembly resolution 42/37 of 30 November 1987. We note that the Secretary General's list of experts and facilities urgently requires updating and we support calls to this end.

Article VII: To assist States which have been exposed to a danger as a result of a violation of the BWC

21. Australia stands ready to assist States that have been exposed to inadvertent and deliberate disease outbreaks. We have shared our experience in developing and implementing disease surveillance strategies and have provided practical assistance to countries affected by natural outbreaks of diseases human, animal and plant diseases — perhaps most notably in relation to SARS and avian influenza.

22. In addition, we have assisted States parties in the South East Asian region, by convening workshops to share Australian experience of developing national policies and practices that raise awareness of the security threat posed by hazardous biological materials, and that enhance the security of such materials.

Article X: To do all of the above in a way that encourages the peaceful uses of biological science and technology

23. Australia encourages the peaceful uses of biological science and technology. Legislation and regulations that Australia has implemented, or are in the process of implementing, are consistent with our obligations under the BWC, UNSCR 1540 and other relevant international instruments and agreements, while allowing for legitimate and beneficial research in the life sciences to continue and contribute to fostering a healthier and safer global environment.

24. In outreach to the South East Asian region on the BWC and countering biological terrorism, we have emphasised the need to implement national policies and practices that strike an appropriate balance between enabling peaceful biological research consistent with the objectives of the BWC, and minimising the possibility of such research and associated biological materials, equipment and technology from being misused.

China

25. As a country against which biological weapons have been used and a party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction ("the Convention"), China has consistently advocated complete prohibition and total destruction of all weapons of mass destruction, including biological weapons, and resolutely opposed their proliferation. It

supports the purposes and aims of the Convention, strictly fulfils its obligations and actively participates in the multilateral process of improving the Convention's effectiveness. China's implementation of the Convention since the fifth Review Conference is hereby reported as follows:

National Legislation

26. China has never developed, produced, stockpiled or otherwise acquired or retained the biological agents, viruses, weapons, equipment or means of delivery which are prohibited under the Convention. It has guaranteed the effective compliance with the Convention through the formulation and strict enforcement of laws and regulations.

27. In December 2001, China passed the third amendment to its Criminal Code, making it an offence to manufacture, trade in, transport, stockpile, offer for sale, steal, seize or appropriate pathogens of infectious diseases and similar substances and laying down different criminal penalties according to the seriousness of the offence; it is also an offence to organize, lead or participate in any terrorist act, including acts of biological terrorism.

28. China has also promulgated and implemented a series of laws and regulations - the Prevention and Treatment of Infectious Diseases Act, the Animal and Plant Quarantine (Entry and Exit) Act, regulations on the management of microbial cultures, biosafety regulations governing the management of laboratories handling pathogenic microbes, regulations on the urgent handling of public health emergencies, regulations on the handling of major animal epidemics, regulations on the management of veterinary medicines and safety regulations governing genetic engineering - to strictly regulate the management, use, storage, handling, transport and transfer of dangerous cultures, viruses and vaccines and effectively handle public health emergencies such as serious human and animal epidemics.

Prevention of Biological Proliferation and Export Control

29. In recent years, with the rapid development of biotechnology and information technology and the growing transfer and proliferation of virtual technologies, it has become increasingly possible for terrorists and non-State actors to obtain biological weapons through a variety of channels, and this has greatly increased the difficulty of guarding against biological terrorism. Continuing to boost the effectiveness and authority of the Convention and making full use of it in preventing biological proliferation is of great practical significance in dealing effectively with biological terrorism.

30. China resolutely opposes the proliferation of biological weapons and the related technology. It has never assisted, encouraged or guided any States, groups of countries or international organizations in manufacturing or obtaining such weapons and the related technology; instead, it has consistently tightened controls over the export of dual-use biological products and technology. In December 2002, it promulgated and implemented export control regulations on dual-purpose biological products and related equipment and technology and a list of controlled items; since that time, using a system of permits and applying the principle of comprehensive control, it has strictly supervised the export of dual-use pathogens, viruses, equipment and technology. In July 2006, given the status of efforts to prevent proliferation and conditions in China, the Chinese Government revised and supplemented the control list, adding

13 viruses/cultures (including the SARS virus) and one item of equipment. The competent government departments have effectively controlled exports of dual-use biological products and technology through strict enforcement of the relevant laws and regulations.

Biological Security

31. The growing menace of biological terrorism, outbreaks of disease and epidemics threaten human life and health and even national security. Securing and managing pathogenic micro-organisms and viruses more carefully is a prerequisite for biological security and an important element in the implementation by States parties of their obligations under the Convention.

32. China attaches great importance to biological security. Under its laws and regulations on the subject, the competent government departments strictly control the use, storage, handling and transport of dangerous cultures, viruses and vaccines, improve the safety of transgenic food and organisms and genetic engineering, ensure the safety of humans, animals, plants and micro-organisms and protect the biosphere; strictly control security at workplaces where poisonous substances are used and in biosafety laboratories, and prevent escapes of infectious and disease-causing microbes from laboratories; and strengthen border quarantine controls on import, export and transit traffic in order to prevent dangerous germs, insect pests, harmful animals, plants and products thereof and food, drugs and other objects that are capable of spreading disease from entering China.

Epidemic Control and Emergency Mechanisms

33. With globalization deepening daily, the cross-border spread of infectious disease has become a major public health problem which can be addressed only through joint efforts by the international community.

34. China attaches great importance to epidemic monitoring and has established national systems ranging from the central to the local level for the monitoring, prevention and control of human, animal and plant epidemics. While making available large amounts of funds for work in these areas, government authorities at all levels have also done a lot of work to publicize and popularize science so as to inform people about the prevention and treatment of various epidemics, improve their awareness of the need to take care of themselves and make them better able to guard against disease.

35. The Chinese Government has formulated emergency measures to deal with outbreaks of serious epidemics: a national programme for the urgent handling of public health emergencies, for example, and a national programme for the handling of major animal epidemics. It has also established corresponding emergency mechanisms, formed emergency contingents of experts, provided technical training for the personnel concerned, built stocks of emergency materials and arranged for the departments concerned to conduct drills.

Code of Conduct for Scientists

36. The rapid development of biotechnology and the life sciences has contributed tremendously to human health and the conquest of disease, but it has also created new challenges

in guarding against the threat of bioterrorism and preventing scientific research from being used for military purposes. Regulating scientists' conduct and helping the scientific world to fully understand the Convention and conscientiously fulfil its obligations is thus beneficial to bioweapon control and the prevention of proliferation.

37. China pays great attention to instruction in biological security and ethics for personnel engaged in biological research and teaching. In the sphere of science, the Norms of Academicians for Scientific Ethics Self-discipline adopted by the Chinese Academy of Sciences in 2001 require all academicians to abide scrupulously by scientific ethical standards and stick to the principle that science must serve mankind, civilization, peace and progress. The Science and Technology Association of China and the Chinese Academy of Sciences have both set up ethics committees, which are specially responsible for matters relating to scientists' conduct and personal integrity. In the sphere of education, all the main institutions of higher learning in China have drafted regulations on academic ethics in order to strengthen academic ethics and awareness of social responsibility from the teacher's standpoint.

Confidence-building measures and disclosure of information

38. One important element of States parties' obligations under the Convention is to submit confidence-building measures and disclose information, which plays an active role in promoting mutual understanding among the States parties and strict implementation of the Convention.

39. As requested at the review conferences, China has since 1988 submitted on schedule to the United Nations its confidence-building measures and disclosed information on its implementation of the Convention which fully embodies China's political will to fulfil its obligations to the letter.

International exchanges and cooperation in the sphere of biology

40. Promoting international exchanges and cooperation in biology and biotechnology is an important provision of the Convention, one that helps to raise public health standards, increase capacity to prevent and control serious epidemics, and promote economic development; it is especially important for developing countries. Furthermore, boosting international exchanges and cooperation stiffens political will among States parties to implement the Convention conscientiously and in full, and entices more States to accede to it.

41. China has a high regard for and is active in international exchanges and cooperation in biology and biotechnology. In 2006, the Chinese Ministry of Public Health and the World Health Organization together organized in China a technical meeting on emerging infectious diseases. Issues discussed at the meeting included: strategies for monitoring, investigating, preventing and controlling emerging infectious diseases, the clinical treatment of SARS and progress in vaccine research, and the monitoring, prevention and control of human infection with highly pathogenic bird flu viruses. The meeting also announced the establishment in Guangdong Province of the World Health Organization Training and Cooperation Center for Monitoring of and Research into Emerging Infectious Diseases, providing the World Health Organization with a new institution for exchanges of information and experience and technical research and development on the prevention and control of emerging infectious diseases in the western Pacific region, and indeed the world over. In 2003, the Chinese Ministry of Agriculture

conducted a training course for personnel from ASEAN countries on the prevention and treatment of animal epidemics. In 2004, China successfully organized a special China-ASEAN meeting in Beijing on the prevention and treatment of bird flu, which has greatly promoted exchanges and cooperation between the Asian region and international organizations such as the United Nations in the prevention and treatment of bird flu. As regards plant epidemics, the Chinese Ministry of Agriculture has in recent years conducted joint research into monitoring techniques for verticillium wilt in alfalfa with the Lethbridge Agricultural Research Center of the Canadian Ministry of Agriculture and Tennessee State University in the United States. It has also carried out technical exchanges about the diagnosis of viral plant diseases with the National University of Singapore.

Active Participation in the Multilateral Process to Improve the Effectiveness of the Convention

42. The three-year work plan (2003-2005) adopted at the last review conference has provided a useful basis for continued discussion by States parties about improving the effectiveness of the Convention and for exchanges of experience in implementation, and has allowed the multilateral process of biological weapons control to continue.

43. China has attended all the annual meetings of the States parties and expert groups since 2003, giving comprehensive presentations on its practices and experience and submitting many working papers. It has also taken an active part in the discussions on implementing legislation, biological security, monitoring and control of epidemics, strengthening of the capability of the international community to investigate and deal with claims about the use of biological weapons and suspicious outbreaks of epidemics, and the code of conduct for scientists.

44. China takes the sixth review conference and related discussions very seriously. It will participate with a constructive attitude and will work with others to improve the effectiveness of the Convention through better communication and cooperation.

Cuba

Confidence-building measures

45. Cuba has taken various steps under the Biological Weapons Convention. Since 1992 it has participated in the exchange of information through the submission of CBM forms each year. The following agencies participate in this exchange:

(i) Civil Defence Scientific Research Centre;

(ii) Institute of Veterinary Medicine;

(iii) Central Quarantine Laboratory of the National Plant Health Centre;

(iv) Pedro Kourí Institute of Tropical Medicine;

(v) National Environmental Health Unit of the Ministry of Health;

(vi) Finlay Institute, Research Centre, serum and vaccine production;

(vii) Centre for Genetic Engineering and Biotechnology;

(viii) National Centre for Bioreagents;

(ix) National Centre for Health in Agriculture and Livestock;

(x) Biological and Pharmaceutical Laboratories;

(xi) National Centre for Production of Laboratory Animals;

(xii) Carlos J. Finlay Biological Products Enterprise.

Legal framework

46. In matters of biology, Cuba has a range of legal instruments whose fundamental purpose is protection of man and the environment. Legislation specifically focused on the application of the Biological Weapons Convention in our case cannot be viewed in isolation from the other legislation on biosafety. It has always been Cuban policy to support the application of the Convention in the legal infrastructure of biological safety, as this is the most effective way to promote achievement of the treaty's objectives. In this regard, our country has updated its domestic legislation over the past five years.

47. Decree-Law No. 190 of 28 January 1999 on biological safety continues to be the centrepiece of legal arrangements in this area. It sets out the basic principles governing this discipline and its scope, clearly indicating its contribution to sustainable development. It has given rise to the following structure of rules and regulations which pursue the same objective:

(i) Agreement No. 4728/2003. This agreement adopted by the Executive Committee of the Council of Ministers designates the Ministry of Science, Technology and the Environment as the national authority under the Biological Weapons Convention.

(ii) Resolution No. 38/2006, updating the classification of biological and toxin agents which affect human, animal and plant health into risk groups. It contains new criteria governing this classification and explicitly mentions genetically modified agents.

(iii) Resolution No. 8/2000, bringing into force the General Regulations on Biological Safety for installations handling biological agents and products thereof, organisms and fragments thereof containing genetic information.

(iv) Resolution No. 76/2000, governing procedures for the granting of biological safety authorizations.

(v) Resolution No. 103/2002. The purpose of this regulation was to set out biological safety requirements and procedures in installations using biological agents and products thereof, organisms and fragments thereof containing genetic information.

(vi) Resolution No. 112/2003. The purpose of this regulation was to set out biological safety requirements and procedures in installations working with plants and animals presenting a biological hazard.

(vii) Resolution No. 2/2004, regulations governing accounting and control of biological material, equipment and technology applied thereto.

48. The purpose of these latter regulations, which were drawn up specifically with a view to the implementation of the Convention, is to set out rules relating to the establishment of the National System for Accounting and Control of Biological Material, Equipment and Technology Applied Thereto.

49. This system includes a set of declarations, registers and reports which must be submitted by installations within the system, for the purpose of strengthening control mechanisms over biological agents of relevance to the Convention and the related equipment and technology.

50. Access to this system is effected by means of registration in the Internal Safeguard Register set up for the purpose by the National Centre for Biological Safety, which contains facilities that carry out any of the following activities:

(i) Production of vaccines for human use;

(ii) Production of vaccines for veterinary use;

(iii) Production of biopesticides and biofertilizers;

(iv) Use of the biological materials listed in annex 1, which forms an integral part of the Regulations;

(v) Work with inocula for plants;

(vi) Genetic modification;

(vii) Transfer of technology involving the activities mentioned in the previous paragraphs;

(viii) Use of the following equipment:

(a) Static, dynamic or explosive aerosol chambers;

(b) Equipment for generating aerosols of micro-organisms or toxins and simulants;

(c) Biological safety cabinets in class III or class I convertible to class III;

(d) Flexible film isolator or other chambers equivalent to class III and anaerobic chamber.

51. In addition to the units mentioned above, registration is mandatory for those which have facilities with biosafety levels III and IV and those which carry out activities involving any new technology or scientific knowledge.

52. By means of these Regulations, the process of exchange of information stemming from the submission of the CBM forms has been made binding. The formats of these forms constitute an annex which forms an integral part of the text.

53. As part of the implementation of national penal measures linked to compliance with the bans set out in the Biological and Toxin Weapons Convention, Act No. 93 on efforts to combat terrorist acts was enacted in December 2001.

54. The Act lists and criminalizes the various forms of terrorist activity, and, within that context, those related to chemical or biological agents, which have recently been a focus of special interest on the part of the international community.

Surveillance mechanisms

55. Cuba has also boosted its surveillance mechanisms by devising an inspection system to verify compliance with current legislation. This system covers all installations presenting a biological hazard and those which form part of the national accounting and control system. Among the fundamental components of this system are the surveillance arrangements, which include the various types of inspection, as follows:

(i) Routine inspections;

(ii) Inspections for the granting of biological safety authorizations;

(iii) Inspections to verify compliance with the conditions attached to existing authorizations;

(iv) Safeguard inspections.

Safeguard inspections are designed to check compliance with the provisions of the Convention.

56. In the context of efforts to strengthen surveillance mechanisms, a system of authorizations has been devised under which activities involving a biological hazard are subject to the safety regulation procedures and the risks which may arise for human health and the environment are evaluated. The components of this important system include the various types of authorization, namely:

(i) Licences;

(ii) Permits;

(iii) Notifications;

(iv) Reports.

This latter category constitutes a safeguard authorization, granted for activities scheduled in the accounting and control system which are of importance for the Convention.

Training

57. As regards training of human resources related to biosafety in general, Cuba has carried out various training activities aimed at both technical and managerial personnel. This training, which included Convention-related aspects, was provided by the National Centre for Biological Safety and its local offices, and by institutions presenting a biological hazard and central State agencies which have been designated as focal points for these issues.

58. An example is the training offered by the Ministry of Health in the period 2002-2006:

(i) 2002: 248 courses involving 14,033 trainees;

(ii) 2003: 253 courses involving 19,827 trainees;

(iii) 2004: 130 courses involving 17,430 trainees;

(iv) 2005: 95 courses involving 7,856 trainees;

(v) 2006: 48 courses involving 3,626 trainees (first half of year).

Total: 774 courses involving 68,678 trainees.

59. The universities have been closely involved in the training activities. During this period the Biology Faculty of the University of Havana held a total of five postgraduate courses in biosafety, in which some 500 persons were trained. The Higher Institute of Applied Science and Technology is currently holding a diploma course on the design of installations presenting a biological hazard, and has so far organized three master's courses in biosafety containing three modules, in human health, veterinary medicine and plant health.

60. Training activities were also conducted by the bodies dealing with plant health and veterinary medicine and scientific institutions such as the Centre for Genetic Engineering and Biotechnology, the Finlay Institute, the Civil Defence Scientific Research Centre and the Pedro Kourí Institute of Tropical Medicine.

61. The National Centre for Biological Safety, in its regulatory capacity, has carried out the following activities during this period:

(i) 14 courses on general biosafety-related topics and other specific aspects such as the transport of samples and infectious substances, certification of inspectors and risk evaluation, providing training for a total of roughly 330 specialists;

(ii) 15 national workshops on various topics such as the legal framework for biosafety, biosafety and modified living organisms, biosafety and exotic species, scientific workshops and specific workshops on the theme of the Convention, providing training for a total of roughly 618 participants.

Code of ethics for the scientific community

62. The country's scientific community has a professional code of ethics which reflects the most altruistic intentions of Cuban science. Within the process of strengthening of the Cuban regulatory system, which includes, in addition to biosafety, the chemical, nuclear and environmental areas in general, the ethics of professionals in this sector occupy a very important place. In this regard, Cuba has had a code of ethics governing the exercise of regulatory activity since 2003. The code of ethics of Cuban State officials places ever greater emphasis on the need to uphold ethics as a key element of Cuban policy.

63. For some time the Cuban Academy of Sciences, jointly with the Inter-Academy Panel, has been incorporating issues which have proved to be of relevance to the Convention during this period, participating in the meetings that have been held as part of the existing follow-up mechanism. Cuban scientific institutions, under the leadership of the Academy of Sciences, are in the process of discussing the present code with a view to including issues which, from the ethical standpoint, extend to the Convention and should constitute moral commitments for that community.

Other Convention-related activities

64. In addition to specific measures for the application of the Convention, Cuba submitted its national report under United Nations Security Council resolution 1540 on terrorism and weapons of mass destruction, adopted by the Council on 28 April 2004. This report reflects both legislation and other practical measures which reflect the fact that Cuba has no intention of possessing any weapons of mass destruction. In 2005 our country updated and supplemented the information requested under resolution 1540.

65. Cuba has participated actively in the meetings of technical experts and States parties that have been held under the current follow-up mechanism. It has contributed to the discussions by submitting documents outlining its experience under the different topics discussed.

Czech Republic

66. The Czech Republic is a successor state of the former Czechoslovakia (the Czechoslovak Republic). Czechoslovakia ratified the 1925 Geneva Protocol on 16 August 1938 and the Biological Weapons Convention on 30 April 1973. Czechoslovakia withdrew its reservations to the Geneva Protocol on 25 September 1990. After the split of Czechoslovakia effective on 1 January 1993, the Czech Republic has succeeded to commitments under the international law, and consequently to the Geneva Protocol and the Biological Weapons Convention.

Articles I and II

67. Neither Czechoslovakia nor the Czech Republic has ever developed, produced, stockpiled or otherwise acquired or retained:

(i) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes

(ii) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article III

68. The Czech Republic observes Article III of the Convention. It does not support nor encourage any state or organization to manufacture or acquire biological agents, toxins and weapons related to them. Export of dual-use items is regulated through EU legislation on the basis of the Council Regulation setting up a Community regime for the control of exports of dual-use items and technology which entered into force on 28 September 2000 (as last amended by Council Regulation No 394/2006 of 27 February 2006).

Article IV

69. The Act on Some Measures Related to Prohibition of Bacteriological (Biological) and Toxin Weapons implementing Article IV was enacted in 2002 (as amended in 2004).

Article V

70. The Czech Republic has not invoked Article V and this Article has not been invoked against it. The Czech Republic fully supports the Confidence Building Measures (CBMs) to strengthen the Convention adopted by the Second and Third Review Conferences. Former Czechoslovakia took part in the CBMs regularly from 1987 to 1992. The Czech Republic submitted CBMs as an independent State party for the first time in 1993. Since 1993 the Czech Republic has regularly provided annual report on the implementation of the CBMs.

Article VI

71. The Czech Republic has not invoked Article VI and this Article has not been invoked against it.

Article VII

72. The Czech Republic has not been requested to provide or support assistance under Article VII, nor has it invoked the provision of Article VII to receive assistance.

Article IX

73. The Czech Republic signed the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction on 14 January 1993 and ratified it on 6 March 1996.

Article X

74. The Czech Republic has promoted international cooperation bilaterally or together with other State Parties to the Convention or international organisations to facilitate the exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. The Czech Republic mainly supports progress and application of scientific discoveries and inventions in the area of microbiology and biotechnology for the prevention of diseases.

Estonia

75. Estonia is a state party of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction since 1993; and state party of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction since 1999.

76. Estonian Academy of Sciences has adopted Code of Ethics of Estonian Scientists in 2002. The objective of the Code of Ethics is to formulate and make scientists aware of the general ethical principles, which every scientist must adhere to in his/her activities.

77. Estonia is not developing, producing, stockpiling, acquiring or retaining microbial or other biological agents, or toxins that have no justification for prophylactic, protective or other peaceful purposes; weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. Any such act is prohibited under Estonian law.

78. Estonia is not transferring nor assisting and encouraging or inducing any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in article I of the Convention. Any such act is prohibited under Estonian law.

79. Estonia has taken necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in article 1 of the Convention, within its territory.

80. Estonia is willing to cooperate with other countries and UN to solve any problems which may arise in relation to the objective of, or in the application of the provisions of the Convention.

81. In case of need, Estonia is willing to provide or support assistance to any party to the Convention which so requests.

82. Estonia has never raised any obstructions for the exchange of equipment, materials and scientific and technological information for the use of bacteriological agents and toxins for peaceful purposes.

Finland

83. Finland attaches great importance to effective implementation of the BWC and is in compliance with all the provisions of the Convention. This document contains information on specific relevant developments that have taken place in Finland since the Fifth Review Conference of the Convention in 2001.

Article I

84. Following the agreement, in the December 2005 Meeting of States Parties to the Convention, on the value of codes of conduct for scientists and others involved in scientific activity in the field of biological scientists, the Finnish Government has taken the following steps at the national level:

(i) discussions with the National Advisory Board on Research Ethics on incorporating biosecurity in the Board's training program and its guidelines on good scientific practice;

(ii) organisation of two awareness seminars, at the Universities of Helsinki and Turku, in cooperation with the Universities of Exeter and Bradford, for university students and biological scientists from academic and governmental research agencies;

(iii) discussions with the Ministry of Education, Academy of Finland and Finnish Funding Agency for Technology and Innovation on incorporating biosecurity in research funding process;

(iv) discussion on the issue in the NBC Section of the Scientific Advisory Board for Defence;

(v) discussion on the issue with the association of Finnish biotechnology industry.

Article III

85. Finland's national report to the UNSC 1540 Committee (submitted on 28 October 2004 and completed on 5 December 2005 and 27 February 2006) contains information on Finland's efforts to prevent transfers of prohibited agents and equipment. Finland is committed to providing assistance to other States for fulfilling the provisions of the resolution 1540.

Article IV

86. Finland's legislation on biological weapons is based on the Biological Weapons Act 257/1975 and Decree 258/1975. Corresponding penal provisions were included in the Penal Code in 2003 (amendment 17/2003). The amended Code criminalizes the use, development, preparation, procurement, storage, possession, transport and delivery of biological weapons or related equipment. A comprehensive chapter on terrorist offences was also added to the Penal Code in 2003.

87. To reflect the understandings of the 2003 Meeting of States Parties to the Convention concerning national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins, Finland is currently considering the need to revise its related legislation.

Article V

88. Finland has participated annually in the information exchange through the Confidence Building Measures (CBM). The 2006 submission has been posted on the Internet site of the United Nations Office at Geneva (http://www.unog.ch/bwc).

89. As a Member State of the European Union, Finland is committed to the EU BTWC Action Plan, which concerns, *inter alia*, efficient use of the CBMs. In addition to ensuring annual submissions on all CBM topics by EU Member States, the EU will take diplomatic action towards other States Parties to the Convention to fulfil their CBM obligations and develop and discuss possible improvements to the effectiveness of CBMs.

Article VI

90. To reflect the understandings of the 2003 Meeting of States Parties on enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease, Finland submitted in December 2005 to the UN updated information of Finnish qualified experts and analytical laboratories which may be used by the UN Secretary-General for the purposes of investigations of the reports of use of chemical and biological weapons. As a Member State of the European Union, Finland is also committed to the EU BTWC Action Plan which supports increasing the effectiveness of the current UN Secretary General's mechanism.

Article X

91. Finland has observed its commitments under Article X through the development cooperation. The most important cooperation projects related to Article X are the following:

World Health Organization - Global Programme for Vaccination and Immunization

92. Finland gives multilateral development assistance through the WHO Global Programme for Vaccination and Immunization, a total sum of 1 401 825 euros during the years 2001-2005. The assistance includes laboratory activities, field evaluation of conjugate vaccines against pneumococcal pneumonia, development of TB-vaccines and the project on development of international reference preparations for virological safety testing of blood and blood products.

ARIVAC: Field Studies with pneumococcal conjugate vaccines to prevent acute respiratory diseases in children in South-East Asia

93. The project started in 1996 with the aim of reducing child mortality caused by lower respiratory infections, especially pneumococcal pneumonia. The project is testing the effectiveness of 11-valent pneumococcal conjugate vaccine in Bohol, the Philippines. The site and trial setting have provided ideal training grounds for advanced medical students and young,

qualified physicians pursuing their careers in health intervention research and ARI- and EPI-programme development.

94. The ARIVAC consortium is formed by collaboration between research institutes in Finland (National Public Health Institute), the Philippines (Research Institute on Tropical Medicine, PHO, BRH), Australia (University of Queensland), United Kingdom (Imperial College) and France (Aventis Pasteur). The ARIVAC project has been funded mainly by the European Commission DG Research, the Ministry of Foreign Affairs of Finland and the Melinda and Bill Gates Foundation. Finland's bilateral support ended in 2005.

Support to Kenya's Health Sector: Malaria control in Western Kenya's Highlands. An integrated disease and vector management project

95. The three-year project (2003-2006) is implemented by Merlin and ICIPE (International Centre of Insect Physiology and Ecology). The project aims to reduce morbidity and mortality associated with malaria by strengthening capacities of health care providers and communities. The malaria control programme targets to reduce malaria transmission by promoting the use of insecticide treated bed nets and applying malaria vector control through environmentally friendly larvicides and management of larvae habitats. ICIPE is performing research on the mosquito larval habitats and applying the information in the practical implementation of the project activities with good results. Research and development on vector surveillance system is also supported by the project.

Capacity-building for health services research in Bangladesh, 1987-2003

96. The project was a collaboration between a Finnish NGO (Physicians for Social Responsibility Finland), a Bangladeshi NGO (Gonoshasthaya Kendra, GK) and the Finnish National Public Health Institute (KTL). The project aimed at capacity building for research relevant to health. A microbiological laboratory GVRL was established at GK in 1987-1996. Later the focus was on establishment of health research capability based on co-operation of the Medical Programme of GK, of GVRL and of the GK -associated People’s University. The final phase (2001-2003) of the project aimed at strengthening the research capabilities at GK with a view to sustainability. The research training focused on internationally accepted principles of Good Clinical Practice, quality assurance, upgrading of tuberculosis diagnostic functions to a high quality National Reference Laboratory capable of antibiotic resistance determination and research on vaccine-preventable pneumonia of young children.

Strengthening the Management of Public Health Emergencies in Vietnam- with focus on the Prevention and Control of Diseases of Epidemic Potential including Highly Pathogenic Avian Influenza (HPAI), 2006-2007

97. The programme is a collaboration exercise between The National Steering Committee for Avian Influenza Control and Prevention (NSCAI), Ministry of Agriculture and Rural Development (MARD) and Ministry of Health (MoH). The implementation is done by UNDP, WHO and FAO offices in Vietnam. The aim is to reduce the spread of avian flu by controlling the disease in poultry population at risk through vaccinations and strengthen the national and local epidemiological and surveillance capacities.

Raw materials and medicines to Cuba; Development of freon-free asthma medicines.

98. A Finnish NGO medi-Cuba Finland (in association with medi-Cuba Europe) is implementing this project, which supports research and development projects within the Cuban pharmaceutical industry. Production of medicines is developed according to modern standards. One aim is to develop locally made environmentally friendly freon-free medicines for asthma. The project is supporting development of needed technology, capacity building and quality control.

99. To reflect the understandings of the 2004 Meeting of States Parties to the BTWC on strengthening national and international efforts and mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases, a Center for Biothreat Preparedness has been established (see below).

100. Also the national strategy against smallpox and pandemic influenza epidemy has been updated. In this relation the state of the smallpox vaccine stockpile has been validated and new vaccine and medication stockpiles for influenza pandemy have been established. Several national and international exercises have been carried out to improve international and national readiness.

Other

101. Based on the 2003 Finnish Strategy to Secure Vital Functions of Society and the 2004 Government Report on Finnish Security and Defence Policy, a Centre for Biothreat Preparedness was established in May 2005 in Helsinki. The Centre, which will initially employ eight experts, is a centre of excellence for Finnish scientific and laboratory know-how on biological defence, as well as on biothreat assessment and preparedness. The Centre is composed of two Units; the Biological Defence Unit of the Finnish Defence Forces, and the Biological Threat Unit of the National Public Health Institute, where scientific work will be carried out in a special biological safety laboratory (BSL-3). The Centre will actively seek domestic and international collaboration.

102. The NBC Detachment of the Finnish Defence Forces, developed for the EU Battle Groups, will be equipped with a deployable, diagnostic biological and chemical laboratory. This field laboratory is under development and it will be operational in 2008. The development of the laboratory is led by Army Staff in cooperation with the Defence Forces Technical Research Centre and the Centre for Biothreat Preparedness, together with the Centre of Military Medicine. The Centre for Biothreat Preparedness will establish the biosafety and microbial identification requirements for the laboratory.

France

Article I

103. Since ratification of the Convention, France has not developed, produced, stockpiled, acquired or held biological or toxin agents for any other than prophylactic, therapeutic and peaceful purposes.

Article II

104. Since France has held no biological weapons as defined in article I since the ratification of the Convention, article II is not relevant.

Article III

105. Aside from the current European regulations on control of exports of dual-use items and technology (regulation EC 1334/2000), a legislative and regulatory apparatus has been established to monitor imports, domestic transfers and exports of micro-organisms and toxins. The components of this apparatus, which meets the requirements set out in United Nations Security Council resolution 1540 of 28 April 2004, are described in the 1540 Committee's legislative database.

Article IV

106. The requirements of article I have been duly introduced into French law, and breaches are punishable under the criminal law. In this way, the development, manufacture, possession, stockpiling, acquisition and transfer of biological or toxin weapons are prohibited under chapter 1 of title IV of the Defence Code, which deals with prohibited weapons (arts. L2341-1 to L2341-7).

Article V

107. France supports the consultation and cooperation machinery referred to in article V of the Convention. Each year it reports on its confidence-building measures to the DDA, and it played an active part in the meetings of experts and conferences of States parties that were held between 2002 and 2005.

Article VI

108. France supports the machinery for investigation of alleged uses of chemical or biological weapons described in United Nations Security Council resolution 620. In keeping with the European Union's plan of action on biological weapons, it will work to help the United Nations Secretary-General mobilize experts and laboratories rapidly and effectively in the event of an investigation into the alleged use of biological weapons.

Article VIII

109. France, which is the depositary of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed in Geneva on 17 June 1925, has withdrawn its reservations to the Protocol and encourages all States parties to do likewise, in accordance with resolution A/RES/59/70 of 17 December 2004.

Article X

110. France contributes actively to the financing of efforts to combat health hazards, as can be seen, for example, from the French initiatives mentioned in the G-8 St. Petersburg Declaration on the fight against infectious diseases.

111. In its efforts to combat health hazards, France encourages and contributes to the export of goods and technologies in the biological field for peaceful purposes.

112. It also trains large numbers of researchers in its universities and research institutes and hosts many international seminars and symposiums dealing with biotechnologies and health issues.

113. These exchanges are organized in keeping with all the other provisions of the Convention.

Germany

114. Germany provided to the United Nations Security Council 1540 Committee reports on all legislative and other measures to implement all BWC obligations[2]. Germany has submitted annually its CBMs to UNDDA, and has provided to UNDDA an updated list of experts and laboratory facilities who are capable to support any investigation of alleged BW use. Germany supported and took part in European Union demarches to non-States Parties to achieve universal adherence to the Convention, and through its financial contributions to the EU supported seminars and workshops to raise awareness and to assist national implementation counter-measures related to WMD proliferation including biological weapons.

Hungary

Legal Background

General remarks

115. Hungarian law has to be harmonised with the obligations assumed by the Republic of Hungary under international treaties.

116. In the course of legal harmonisation the acts, government decrees and the now defunct law-decrees incorporate the relevant international treaties into Hungarian law by promulgating them, hence making them public to and at the same time imposing legal obligations on the citizens. Furthermore these legal measures also designate the competent authorities charged with the implementation of the international agreements.

[2] available at http://disarmament2.un.org/Committee1540/report.html

117. Hungary signed the BTW Convention on the 10th of April 1972 and subsequently deposited her instrument of ratification on the 27th of December 1972. The Convention was promulgated in Law-Decree No. 11 of 1975.

118. Act No. 109 of 2005 on the licensing of the production and of the provision of military technology products and services and its implementation Government Decree (No. 301 of 2005) stipulates that any activity falling under the scope of the Act violating the international obligations and commitments of the Republic of Hungary is strictly prohibited. Thus all such related applications are denied.

119. Hungary submits annually her Confidence Building Measures (CBMs) to the United Nations Department for Disarmament Affairs.

Penal measures designed to ensure compliance with the BTW Convention

120. In certain cases the Penal Code (Act IV of 1978) has to be revised and/or amended to ensure that Hungary complies with her international obligations assumed under international treaties dealing with Weapons of Mass Destruction. Criminal law penalizes and thereby (inherently) prohibits acts by non-state actors deemed socially harmful, potentially dangerous for the community of people. Thus the revised Penal Code forbids non-State actors the commission of acts described in detail and prohibited under the relevant international treaties, by classifying them punishable felonies.

121. Criminal law is primarily of a punitive nature; its purpose is to protect society. It should also be noted, however, that crime prevention constitutes another principal goal thereof. By clearly determining what actions are considered criminal by the society and by establishing the related punishment criminal law acts also as a deterrent and serves preventive purposes.

122. The territorial and personal scope of Hungarian Penal Code is applicable to acts committed by Hungarian citizens abroad if it is deemed criminal by Hungarian law. In certain cases Hungarian criminal law shall also be applied to acts committed by non-Hungarian citizens in a foreign country. Such punishable felonies include inter alia crimes against humanity, the commission of acts that are to be prosecuted under international treaties.

123. Specific sections of the Hungarian Penal Code pertaining to the use and development of biological weapons, biological agents and toxins are the following:

Penal regulations pertaining to the BTW Convention

124. Section 264/C of the Hungarian Penal Code classifies as felonies hence penalises and thereby strictly forbids non-State actors from producing, acquiring, possessing, developing, transporting weapons of mass destruction prohibited under international treaties. The first paragraph of section 264/C reads as follows: “Crimes with Weapons Prohibited by International Convention” - (1) Any person who develops, manufactures, obtains, uses or possesses weapons prohibited by international convention, or transfers such weapons to a person without proper authorization, imports, exports or transports such through the territory of Hungary, or is engaged in the illicit trafficking of such, is guilty of a felony punishable by imprisonment between five to fifteen years.

125. Under Section 261 (acts of terrorism) of the Penal Code acts of terrorism or/and financement thereof carried out by using weapons prohibited under international treaties as defined in section 264/C (see above) are severely penalised and their perpetrators are prosecuted.

126. Another relevant Penal Code regulation is Section 160/A on the (prohibition) of wartime use of weapons prohibited by international convention.

Relevant Penal Code sections on the misuse of poisonous agents, epidemic control

127. Section 265. “Misuse of poison”: Any person who - without proper authorization - prepares, possesses or distributes poison, or who fails to take the measures prescribed for the prevention of any illegal use of poisons or for the protection of others is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine.

128. Section 281/A

(i) “Unlawful disposal of waste hazardous to the environment”: Any person who - without the authorization prescribed by law or inconsistent with the provisions of the authorization - collects, stores, handles, disposes or transports any waste containing a substance capable of:

a) endangering human life, physical safety, health;

b) polluting water, air, soil or causing permanent changes therein;

c) endangering animals or plants;

d) is guilty of a felony punishable by imprisonment for up to five years.

(ii) The person who deposits - without the authorization prescribed by law - any waste containing materials which are explosive, inflammable or radioactive, or dangerous for health and the environment, shall be punishable in accordance with Subsection (1).

(iii) The person who commits the crime defined in Subsections (1) and (2) through negligence shall be punishable for misdemeanour by imprisonment for up to two years.

129. Section 284 “Violation of epidemic and control regulations”:

(i) Any person who infringes the rules of quarantine, epidemiological supervision or control ordered for preventing the importation or dissemination of an infectious disease subject to quarantine obligation, is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine.

(ii) Any person who infringes at the time of an epidemic the rules ordered for isolation, epidemiological supervision or control, is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine.

(iii) Any person who infringes the rules of quarantine, other restriction or supervision ordered for preventing the exportation and importation or dissemination of infectious animal diseases or pests, which are harmful to vegetation, is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine.

Penal sanctions for unlawful export activity

130. Section 287 of the Penal Code penalises the violation of rules and regulations covering the trading of military equipments and services, dual use products and technologies. EC regulation No. 1334/2000, which established the community regime for the control of exports of dual use items and technology, contains the relevant list of dual-use items and technology. This regulation has direct applicability in Hungary. Acts penalised and (inherently) prohibited under this section are the trading of the above-mentioned items or technologies and the provision or use of relevant technical assistance without having or applying for an appropriate licence. Abusers of terms and conditions set out in the related licences are also prosecuted.

Export control mechanism

Interagency co-ordination

131. The Inter-ministerial Committee on Non-Proliferation (ICNP) set up by Government Decree No. 50/2004 on the licensing of foreign trade in dual-use goods and technologies is responsible for actions to be put into effect so as to comply with Hungary's commitments undertaken in non-proliferation treaties, regimes and various international initiatives. Among its other functions, the ICNP discusses and forms an opinion on non-proliferation related issues and provides guidance on priorities for the work of individual ministries. ICNP reviews and co-ordinates the enforcement and practical implementation of Hungary's international non-proliferation commitments.

132. The Proliferation Security Initiative Committee is an informal expert level group co-chaired by the Ministry of Foreign Affairs and the Hungarian Trade Licensing Office. It co-ordinates the implementation of the Proliferation Security Initiative at the national level and the participation of the Republic of Hungary in international meetings and exercises organised in the framework of the PSI.

133. Hungary lent its full support to the aims of the Proliferation Security Initiative (PSI) early on and has taken part in practical exercises organised within that framework. The PSI aims to help prevent trafficking in WMD and related material, by both state and non-state actors. The PSI Statement of Interdiction Principles, agreed at Paris on 4 September 2003, makes clear that all action will be consistent with national legislations and international legal frameworks.

Licensing competences

134. The Hungarian Trade Licensing Office (www.mkeh.gov.hu) is the export-import licensing authority in Hungary, under the auspices of which two separate directorates issue licenses respectively for the trading of conventional military equipment and services, and for dual-use goods and technologies. Government Decree No 297/2005 on the Hungarian Trade Licensing Office empowers this agency to carry out licensing activity pertaining to the BTWC Convention, to work out proposals for the related control mechanism and to ensure its implementation.

135. The Licensing Office is entrusted with the implementation of Government Decree No. 50/2004 on the licensing of foreign trade in dual-use goods and technologies. This Government Decree was adopted with the aim of facilitating and ensuring the enforcement of EC Regulation No. 1334/2000, which set up the (EU) community regime for the related export control. The control list annexed to the regulation is regularly amended to reflect all the updates that take place in various international export control regimes. The intangible transfer of technology is also subject of export controls authorisations.

Enforcement powers and competences

136. The Hungarian Trade Licensing Office is entitled under Government Decree No. 50 of 2004 to verify compliance by natural persons and legal entities with the relevant export licensing rules and regulations.

137. The Customs and Finance Guard of the Republic of Hungary assume responsibility for preventing the import and export of unlicensed goods, investigating offences, and taking appropriate action. Act XIX of 2004 on the Hungarian Customs and Finance Guard, European Community Customs Code (Council regulation /EEC/ No. 2913/92), the implementing provisions for the Community Customs Code (Commission regulation /EEC/ No. 2454/1993), Act LXXII of 2004 on the implementation of the Community Customs Code in Hungary empower agencies and officers alike with executive powers necessary for the effective detection and confiscation of prohibited items.

International export control regimes

138. Hungary is a member of the following export control regimes: Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG), Zangger Committee, the Australia Group, and the Wassenaar Arrangement. Hungary is also a signatory to the Hague Code of Conduct on Ballistic Missiles (HCOC). The export control regimes play an important role in drawing up control lists and raising related international standards.

139. Hungary encourages all states to align themselves with the purposes and instruments of these regimes and initiatives.

Support of international non-proliferation efforts

140. Since 2005 in the framework of the Australia Group export control regime Hungary jointly with Bulgaria has been providing assistance in the form of organising training courses to

five (since 2006 six) countries of the Western Balkans in the field of the capacity building of the legislative background with the aim of enhancing the functioning of their respective national export control systems.

141. The Republic of Hungary has worked to help establish effective policies within the European Union (EU) to prevent WMD proliferation, and will continue to do so. Hungary, as member of the EU, fully supports the European Security Strategy entitled "A Secure Europe in a Better World" (adopted on December 12, 2003 by the European Council). This strategy identifies a number of threats for the next decade, one of these major threats being the proliferation of WMD. The document under the name "European Strategy against the proliferation of the WMD" adopted by the same European Council provides a fully-fledged road map for immediate and future action.

142. The European Union has adopted in the framework of the Common Foreign and Security Policy (CFSP) instruments destined to address the threats posed by biological weapons. These include Council Joint Action 2006/184/CFSP of February 27, 2006 in support of the BTWC Convention; Council Common Position 2006/242/CFSP of March 20, 2006 relating to the 2006 Review Conference of the BTWC Convention; Action Plan on biological and toxin weapons (2006/C57/01). Hungary in her capacity as member of the EU, implements the above described instruments.

Biological safety and security

Institutional framework

143. The National Centre for Epidemiology (NCE, official web-site: www.oek.hu) based in Budapest, is a governmental institution operating under the auspices of the Ministry of Health tasked with safeguarding public health by way of conducting related research activities, providing disease epidemiology surveillance which includes *inter alia* the management of epidemiological and laboratory surveillance, nation-wide collection of epidemiological data, laboratory samples, the participation in and contribution to EU networks of epidemiological surveillance and reference laboratory activities in conformity with the relevant EU decision. NCE supervises several high security laboratories, including a biosafety level 3-4 institute, which is currently undergoing a test operation.

144. National rules and regulations pertaining to the physical protection of microbial or other biological agents and toxins are based on WHO, CDC (US Centres for Disease Control) norms. Decree No. 61/1999 issued by the Ministry of Health on the protection of workers from the risks related to biological agents foresees *inter alia* the registry of these items, obligatory medical supervision and control, the introduction of appropriate protective measures for industry and laboratory venues/processes dealing with biological agents. Reference is made to EU Council Directive No. 54/2000 on the protection of workers from the risks related to biological agents. Hungary ratified the Cartegena Protocol on biosafety to the Convention on biological diversity. This international treaty was promulgated by Act No. 104 of 2004.

145. Under Act No. 47 of 1997 on the management and protection of health related data and relevant personal data sets out a reporting obligation in cases of infectious diseases resulting from biological pathogens and toxins (CDC "Category A" Bioterrorism agents/diseases like

anthrax, plague). Under Decree No 63 of 1997 issued by the Ministry of Health on the reporting system for infectious diseases recently amended, acting physicians are obliged to urgently notify the National Public Health and Medical Officer Service (NPHMOS, official web-site: www.antsz.hu) about any suspected case or emergence of infectious diseases related to biological pathogens or toxins. A special information system was set up with PHARE financial assistance to facilitate the flow and exchange of infectious disease related notifications and information between the different territorial branch offices and the headquarters of NPHMOS.

146. Two emergency response units were established to assess situation on the ground in cases of suspected instances of bioterrorism. These rapid reaction units are complemented by another specially trained group of experts responsible for taking samples from the site of disease and transporting them under safe conditions to the Central Laboratory of the National Centre for Epidemiology.

The Hungarian Army's deployable biosafety level 3 laboratory

147. In 1999 a biological security program was initiated by the Ministry of Defence in view of the fact that microbiological agents and threats from biological sources show some distinguishable and unique features in comparison to chemical or nuclear weapons of mass destruction. Certain biological agents are not only lethal in very small concentrations, but they are also characterised by multiplication instead of decomposition. Thus conventional field detection ways and methods are not suitable for their detection and subsequent laboratory analysis. These considerations lead to the establishment of a rapid deployable biosafety level 3 laboratory ready to deal with the detection and identification of bioterrorism agents. This laboratory is operated by the Hungarian Army. Its primary task is to provide safe conditions for sample handling, effective sample preparation and clean sample manipulation. For its deployment a flat-like surface is required. In approximately two hours and fifteen minutes the laboratory becomes operational. To reach full state of readiness an additional four-hour preparation period is necessary. Time interval for sample preparations and measurements is from ninety minutes to four hours. The laboratory is prepared to handle environmental samples and is equipped to identify more than twenty-five microorganism species by five troops. In 2006 the Ministry of Defence in co-operation with the industry set up a fully container based comprehensive system. The laboratory played a key role in providing security from potential biological threats during the 2004 Olympic Games held in Athens.

International co-operation

148. The Hungarian Ministry of Health acceded to the EU EWRS (Early Warning and Response System), which ensures the notification of infectious diseases and information sharing between the Commission of the European Union and the Member States. The EU Commission operates RAS-BICHAT, an alert system for bio-terrorism and chemo-terrorism, a round-the-clock rapid alert system with the participation of EU Member States, including Hungary. The National Centre for Epidemiology participates in various international programmes including *inter alia* RiViGene (Risk Virus Database), ENIVD (European Network for Diagnostics of "Imported" Viral Diseases, VetMed. Hungary is a member of the European Centre for Disease Prevention and Control (ECDC), a new EU agency that has been created to help strengthen Europe's defences against infectious diseases, such as influenza, SARS and HIV/AIDS.

Biological safety measures

149. The Hungarian Academy of Sciences (HAS) in its capacity as supervisor of research institutes introduced rules and regulations covering a wide range of activities related to the BTWC Convention. General biological safety rules are adopted and subsequently adapted in each and every case to the specific conditions and requirements of the respective institutions. These documents are regularly updated with a view to incorporate newly emerging substances and methods resulting from the latest scientific developments.

150. Special measures has been put into place to ensure the physical protection of the research institutes, to prevent unauthorised access to and removal of pathogenic or toxic material from laboratory sites. The transportation, storage and destruction of these items is also carefully monitored. Biological safety and security is ensured through the adoption of related rules of procedures and constant training of laboratory staff and personnel. Research institutes must work out appropriate contingency planning so as to be in the position to effectively deal with contingency situations.

<u>The ethical aspects of scientific research</u>

The Hungarian Academy of Sciences

151. The Hungarian Academy of Sciences is an independent public-law association based on the principle of self-government and functioning as a legal entity. As such it performs public responsibilities related to the cultivation, support, and representation of science. The Academy under its founding Statute watches over high standards of public morale in the world of science and over the freedom of scientific research and opinion. It has established biotechnology research institutions and set up within its framework the scientific section of biological sciences, which comprises several scientific committees for the various fields of biological science.

152. In carrying out its above described functions, the HAS has initiated consultations with the representatives of the competent ministries overseeing research units, the scientific oriented bodies and organisations conducting related research activities for the drafting of a national Code of Conduct for scientists with the objective of ensuring that related research and development serves peaceful purposes.

New initiatives

153. The Academy has established a special committee within its framework to address the topic of scientific ethics. Researchers receive training in this scientific discipline. In 2006 HAS has organised an international conference entitled “Controlling dangerous pathogens project: Regional Workshop on Dual-Use Research”.

154. The Academy in its capacity as the key supervisor of scientific research in Hungary has decided to set up a special committee which would be entrusted with the elaboration and assessment of the potential dangers and risks emanating from scientific research activities.

155. Furthermore the HAS envisages to assign a group of its leading members with the task of drafting relevant guidelines and recommendations in regard to prevention of potential dangers

and risks stemming from scientific publications and communications of new scientific results and achievements.

The involvement of the private sector

Association of biotechnology companies

156. The Hungarian Biotechnology Association (HBA, official web-site: www.hungarianbiotech.org) was established by Hungary's leading human biotechnology companies with the aim of promoting the development and interests of the Hungarian biotechnology sector. HBA is strict in condemning any form of research and development, which could potentially contribute to the development or proliferation of biological and toxin weapons of mass destruction.

Reaching out to the private sector

157. The Association strongly advises its member biotech companies to fully respect the norms set out by the Biological and Toxin Weapons Convention and the additional understandings reached at BTWC Review Conferences. Member biotech companies are prohibited from developing or assisting in the development of technologies destined for the creation of new forms of biological weapons.

158. In cases of subcontracting research agreements, biotech companies are advised to proceed cautiously and show due diligence including initiating if necessary background check on the contractor business ventures to prevent and exclude the possibility of unintentionally getting involved in activities relating to the development or proliferation of biological weapons.

159. HBA encourages its member biotech companies to engage in the development of (bio)technologies, which provide appropriate protection against biological weapons and toxins. In this connection diagnostic methods for early detection and new drugs for more effective treatment of patients are experimented and tested with.

Italy

160. After the Fifth Review Conference, BTWC member States approved a plan to hold during the intersessional period 2003-2005 three annual meetings of Experts and Conferences of the States Parties until the Sixth Review Conference in 2006, with the aim “to discuss, and promote common understanding and effective action on” the five items contained in the final document of the fifth Review Conference.

161. In pursuing compliance with the BTWC and the above understandings, the Italian Government has adopted, during the intersessional period 2003-2005, the following measures.

162. The Ministry of Health of Italy has actively participated in the implementation of surveillance, identification and diagnosis of infectious diseases within the WHO, the FAO and the OIE. All infectious diseases are notified on the national territory according to the Decree approved on 15 December 1990. All information on infectious diseases are circulated through

the Ministry of Health, which publishes the National Epidemiological Bulletin through the Ministry's web site: www.sanita.it.

163. In order to give an efficient sanitary answer in the event of biological, chemical or radiological terroristic attack against the Nation, a national defense Plan has been prepared by the Ministry of Health in order to face such threats. This Plan is a reference for all national, regional and local agencies involved in the protection of national health.

164. The Ministry of Health has participated in the exercise called "New Watchman" (19-20 October 2004), organized by the European Union, to evaluate the national plans of the European Countries in case of sanitary emergencies.

165. The National Center for the prevention and the Control of the Diseases (Centro Nazionale per la prevenzione e il Controllo delle Malattie - CCM) has been established, care of the Ministry of Health by Law n. 138 dated 26 May 2004, entitled "Urgent interventions to face dangers for public health". The new structure aims at facing the sanitary emergencies, new infections such as SARS and Avian influenza (bird flu), and those that could be provoked by bioterroristic actions.

166. The CCM is a network of structures which already exist in Italy and operates in coordination with the Italian Institute of Health (ISS), the High Institute for the prevention and security of labor (ISPESL), the zoo-profilactic institutes (IZS), university, and others laboratories.

167. The CCM is an active body in updating of all the knowledge about biological and chemical agents which could be used by terrorists, on the basis of a deep evaluation of risks and a coordination of surveillance plans and active prevention for an immediate response.

168. The specific tasks of the CCM are:

(i) risk analysis;

(ii) coordination with the regions as for surveillance and prevention plans for national alert and fast response, with special reference to bioterrorism;

(iii) promotion, updating and training of national and regional staff;

(iv) verification of sanitary plans;

(v) liaison with other existing institutions in the European and international context; and

(vi) supply of information.

169. The CCM mainly deals with the following topics:

(i) infectious and diffused diseases;

(ii) promotion of health and healthy life;

(iii) environment and climate;

(iv) vaccines and vaccinations;

(v) accidents; and

(vi) bioterrorism.

170. According to the Ministerial Decree approved on 8 November 2005, a “Center of emergency against terrorism” (Centro di emergenza contro il bioterrorismo) is under construction in Rome, by the Ministry of Health, whose aim is to face possible emergencies of public health of international relevance which could involve the risk of widespread diseases or circumstances that represent a threat for the public health. It will be an operational center, hosting a staff able to deal with bioterrorist attacks and endemics, bird flu included. This building will be the center for the Minister of Health, his assistants and officers of the Ministry of Interior, and will be fully equipped to handle crisis and threats to public health (animal diseases included). It will also be a basis for training specialized personnel and warehouse of massive supply of special and unusual medicinal, vaccine and other protective material to face eventual pandemics.

171. By Decree n. 224, dated 8 July 2003, the Ministry of Environment has been appointed as the coordinator of administrative, technical and scientific activities of the National Authority competent for environment and protection of the territory.
By Law n. 27, dated 15 January 2004, Italy has ratified the Cartagena Protocol on biosecurity as far as the trans-border movements of GMO are concerned.

172. Additional measures related to the above mentioned items are still under evaluation by different Ministries.

Japan

Article I

173. Since its ratification of the Convention on 8 June 1982, Japan has never developed, produced, stockpiled or otherwise acquired or retained:

(i) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;

(ii) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article II

174. Since Japan did not possess any of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention at the time of its ratification, this article does not apply.

Article III

175. Japan complies with the obligations of Article III and, under strict supervision and control, inter alia, the Export Trade Control Ordinance (enacted in 1949), has never transferred to any recipient whatsoever any of the agents, toxins, weapons, equipment or means of delivery specified in Article I.

Article IV

176. To implement Article IV of the Convention, Japan enacted in 1982 the Law on the implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. The Law was revised in 2001 when Japan ratified the International Convention for the Suppression of Terrorist Bombings, to add an article regarding the prohibition and penalties against the use of biological weapons and the discharge of biological agents and toxins.

Article V

177. Japan has not invoked the provisions of Article V, nor has any other State Party invoked these provisions against Japan. Japan fully supports the Confidence Building Measures developed at previous Review Conferences and has consistently participated in the exchange of information.

Article IX

178. Japan ratified the Chemical Weapons Convention in 1995 and is strongly committed to its effective implementation.

Article X

179. In light of the objectives and purposes of Article X, Japan is strongly committed to promoting international cooperation bilaterally or in conjunction with international organizations, in support of the development and application of scientific discoveries for peaceful purposes in the field of biology.

180. In the field of health care, Japan has made substantial efforts to extend international cooperation to many developing countries on the basis of the "Okinawa Infectious Diseases Initiative" (2000-2004) and the "Health and Development Initiative" (2005). Japan also contributes, through both bilateral and multilateral cooperation (e.g. the WHO), to financial assistance, capacity building, and the holding of international conferences to deal with recent epidemics of emerging and re-emerging infectious diseases, such as avian flu and SARS. In the area of health care, between the fiscal years of 2001 and 2005, Japan provided in total USD

954,970,000 in grant aid (of this amount USD 432,940,000 was for infectious disease), and accepted 823 trainees and dispatched 658 experts.

181. More concrete examples of international cooperation related to the Convention are as follows:

(i) Technical assistance has been provided through training courses in the field of biology and biotechnology on different themes, such as:

(a) Health care: Vaccine quality control technology, seminars on eradication of vaccine preventable disease, training courses for specialists on infection control and prevention, study programmes on communicable disease control, improvement of virological techniques for the Global Polio Eradication Program, and assurances of food safety and quality control.

(b) Bioindustry: Technical support for SME promotion (biotechnology /polymer technology), bioindustry.

(c) Agriculture, forestry and fishing: Microbial inspections for food safety, agrobiotechnology, sustainable use of plant genetic resources, advanced research courses on food safety by the control of zoonosis, pathogen detection technology for food animals, introductory course on gene manipulation and bioinformatics for agriculture.

(ii) Financial assistance in the field of infectious disease research:

(a) “Japan ASEAN Information and Health Network for Infectious Disease Control” Launched in November 2001, this initiative carries out different training course projects, dispatches experts and constructs laboratories for combating HIV/AIDS, malaria and tuberculosis.

(b) “High physical containment laboratory development” This capacity building project in Vietnam, along with providing technical assistance, is to establish a P-3 level laboratory in the National Institute of Hygiene and Epidemiology (NIHE) of Vietnam.

(iii) Contribution to combating infectious diseases via multilateral frameworks: Japan participates actively at the ministerial and working level meetings of the Global Health Security Initiative (GHSI), which aims to coordinate global health preparedness for and responses to threats of CBRN terrorism and pandemic influenza. Also, Japan’s 6 national facilities participate in the WHO’s Global Outbreak Alert and Response Network (GOARN), and cooperates through the sharing of information, dispatching experts, etc.

(iv) Seminars and International Conferences in the fields related to the Convention, such as export controls, bioterrorism countermeasures, etc.

(a) "Asia Export Control Seminar" This seminar held in Tokyo every year since 1993, aims to contribute to the strengthening of international and Asian region non-proliferation regimes, through the sharing of common views about the importance of regional export controls and the need to enhance export control systems.

(b) "Seminar on counter CBRN terrorism" This 5 year annual seminar commenced in 2003, aims to enhance the capacity of Asian countries to prevent and respond to CBRN terrorism. Seminars in 2005 (Malaysia) and 2006 (Japan) were held on the topic of bioterrorism.

The Netherlands

Implementation of the Convention

182. The Netherlands signed the Biological and Toxin Weapons Convention on 10 April 1972 and ratified the Convention on 22 June 1981. The domestic Biological and Toxin Weapons Act was enacted on 25 March 1981. This legislation provides for the necessary measures to be taken under domestic law to enable the Netherlands to fulfil its obligations under the Convention.

183. The Netherlands is in full compliance with all its obligations under the Convention.

Implementation of specific articles of the Convention

Articles I and II

184. The Netherlands has never developed, produced, stockpiled or otherwise acquired or retained microbial or other biological agents or toxins of types or in quantities that have no justification for prophylactic, protective or other peaceful purposes, nor has it ever developed, produced, stockpiled or otherwise acquired or retained weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article III

185. Export of dual use items is regulated in the Netherlands under EU legislation in the National Decree on Import and Export of Strategic Goods, on the basis of the Council Regulation setting up a Community regime for the control of exports of dual-use items and technology. This regulation entered into force on 28 September 2000, replacing an earlier regulation dating from 1994. The regulation stipulates that national export licenses are required for certain types of items and technology, lists of which are regularly updated in accordance with the development of science and technology. In case of certain items, a generic communal license is required. The new regulation also requires export licenses for immaterial transfers.

Article IV

186. The implementation of Article IV of the Biological and Toxin Weapons Convention is covered by the Biological and Toxin Weapons Act of 25 March 1981. Furthermore, a number of

other legislation, regulations and measures are in place that serves the purpose of the Convention, even though not specifically adopted for that purpose (regulations for bio-safety, transport of hazardous materials, GMO's). An overview of relevant legislation, regulations and measures can be found at the end of this report.

Article V

187. The Netherlands has not invoked Article V, nor has any other State Party invoked Article V in order to engage the Netherlands in consultations. The Netherlands fully supports the Confidence Building Measures developed at previous BTWC Review Conferences and has consistently participated in all rounds (on an annual basis) of information exchange in the framework of the Confidence Building Measures. Currently, the Netherlands is carrying out a survey amongst a large number of companies working in the fields of biology and biotechnology, and vaccine production in order to identify potential new responders.

188. The Netherlands welcomes the additional transparency measures some States Parties have taken by publishing their Confidence Building Measures on the Internet. The Netherlands is working with relevant institutions in order to also publish its report.

Article VI

189. The Netherlands has not invoked the provisions of Article VI, nor has any other State Party invoked these provisions against the Netherlands. In this context, the Netherlands is also identifying new experts to be added to the database of the United Nations Secretary General, pursuant to United Nations Security Council resolution 620 of 1988, for carrying out investigations, in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons.

Article VII

190. The Netherlands has not been requested to provide assistance under Article VII, nor has it invoked the provision of Article VII to receive assistance.

Article IX

191. The Netherlands has signed the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction on 13 January 1993 and ratified it on 30 June 1995. As host country to the Organisation for the Prohibition of Chemical Weapons, the Netherlands is strongly committed to the effective implementation of the Chemical Weapons Convention.

Article X

192. The Netherlands has a strong tradition in international cooperation and belongs to the world largest donors - in the form of all kinds of bilateral and multilateral aid to developing countries. An important part of this relates to biotechnology and health. The following categories of projects can be distinguished:

(i) Human health care, comprising vaccine production, malaria control, human nutrition and microbiology and improvement of bio-safety;

(ii) Agriculture, including plant breeding and animal and plant health;

(iii) Educational and training programs in crop science, biotechnology, applied microbial fermentation biology and other subjects.

193. Since 1992, there is a "Special Program" for biotechnology and development cooperation, aimed at fully using the potential of biotechnology for poverty alleviation. There also exist large-scale Biotechnology Country Programs, focused on a limited number of countries. These programs address the needs of small-scale farmers by trying to maximise the potential contribution of biotechnology for solving small-scale production constraints. Finally, there are programs on bio-safety specifically targeted to countries in Central and Eastern Europe.

194. In the fall of 2000, the Netherlands Minister for Development Cooperation announced that in the next five years, the Netherlands would contribute one hundred million dollars to a global vaccination project. Through the organisation "Global Alliance for Vaccines and Immunisation" this project aims at enlarging the "standard package" of vaccination with relatively expensive vaccines, like the ones against yellow fever, hepatitis B and other diseases. Also, research is planned on new vaccines against AIDS, tuberculosis and malaria. In this context, the Netherlands donated bilaterally €35 million to the Global Fund to fight Aids and donated €252 million to the WHO in the period 2000-2005, among which €126 million for the termination of polio.

195. On a smaller scale, the Netherlands supported the establishment of an improved system for monitoring infectious diseases by providing a small start-up capital to the "Alliance against infectious diseases". Such a system, to be implemented by the WHO, the International Centre for Genetic Engineering and Biotechnology and other organisations as part of this alliance, would aim at establishing regional self-sufficiency for controlling infectious diseases. The alliance seeks to provide technical assistance, through arrangements with international organisations like the WHO, particularly to developing countries parties to the BTWC.
In addition, the Netherlands (and in particular, the National Institute of Public Health and the Environment) are involved in several MATRA and Twinning Projects aimed at the strengthening of infectious disease surveillance, early warning and response systems in new EU Member States and pre-accession countries (oa Latvia, Slovakia, Bulgaria).

Activities by the Netherlands pursuant to the discussion of the various topics during the intersessional work program (2003-2005)

196. In response to the request by the BTWC Secretariat, the Netherlands would like to report on a number of relevant developments and activities, in preparation for and pursuant to the discussion of the various topics during the intersessional program of work. First of all, the Netherlands would once more like to highlight the importance it attaches to the continued discussion of relevant topics between BTWC States Parties. The Netherlands considers the intersessional program of work to have been highly successful in sharing relevant and practical information regarding the implementation of the Convention in all its aspects, as well as discussing topics in more depth with the participation of relevant stakeholders from outside the traditional BTWC arena. The Netherlands actively participated in the meetings of experts and

meetings of States Parties to the BTWC, and will continue to do so if a new program of work were to be adopted at the Review Conference.

Specific activities

The adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation

197. In preparation of the discussion of these topics in 2003, an overview of all relevant legislation, regulations and other measures was produced and shared with BTWC States Parties. The Ministry of Health, and the Ministry of Agriculture, both primary responsible for the implementation and enforcement of the Biological and Toxin Weapons Act (BTWA) of 25 March 1981, have since evaluated the BTWA vis-à-vis the current security environment, as well as their respective roles in this regard. In an advice to the National Coordinator for Counter Terrorism in 2005, it was recommended that an interagency process for the revision of the BTWA, including the division of responsibilities for enforcement, should be started. This process is expected to start soon, and will be implemented alongside the bio-security initiatives that are currently being undertaken by the National Coordinator for Counter-terrorism and other agencies (see 4b).

National mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins

198. At the meeting of experts in August 2003, a working paper was presented, (BWC/MSP.2003/MX/WP.14) in which the legal patchwork related to the prevention of unauthorized acquisition of pathogenic agents and toxins was described. In a subsequent working paper to the Meeting of States Parties in November 2003 (BWC/MSP.2003/WP.10) it was described that following the meeting of experts an interagency working group had been set up to formally appoint one Ministry as being responsible for the implementation of the Biological weapons convention, including security aspects. It was agreed that the best way to proceed, is to take standing biosafety regulation as a starting point, in order to identify gaps related to biosecurity. It was also stressed that one of the most important aspects to be addressed would be to create awareness on security related aspects of working with dangerous pathogens.

199. The Netherlands furthermore suggested a number of specific measures the Meeting of States Parties could recommend to identify possible shortcomings in the existing national system and requirements for working with or handling pathogens. The Netherlands still considers these suggestions valid and they are therefore repeated here. It is also indicated what steps the Netherlands Government took since the Meeting of States Parties in 2003.

200. States Parties should identify a national ‘problem owner’, be it a national authority, national focal point, national structure or other.

201. By mid 2004, the interagency working group suggested to formally appoint the Ministry of the Interior, responsible for homeland security, including disaster response to CBRN-incidents as the national ‘problem owner’. It was suggested that the Ministry of the Interior, together with the other relevant ministries such as Agriculture, Health, Social Affairs, Environment and Economic Affairs, coordinate efforts in this regard. Meanwhile, and in the wake of the terrorist

acts in the US and Europe, a broader discussion on the response to terrorism culminated in the establishment of the National Coordinator for Counter Terrorism (NCTb). The NCTb is to coordinate national efforts to prevent terrorism (pro-active), including CBRN-terrorism. By 2005 the following structure had evolved: efforts to prevent CBRN-terrorism are being coordinated by the NCTb, which chairs a high-level (interagency) steering group to that end (Steering Group CBRN Terrorism). The NCTb reports to the House of Representatives in the form of counter-terrorism progress reports. Efforts to enhance the response to and recapitulation after a CBRN-incident are being coordinated by the Ministry of the Interior and Kingdom Relations, which chairs another high-level, interagency steering group to that end (Steering Group CBRN Disaster response). It reports to the House of Representatives in the form of crisis control progress reports. The NCTb and the Ministry of the Interior and Kingdom Relations have set up a joint CBRN secretariat to ensure coherent action throughout the security chain. This structure has been fully operational since the fall of 2005.

202. States Parties should make an inventory of all legislation and regulations applicable to biological agents (such as bio-safety regulations, GMO-regulations, transport, and environment legislation), as well as an inventory of the bodies responsible for monitoring and enforcing compliance of these regulations.

203. As mentioned above, the Netherlands has made an inventory of legislations and regulations applicable to biological agents. This inventory is being used as an integrated part of the CBRN-resilience project undertaken by the NCTb.

204. States Parties could make an overview of premises (such as laboratories, industrial premises, and transport facilities) where activities related to dangerous pathogens are being carried out, as well as an overview of persons that are allowed to work with such pathogens.

205. It is also recommended to make an overview of Standard Operating Procedures, or working guidelines that are being applied in these premises.

206. States Parties should make a risk and/ or threat analysis of pathogens, as well as earlier mentioned premises involving a high risk for theft or proliferation. Areas of concern to be taken into account in such a risk and/or threat analysis could amongst others include physical security, (limited) access to dangerous pathogens, intra or inter facility transport, waste disposal, and storage.

207. First of all the Netherlands would like to reiterate that all activities targeted at biosecurity are based on longstanding procedures and regulations related to biosafety.

208. One of the projects identified by the Steering Group CBRN Terrorism is called ‘CBRN Resilience’. Under this project, an inventory is being made of all relevant premises where dangerous CBRN-materials are located. Relevancy for CBRN-terrorism is determined by risk assessments, taking into account several factors contributing to the likeliness that object and/or materials are appealing for terrorists seeking CBRN weapons. Subsequently, the results of this inventory will be used to audit security at all relevant premises on the basis of specially designed security guidelines. Additional security measures will be implemented if necessary.

Enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease

209. The Netherlands fully supports the findings by the 2004 Meeting of States Parties related to this topic (BWC/MSP/2004/3 paragraphs 20 and 21), and stands ready to engage in substantial discussions how to further enhance these international capabilities in the period after the 6th Review Conference.

210. Meanwhile, the Netherlands will continue to work with other States Parties to enhance international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease. More specifically, the Netherlands will continue working with partners (EU, NATO and others) in the context of exercises specifically aimed at testing national and international management decision-making (Sagbata-project), disaster response procedures and real time coordination and cooperation between emergency services and local, state and central governments.

211. Within the National Institute of Public Health, a project was started for the development of rapid screening and identification mechanisms of environmental and human samples suspected from contamination with pathogens possibly used in a biological attack or unknown pathogens. As part of this project, the NIPH participates in an international network for comparing and improving methods from the participating countries based on the results of ring trails. These international contacts are also used within this project to gather and share information.

212. As biosafety is the corner stone of an effective biosecurity, the Netherlands are heavily involved in the EU Biosafety project. The aim of this project, which is funded by DG Research, is to carry out an inventor on standing biosafety and security regulations and to assess the costs and benefits of these interventions. The ultimate goal is to identify similarities that can be the basis of addition of EU regulation.

213. Regarding the investigation of alleged use of biological or toxin weapons: the Netherlands is currently working to update the list of experts and laboratories submitted to the UN in the context of the UNSG mechanism for investigations of alleged use of biological or toxin agents, set out in A/44/561 and endorsed by the General Assembly in its resolution A/Res/45/57. It is expected that the updated list will be send to the UN before the start of the 6th Review Conference.

National developments

214. Since – fortunately – a CBRN attack is not part of the emergency services' daily routine, a basic principle is that maximum use should be made of existing procedures for responding to accidents involving hazardous substances. The necessary additional skills and expertise are located in the fire service's six regional CBRN response centres, allowing quality and management to be kept up to standard in a systematic way.

215. Once an incident has been recognised as a CBRN incident, clear procedures on how to handle the incident have to be followed. Since 2002 a number of procedures and protocols are being, or have already been developed, such as a national policy plan for small pox outbreaks

(ready), a national policy plan for pandemic influenza (started in 2004), and a protocol for the handling of suspicious objects (ready). Furthermore a policy plan for disease outbreaks was developed which provides an overall picture of the issues raised by the distribution of scarce resources and care. This plan can prove very useful for combating outbreaks of disease due to bioterrorist attacks involving unknown agents.

216. Finally, a National Laboratory Network for responding to Terrorist Attacks (LLN-ta) was set up. It includes a reporting and information-sharing system for all laboratories that are part of the LLN-ta. The LLN-ta Handbook describes the various procedures for promptly determining which agent has been used and how information is being shared. These procedures have been practised.

217. To effectively respond to suspicious outbreaks of animal diseases the Netherlands Ministry of Agriculture, Nature and Food Quality has drawn up contingency plans on several possible diseases. The experiences during real outbreaks in the last decade in the field of Swine Fever, Foot and Mouth disease and Avian Influenza have been processed in these contingency plans. The Netherlands ministry of Agriculture, Nature and Food Quality has also send veterinarian experts to countries in Eastern Europe and Indonesia to help them fighting the outbreaks of Avian Influenza, hence improving their capabilities to respond to animal diseases in general.4d)

Strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants

218. The Netherlands fully supports the findings by the 2004 Meeting of States Parties related to this topic (BWC/MSP/2004/3 paragraphs 18 and 19), and stands ready to engage in substantial discussions how to strengthen national and international efforts and existing mechanism for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants in the period after the 6th Review Conference.

219. Meanwhile, the Netherlands will continue to work with other States Parties in all relevant international forums, such as the WHO, OIE, FAO and IPPC, to strengthen national and international efforts to these ends.

220. On a national level a large number of activities have been carried out to strengthen the national mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants. The Ministry of the Interior and Kingdom Relations has, together with other ministries, reported on activities in this regard to parliament since 2002. For information purposes, a copy of the latest version of the report will be distributed to States Parties at the Review Conference. The Netherlands Ministry of Agriculture, Nature and Food Quality has set up a national system of surveillance and detection on the most common infectious animal diseases. Comparable systems exist in the field of plant diseases. Diagnostic capacity is available in a system that makes up scaling possible within 24 hours. Experiences in surveillance and detection are shared with international partners, for instance through the liaison officer Avian Influenza stationed at FAO in Rome.

The content, promulgation, and adoption of codes of conduct for scientists

221. The Netherlands fully supports the findings by the 2005 Meeting of States Parties related to this topic (BWC/MSP/2005/3 paragraphs 18 - 22).

222. In preparation for the Meeting of Experts as well as the Meeting of States Parties in 2005, an interagency process was initiated to assess the issue of awareness amongst scientists working in the life sciences, as well as the possible contribution codes of conducts for scientists could have to address. The Royal Academy for Arts and Sciences was also involved in the process. At the time, there was no clear overview of the actual status of awareness amongst scientists. Neither was there an overview of any voluntary codes of conduct already adopted and adhered to by institutions and industry in life sciences, or the different approaches to this topic of awareness.

223. The overall perception, however, was that knowledge of the Biological and Toxin Weapons Convention, the implementing legislation in the Netherlands, as well as knowledge of (results of) risky experiments, was low.

224. The meetings in 2005 proved to be extremely useful, and provided a wealth of information on the approaches taken by different States Parties, as well as (inter)national associations of scientists and industry. As a result of the MSP in 2005, the Royal Academy for Arts and Sciences (KNAW), which played a key role in the Inter Academy Panel Working Group on bio-security, was asked to develop specific recommendations to the Government (Ministry of Education), how to raise awareness amongst scientists on the issue of proliferation of weapons of mass destruction, espionage, misuse of scientific research, as well as applicable legislation and regulations in this context. The KNAW will assess the potential contribution of codes of conduct, the content thereof and the promulgation and adoption thereof. The KNAW will do so on the basis of an analysis of legislation and regulations in the life-sciences field in a few other countries, as well as in other scientific fields. The study will be carried out under the guidance of a small expert committee formed by the KNAW. Final results are expected in early spring 2007.

<u>List of applicable legislation/regulations and other measures</u>

225. List of applicable legislation/regulations and other measures

(i) BTWC Implementation Act: Law on the implementation of Article IV of the Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction, done on 10 April 1972 in London, Moscow and Washington, 25 March 1981

(ii) Weapons and Ammunition Act

(iii) Criminal Code

(iv) Import and Export Act, 1962

(v) Decree on the Import and Export of Strategic Goods, 1963 - (Last amended in 2002 to implement EC 1334/2000. The latter regulation was amended by EC

1504/2004 of 31 August 2004, setting up a Community regime for the control of exports of dual-use items and technology)

(vi) Decree on Issuing of Certificates for Strategic Goods, 1986

(vii) Directive import, export and transport of plants, 1993

(viii) Decree on Financial Involvement concerning Strategic Goods, 1996

(ix) Decree on the Import and Export of Strategic Goods, 1999

(x) Working Environment Act/Decree, 1999

(xi) Act regarding the transport of hazardous materials, 1995

(xii) Decree on the fight against harmful organisms, 1992

(xiii) Decree on Genetically Modified Organisms, 1990 (Amended 1998 and 2001and 2004)

(xiv) Ministerial Order on the Contained Use of Genetically Modified Organisms

(xv) Environmental Protection Act

(xvi) Establishments and licenses Decree (Environmental Management Act)

(xvii) Guidelines of the Commission for Genetic Modification, 1998

Summary of relevant legislation

General legislation related to biological and toxin weapons

226. The Biological Weapons Convention (Implementation) Act (*Uitvoeringswet verdrag biologische wapens*) provides the framework for the prohibition of the development, production, stockpiling, acquisition and retention of biological agents not justified for peaceful purposes within the meaning of the BWC (Section 2), prohibits the manufacture, acquisition, possession, development and transfer of biological weapons (Sections 3-4). Also prohibits the manufacture, acquisition, possession, development and transfer of the means of delivery of biological weapons (Section 4).

227. Contains a definition of biological agents that also includes toxins. Under this act, it is prohibited for anyone to develop, produce, stockpile, acquire or possess biological agents, if one knows or should assume that these agents are or could be intended to be used as a means of warfare. The latter is assumed when the type or quantity of the biological agents have no justification for prophylactic, protective, or peaceful purposes. Agents have to be destroyed if someone is caught having them. The act also prohibits the development, production, stockpiling, acquisition, or possession of weapons, equipment, or means of delivery to be used for biological agents as a means of warfare. Violation of these prohibitions is considered to be an economic crime punishable with a maximum of six (6) years imprisonment or a fine of the fifth category; materials are to be confiscated.

228. The Weapons and Ammunition Act (*Wet Wapens en munitie)* prohibits the manufacture, possession and transfer of hazardous substances. This includes biological and chemical agents and nuclear material (Section 2, category II sub b in combination with sections 9, 14, 26, 27).

229. The use of biological weapons is prohibited by the provisions of the Criminal Code relating to the creation of hazards (*Wetboek van strafrecht*, Sections 172, 173, 173a, 173b, 287 and 289). The prohibition to posses biological weapons means that the transport of biological weapons is prohibited as well.

230. The imposition of higher penalties is envisaged if a terrorist purpose is established in case of a violation of the above-mentioned provisions of the Implementing Act of the Biological Weapons Convention (see Section 83 of the Criminal Code in combination with Section 6.4 of the Economic Offences Act) (*Wet op de economische delicten*).

231. Attempts by non-state actors to engage in any of the activities mentioned in operative paragraph 2 prohibited under the above-mentioned provisions of the Biological Weapons Convention (Implementation) Act, to participate in them as an accomplice, or to assist or to finance them qualify as criminal offences. The relevant provisions can be found in the Criminal Code with respect to attempt (Section 45), participation, subornation and material support (Section 47), complicity (Section 48), participation in a criminal organisation (Sections 140 and 140a).

Transport

232. Domestic law requires the physical protection of dangerous goods, including biological agents, chemical agents and nuclear material, during transport and requires transport companies to develop and maintain a security plan.

Customs

233. Community customs legislation and provisions adopted at the national level endows customs authorities with powers to undertake actions in general with a view to ensuring that customs rules and, where appropriate, other provisions applicable to goods subject to customs supervision are observed. Customs authorities perform specific acts, such as examining goods, verifying the existence and authenticity of documents, examining the accounts of undertakings and other records, inspecting means of transport, inspecting luggage and other goods carried by or on persons and carrying out official inquiries and other similar acts with a view to ensuring rules and provisions mentioned. The Netherlands has concluded several mutual administrative assistance agreements with her main trading partners. With the aid of these agreements international cooperation with regard to detect and prevent the illicit trafficking. To enhance the possibilities to detect, deter and prevent the illicit trafficking and to align all powers to be executed by customs authorities in the case of goods entering the territory of on the Netherlands new customs legislation will be developed. This will be done in accordance with the 1982 United Nations Convention on the Law of the Sea. The Netherlands is in the process of establishing a contiguous zone for the purpose of, *inter alia*, carrying out checks at an earlier stage in the logistic chain.

Export Control

234. The Strategic Goods (Import and Export) Decree introduced a system of import, export and transit controls. These include checks on end-users, military materials, including military technology, and dual-use items. EC Dual-Use Export Control Regulation No 1504/2004, amending regulation No. 1334/2000, set up a Community regime for the control of exports of dual-use items and technology, applies to the export of dual-use items and technology from Community territory whereas national legislation (i.e. the Strategic Goods ((Import and Export)) Decree) provides for additional measures regarding the imposition of penalties for infringements, and gives national authorities powers to carry out controls and to investigate and prosecute criminal offences. Furthermore, the Foreign Financial Relations Act 1994 (Wet financiële betrekkingen buitenland 1994) requires a license for financial transactions involving the transit and brokering of war materials.

235. An overview of the Netherlands export control policy and legislation, as well as recent changes in thereof can be found on the website of the Ministry of Economic Affairs: www.exportcontrole.ez.nl.

Working Environment / Working with GMO's (biosafety)

236. Working Environment Act/Decree, 1999 - Requirements of the Biological Agents Directive (2000/54/EC) have been implemented in Dutch legislation by means of the working environment act/decree. The working environment act/decree outlines requirements relating to the protection of workers from risks related to exposure to biological agents at work. Certain activities involving biological agents should be notified to the labour inspectorate. Notification is required if there is an intention to use a biological agent from the hazard group 2, 3 or 4 for the first time at the premises. Notification of each subsequent use of a new biological agent of group 3 and 4 is also required. The employer is required to keep a register of the employees who work of have worked with biological agents from group 3 or 4.

237. Decree on Genetically Modified Organisms, 1990 (Amended 1998 and 2001and 2004) - The Dutch Decree on genetically modified organisms (GMO) is largely based on the European Directives concerning the contained use of genetically modified micro-organisms (90/219/EEC, as modified by 98/81/EC) and the deliberate release of genetically modified organisms (2001/18/EC). The objective of the Decree is to secure the safety of man and the environment in working with genetically modified organisms. For this, the Decree lays down provisions of a permit application system for activities with GMOs.

238. The Decree on Genetically Modified Organisms was last amended in 2004 with respect to the following European regulations:

(i) Regulation 1829/2003/EC on genetically modified food and feed

(ii) Regulation 1830/2003/EC concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms, and amending Directive 2001/18/EC.

(iii) Regulation 1946/2003 on transboundary movements of genetically modified organisms.

239. Ministerial Order on Genetically Modified Organisms - The Ministerial Order contains the technical rules for working with GMO's, for example the risk-assessment rules for contained use, the technical rules for each facility for transport and storage of GMO's and the storage of waste containing GMO's.

240. Establishments and licenses Decree (Environmental Management Act) - The premises for contained use activities require a separate permit, which is obtained through the Environmental Management Act. In this act the need for a license for laboratories, animal housing facilities, growth chambers, greenhouses, production facilities is laid down in case these buildings are used for work with GMO's. This license is issued by the local authorities (Municipal council, Province)

241. The Inspectorate of Housing, Spatial Planning and the Environment supervises the compliance with the GMO Decree and enforces the Decree. Facilities in which activities with GMO's take place (contained use) are supervised by the local authorities (town or province) within the scope of the Environmental Management Act.

International cooperation

242. In response to specific requests, the Netherlands is prepared to provide assistance as appropriate to States lacking the legal and regulatory infrastructure, implementation experience and/or resources. Requests for assistance should be directed to the head of the Division of Nuclear Affairs and Non-proliferation of the Security Policy Department of the Netherlands Ministry of Foreign Affairs.

243. The Netherlands has been a full, active participant in the Proliferation Security Initiative (PSI) ever since its establishment in May 2003. In cooperation with several PSI partners, the Netherlands has made worldwide demarches to promote the PSI. The Netherlands attends nearly all PSI interdiction exercises and meetings. At present, the Netherlands is preparing a Dutch PSI interdiction exercise.

244. The Dutch non-proliferation policy includes an awareness programme that aims at preventing Dutch companies, universities or research institutions from becoming knowingly or unknowingly involved in proliferation of weapons of mass destruction. The Dutch government also supports and educates relevant industries on how to comply with their export control obligations and WMD obligations as efficiently and effectively as possible. To this end, the Dutch government disseminates information through government websites, publications and leaflets.

Nigeria

245. The National Authority on Chemical and Biological Weapons Conventions, which is located in the Office of the Secretary to the Government of the Federation, The Presidency,

serves as the focal point of the Biological Weapons Convention in Nigeria. The constitutional process for the domestication of the Convention in Nigeria is in progress. A manual on "Biosafety in Biomedical Laboratories" is being drafted for the country, and a database on microorganisms and microbiology researchers across the country is being developed.

Portugal

246. Portugal believes that the risks posed by the proliferation of biological and toxin weapons are among the worst threats to mankind. The traffic of pathogenic agents as well as the simple production process of this kind of weapons call for a decided response of the international community, namely through the strengthening of the existing international rules in that field, such as the BWC.

247. Throughout the years, Portugal has taken efforts to comply with the obligations under the BWC. In that sense, Portugal does not, in accordance with Articles I and II of the Convention use, develop, produce, stockpile or, otherwise acquire or obtain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. Furthermore, Portugal did not transfer to any recipient whatsoever, directly or indirectly, and did not in any way assist, encourage or induce any State, group of states or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery.

248. At a national level, Portugal has, in compliance with Article III, taken the necessary legal measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in the Convention. In this field, the following legal instruments were approved: Law 52/2003 on Combating Terrorism, Penal Code, Law no. 100/2003, of 15 November (Code of Military Justice), Decreto-lei no. 2/2001 of 4 January, Decreto-Lei no. 126/93 of 20 April, Decreto-lei no. 84/97 (on health and safety protection of workers against the risks resulting from explosions of biological agents), Ordnance no. 1129/95 of 15 September (list of biological agents), Ordnance no. 405/98 of 11 July (minimal rules of protection and safety against the exposition of workers to bio-agents) and Ordnance no. 751/1994. This information is also compiled in the Portuguese national response to the United Nations Security Council Resolution 1540[3].

249. Pursuant to Article V, Portugal has also, at a bilateral and multilateral level, cooperated to solve problems which arose in relation to the objective of, or in the application of the provisions of the Convention. At a bilateral level, several demarches were made in Portuguese speaking countries envisaging the ratification of the Convention. Several contacts were also established in the framework of the European Union, namely concerning universalization and implementation efforts made in third countries and the financing of laboratory capabilities and experts formation thereon.

250. Portugal has submitted, during 2006, to the UN Secretary-General, pursuant to the agreed EU Action Plan on Biological and Toxin Weapons, complementary to the EU Joint Action in support of the BTWC (2006/C57/01), the Annual Report on Confidence-Building Measures, as

[3] available at http://disarmament2.un.org/Committee1540/report.html

agreed in the Third Review Conference of the Parties to the Convention. We believe that this is a clear sign of our willingness to further develop the Convention and increase transparency in its implementation.

251. Lastly, Portugal intends to submit information, before the Sixth Review Conference, concerning the national list of experts and laboratories, in order to revitalize the UN Secretary-General's mechanism for investigating cases of alleged use of (chemical), biological and toxin weapons.

Russian Federation

252. The Russian Federation, as a State party to and depositary of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC), reaffirms its commitment to the provisions of the Convention. Compliance with its international undertakings in respect of the prohibition of biological weapons and their non-proliferation stands among the main priorities of Russia's State policy.

253. In a statement on the occasion of the thirtieth anniversary of the BWC in 2005, Russia together with the United States and Great Britain pointed out that "the Convention is one of the first and crucial components in the non-proliferation toolbox. It remains as relevant today as it was when it was first drafted, although the biological threats we face have evolved. The depositary States reaffirm their support for the Convention and will seek the practical realization of all BWC obligations."

254. The Russian Federation is not developing and does not produce, stockpile, acquire or retain:

(i) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;

(ii) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

255. The Russian Federation does not carry out activities which are incompatible with the purposes and provisions of the Convention.

256. The Russian Federation has never transferred to any recipient, directly or indirectly, and has never in any way assisted, encouraged or induced any State, group of States, international organizations or non-State actors to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in article I of the Convention.

257. Under Russian federal legislation, decisions of the Russian Government and other rules and regulations, biological items are subject to export controls. Approval has been given to lists of potentially dual-use pathogens, toxins, equipment and technologies. Specific export control procedures have been devised for items on this list, together with liability under administrative

and criminal law for anyone engaged in external economic activity who is responsible for unlawful exports, transfers, false declaration or non-declaration for customs purposes, or unlawful provision of services involving raw materials or other materials, equipment, technologies or scientific and technical information. Export licences for goods of relevance under the Convention are issued only when they are intended for use for purposes which are not prohibited under the Convention, as officially confirmed by the recipient.

258. The system of export controls in force in the Russian Federation is fully in keeping with international standards and rules. This system is undergoing continuous improvement in response to the new challenges and threats facing mankind.

259. In accordance with constitutional procedures, the Russian Federation has taken the necessary steps at the national level to ban and prevent the development, production, stockpiling, acquisition and retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention.

260. A legislative and regulatory framework has been established in Russia to guarantee fulfilment of international obligations regarding the prohibition of biological and toxin weapons.

261. Under Russian federal legislation and Government decisions, a licensing process has been introduced for activities involving the use of infectious disease pathogens, as well as State registration of genetic engineering activities.

262. Penalties have been established under the Criminal Code for activities contrary to the BWC, and for breaches of rules governing work with pathogenic micro-organisms and toxins.

263. Under Russian federal legislation and decisions and other rules and regulations, measures have been introduced to ensure the safety of activities involving various types of biological agents and toxins, and to regulate the procedure for the issue of permits for work with micro-organisms and toxins, record-keeping, storage, transport and transfer. Biological safety issues are reflected in the “Foundations of State policy to ensure chemical and biological safety in the Russian Federation during the period to 2010 and beyond”, which have been approved by the President.

264. The Russian legislative and regulatory framework is being brought into line with international instruments through the adoption of amendments and additions to upgrade the State’s supervisory machinery.

265. Measures to prevent the use of biological agents and toxins for terrorist and other criminal purposes have been adopted and are being upgraded.

266. Information is provided to support the activities of federal Government bodies, executive agencies in the various constituent elements of the Russian Federation, non-governmental and voluntary organizations, individuals and corporate bodies, irrespective of their hierarchical position, legal status or form of organization or ownership, which are involved in organizational, research, productive or other activities involving the use of micro-organisms or other biological agents and toxins, equipment and technologies which present hazards for man, animals and plants, through the dissemination of information relating to fulfilment by the Russian Federation

of its international obligations as regards the prohibition and non-proliferation of biological and toxin weapons. Information relating to the ban on biological and toxin weapons is included in academic curricula and textbooks.

267. The Russian Federation would welcome consultations and cooperation with other States parties in addressing any issues which may arise in connection with pursuit of the goal of the Convention or the implementation of its provisions. Concerns regarding compliance with commitments to implement the provisions of the Convention are to be submitted in accordance with the procedures approved by the Second and Third Conferences, but no such concerns were communicated by other States parties to the Russian Federation, as a depositary of the BWC, between 2001 and 2006.

268. Each year, in pursuance of the decisions of the Second and Third Conferences concerning review of the operation of the BWC, the Russian Federation, in the context of confidence-building measures, submits information on facilities and biological activities to the United Nations Security Council using the established formats. Russia considers that the provision of such information by all States parties to the Convention is a major contribution to confidence-building.

269. The Russian Federation remains committed to the need to devise and adopt an international legally binding verification mechanism for the BWC.

270. The Russian Federation stands ready to provide assistance to any State party if the United Nations Security Council decides that that party has been exposed to danger as a result of a violation of the Convention.

271. The Russian Federation considers that the Biological and Toxin Weapons Convention together with the Geneva Protocol of 17 June 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare forms an important basis for efforts to strengthen the regime for the non-proliferation of biological and toxin weapons and to rule out any possibility of their use by States parties.

272. Russia has lodged no reservations to the Geneva Protocol, and calls on States to withdraw all the reservations they have lodged on ratifying this international instrument.

273. The Russian Federation fully complies with its international commitments under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. A legislative and regulatory framework has been established to ensure the implementation of this Convention. The destruction of chemical weapons in categories 2 and 3 has been completed under the supervision of international inspectors, and the scheduled destruction of stocks of chemical weapons in category 1 is under way.

274. The Russian Federation is committed to the goals of the Convention on the Prohibition of Chemical Weapons and determined to destroy chemical weapons in accordance with the timetable laid down in the Convention. It plays an active part in the activities of the Organization for the Prohibition of Chemical Weapons and its subsidiary bodies.

275. The Russian Federation plays an active part in international scientific and technical cooperation in the field of biology and biotechnology directed towards the use of advances in these fields for peaceful purposes. Russian institutions participate in the development and implementation of joint scientific research programmes in the field of biology with companies, centres and institutes in a variety of countries seeking to solve problems related to health care, veterinary science and agriculture.

276. Russia cooperates actively with WHO, OIE and FAO in addressing problems involved in efforts to combat infectious diseases, both new and recrudescent. A number of Russian institutions are reference centres for these international agencies and carry out joint activities with other States parties under programmes of international cooperation in the field of health care, veterinary science and agriculture.

277. In order to exchange information on scientific achievements, Russia organizes international conferences, symposiums and seminars each year on biological and biotechnology issues, including issues in areas related to pathogenic micro-organisms and toxins.

278. The Russian Federation fully complies with the requirements set out in United Nations Security Council resolution 1540 of 28 April 2004. Reports have been submitted to the United Nations Security Council Committee on the adoption of planned measures for the implementation of the resolution, including domestic and export controls and international cooperation. Russia participates in consultations, meetings and encounters on the implementation of United Nations Security Council resolution 1540 in respect of BWC implementation and WMD non-proliferation.

279. The Russian Federation plays an active part in official consultative meetings of States parties and cooperation on any problems related to the goals of the BWC or the implementation of its provisions, including: the work of the Russia-NATO Council's special working group on non-proliferation; meetings between States members of the Shanghai Cooperation Organisation under the Agreement on Cooperation in Combating the Unlawful Trade in Chemical, Biological (Bacteriological) Substances and Radioactive Materials Linked with Terrorist, Extremist and Separatist Activity; meetings on issues related to the implementation of the agreement on a single export control procedure for the States members of EurAzES; consultations and meetings on WMD non-proliferation under the auspices of the Collective Security Treaty Organization; and so on.

280. The Russian Federation expresses support for the appeal made by the United Nations Secretary-General, Kofi Annan, in his report of 27 April 2006 entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy", for efforts by Member States to strengthen existing machinery and set up effective instruments to prevent the proliferation of WMD, the strengthening of the Convention on the Prohibition of Biological and Toxin Weapons, and efforts to combat terrorism. It favours the speedy adoption of a comprehensive convention on international terrorism, which will bolster the international community in its efforts to combat this evil.

281. The Russian Federation commends the States which have acceded to the BWC since the Fifth Conference and calls on States which have not yet done so to follow their example. Russia

believes that the universality of the BWC will serve as a guarantee of the further strengthening of peace on our planet.

282. The Russian Federation is fully discharging its obligations as a depositary Government in accordance with the provisions set out in the BWC.

Serbia

283. Regarding compliance with the Biological Weapons Convention (BWC), pursuant to the United Nations Security Council Resolution 1540, and in accordance with the reports of the 2003 – 2005 Meetings of the States Parties to the BWC, Serbia has taken the following actions:

(i) Appointed national authority called the National Committee for the implementation of the BWC;

(ii) The National Committee for the implementation of the BWC initialised action on the adoption of national legislation and administrative measures to implement the provisions of the BWC by drafting "Law on the Prohibition of the Use, Development, Production, Stockpiling, and Transfer of Biological Weapons. This law establishes:

(a) Definitions of "biological weapons" (pursuant to the BWC) and "biological agents",

(b) Implementation of the prohibitions set forth in the BWC, including offences, penalization, enforcement, jurisdiction and extradition,

(c) Licensing and registration of facilities and laboratories working with biological agents,

(d) Biosafety and biosecurity regulations of the facilities and laboratories,

(e) Regulations of transfer and transport of biological agents,

(f) Licensing and registration of possession, acquisition, stockpiling, transfer and transport of selected biological agents,

(g) List of selected biological agents

Based on this law, additional regulations and guidelines will be adopted;

(iii) In order to increase transparency in the implementation of the BWC, Serbia annually submit Confidence-Building Declaration to the United Nations Department for Disarmament Affairs

Switzerland

Surveillance of the research, diagnostic and production activities with pathogenic and genetically modified organisms in Switzerland

Introduction

284. The implementation of appropriate biosafety measures through legislation regulating biological research, diagnostics and production facilities is, although not a core requirement of the BWC, a relevant obligation to the Convention. We are therefore presenting an overview of the legal framework and enforcement structure in Switzerland that ensure that laboratories working with genetically modified and pathogenic organisms comply with state-of-the-art bio-safety concepts and safety measures to ensure protection of the human population and the environment.

Legal basis

285. Based on three laws (on epidemics, non-human gene technology and protection of the environment), activities involving the contained use of genetically modified organisms and pathogenic organisms in laboratories, production facilities, greenhouses and premises housing animals are regulated by three specific ordinances. These are:

(i) Ordinance on contained use of Organisms of 25 August 1999 http://www.umwelt-schweiz.ch/imperia/md/content/stobobio/biotech/ouc2/1.pdf

(ii) Protection of working personnel: *Ordinance on Occupational Safety in Biotechnology of 25 August 1999 OOSB*

(iii) Protection from major accidents: *Ordinance on Protection against Major Accidents of 27 February 1991*

286. These ordinances define the various protection objectives for research, diagnosis or production activities. Activities must be notified or licensed according to their potential risks to human health and environment.

Notification, licensing and inspection of activities

287. Anyone who carries out activities with pathogenic or genetically modified organisms has to notify (in the case of activities with organisms in risk groups 1 and 2, i.e. low risk) or obtain a licence (in the case of activities with organisms in risk groups 3 and 4) from the relevant authority. Project managers who intend to carry out such activities are required to notify or submit an application for the corresponding licence to the Federal Coordination Center for Biotechnology (FCCB). This can be done electronically by accessing the ECOGEN Internet database. They are required to assess the level of risk and classify the activities according to the risk group of the organisms (1 to 4), the genetic modifications and the kind of activity. There are 4 different levels, ranging from level 1 (no or only negligible risk to human beings and the environment) to level 4 (high risk). Levels 2 and 3 imply a low or moderate risk. According to

the classification of the activity, safety measures must be implemented ranging from safety levels 1 to 4. General safety measures have to be implemented for all classes of activities. The home page of the FCCB contains numerous relevant documents and information on bio-safety, including lists of organisms, guides for bio-safety officers and safety concepts.

288. The FCCB distributes incoming documents to the offices and bodies cited in the respective ordinances for consultation. The relevant authorities then decide on the appropriate classification based on the submitted documentation, and communicate their decision to the applicant (risk groups 1 and 2) or issue a permit (risk groups 3 and 4). The relevant authority for organisms that are pathogenic for human beings is the FOPH, while the FOEN is responsible for all other areas. The laboratories are inspected by the relevant cantonal authorities. The FCCB stores all documentation and periodically publishes notified and authorised activities on its web site.

Swiss Expert Committee for Biosafety SECB

289. The SECB is a permanent federal advisory committee. It plays an important role in advising the Federal Council and federal authorities on the drafting of laws, ordinances, guidelines and recommendations. It advises the federal and cantonal authorities on the enforcement of these regulations. It issues statements on licence applications and recommendations on safety measures for studies using genetically modified or pathogenic organisms. Detailed information can be found on its web site.

Authorisation for highly contagious animal diseases

290. The aims of the Swiss Federal Veterinary Office (SFVO) in the field of animal health encompass the control and monitoring of diseases which pose a risk to livestock, could be transmitted to humans, could have a serious economic impact or could compromise international trade. Therefore all activities in a laboratory involving highly contagious animal diseases (OIE list A) require authorisation by the SFVO. The legal bases are the law and the ordinance on animal diseases. This legislation forms the basis on which risk assessments (in accordance with the Contained Use Ordinance) and the current situation with regard to highly contagious animal diseases are carried out. A permit is only issued if the cantonal veterinary office gives its approval.

Internet addresses of the bodies involved in the enforcement of legislation governing contained use

Body	**Internet Address**
Federal Coordination Centre for Biotechnology	http://www.umwelt-schweiz.ch/buwal/eng/fachgebiete/fg_biotechnologie/national/bureau/index.html
ECOGEN	http://www.ecogen.ch
Swiss Expert Committee for Biosafety	http://www.efbs.ch
Federal Office for the Environment	http://www.umwelt-

	schweiz.ch/buwal/eng/info/buwal/organisation/abteilungen/abt_stoffe/index.html
Federal Office of Public Health	http://www.bag.admin.ch/themen/medizin/00708/index.html?lang=de
SUVA, Executive agency for occupational safety	www.suva.ch
Federal Veterinary Office	http://www.bvet.admin.ch/index.html?lang=en
Federal Office for Agriculture	http://www.blw.admin.ch/index.html?lang=en
Cantonal Offices	http://www.umwelt-schweiz.ch/buwal/eng/fachgebiete/fg_biotechnologie/adresse/can/index.html

United Kingdom of Great Britain and Northern Ireland

291. In line with the requested background information for the Sixth Review Conference of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, in particular the request for background information on compliance by all States Parties with all their obligations under the Convention as contained in document BWC/CONF.VI/PC/2, the UK submits the following report to States Parties.

292. The UK is in full compliance with its obligations under the Convention, and offers the following information.

Article I

293. Since its ratification of the Convention the UK has not developed, produced, stockpiled, or otherwise acquired or retained microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes. The UK holds biological or toxin agents of types and in quantities justified for prophylactic, protective or other peaceful purposes under appropriate supervision or control in accordance with UK national implementation measures under Article IV of the Convention.

294. Since its ratification of the Convention the UK has not possessed or developed, produced, stockpiled or otherwise acquired or retained any weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article II

295. The provisions of Article II impose obligations only upon those States Parties which possess or have under their jurisdiction or control, microbial or other biological agents, or toxins,

weapons, equipment, or means of delivery specified in Article I. Since its ratification of the Convention (26 March 1975) the UK has not been in this category.

296. In its 1992 Form F submission under the annual information exchange (CBMs), the UK reported to States Parties the destruction of its only stockpile of biological weapons prior to entry into force of the Convention in 1975.

Article III

297. The UK complies fully with the undertaking not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any state, group of states or international organisations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.

298. The UK fulfils its obligations under Article III through legislation and a number of administrative arrangements and guidelines: the following legislation is the principal means of implementation within the UK.

(i) The Biological Weapons Act 1974;

(ii) The Chemical Weapons Act 1996 implements the provisions of the Chemical Weapons Convention. The Act prohibits the transfer of chemical weapons including those based on toxins;

(iii) Council Regulation (EC) 1334/2000 setting up a European Community regime for the control of exports of dual-use items and technology, including biological-related dual-use items and technology. The regulation was adopted in June 2000 and amendments are generally made on an annual basis;

(iv) The Anti-Terrorism, Crime and Security Act 2001;

(v) The Export Control Act 2002;

(vi) The Export of Goods Transfer of Technology and Provision of Technical Assistance (Control) Order 2003.

299. The Export Control Act 2002 replaces the previously reported Import, Export and Customs (Powers) Act 1939 referred to in the 2001 report on Compliance submitted by the UK (BWC/CONF.V/3/Add.3). The 2003 Order replaces the previous Export of Goods (Control) Order 1994. Part 6 of The Anti-Terrorism, Crime and Security Act 2001 amends the Biological Weapons Act 1974 to include prohibitions on transfers (domestic or export) of biological agents and toxins of types and in quantities which cannot be justified for peaceful purposes**.** It also prohibits extra-territorial acts by UK persons in the development, stockpiling, acquisition, retention or production of biological weapons. It further makes it an offence for someone to aid, abet, counsel, procure or incite a person, who is not a UK person, to take an action outside the UK that would be an offence under section 1 of the BW Act if it were done by a UK person.

Article IV

300. Information on national implementation by the UK was supplied to States Parties in a previous compliance report (BWC/CONF.V/3/Add.3) and in a working paper submitted to the 2003 Meeting of Experts, prepared by the UK and 11 other European Union Member States ('BTWC and Related Legislation'- BWC/MSP.2003/MX/WP.62).

301. In accordance with Article IV, the UK has taken the necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment, and means of delivery specified in Article I of the Convention. Such measures apply to the territory of the UK and territory under the jurisdiction or control of the UK. The legislation includes the Biological Weapons Act 1974 which make the prohibitions under the Convention into offences under domestic criminal legislation. The legislation also specifies penalties for the offences. In addition, Part 7 of the Anti-Terrorism, Crime and Security Act 2001 provides for the security and control of specified, dangerous pathogens and toxins which could be used in an act of terrorism to endanger life or cause serious harm.

302. The effectiveness of the necessary measures to prohibit and prevent the proscribed activities under the Convention is regularly reviewed. Since the submission of the last compliance report by the UK certain measures have been updated or additional measures adopted, principally:

(i) The Anti-Terrorism, Crime and Security Act 2001;

(ii) The Export Control Act 2002;

(iii) The Export of Goods Transfer of Technology and Provision of Technical Assistance (Control) Order 2003.

Article V

303. The UK supports fully the decisions of States Parties recorded in the final declarations of previous Review Conferences with regard to consultation and co-operation mechanisms. The UK has not requested a formal consultative meeting of States Parties under the provisions of Article V between 2001 and 2006.

304. In accordance with the relevant decisions of States Parties at the Second and Third Review Conferences of the Convention the UK has submitted confidence-building measures to States Parties, via UN Department for Disarmament Affairs. The information submitted by the UK for calendar years 2003, 2004, and 2005 is available online.[4]

Article VI

305. The UK has not lodged any complaints with the Security Council regarding any other States Parties acting in breach of obligations under the provisions of the Convention.

[4] It can be accessed via the FCO website, www.fco.gov.uk under the Counter-Proliferation section and the specific pages on biological weapons.

Article VII

306. No State Party has requested assistance from the UK under Article VII.

Article VIII

307. The UK ratified the 1925 Geneva Protocol on 9 April 1930. At the Third Review Conference of the BTWC in 1991, the UK informed States Parties of the withdrawal of the part of its reservation to that Protocol with respect to biological and toxin weapons and formally notified the Government of France, as Depositary, in writing on 8 November 1991. On 20 December 2002 the UK formally notified the Depositary that the UK had lifted its remaining reservations to that Protocol with respect to chemical weapons.

Article IX

308. As outlined in its compliance report in 2001 the UK ratified the Chemical Weapons Convention (CWC) on 13 May 1996. A National Authority was established in the Department of Trade and Industry (DTI) to implement the CWC in the UK. Further information on the implementation of the CWC in the UK is available from the DTI website: http://www.dti.gov.uk

Article X

309. The UK both facilitates and participates in the fullest possible exchange of equipment, materials, and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. The UK contributes individually and with other states, international organisations, non-governmental organisations, and other appropriate entities, to further the development and application of scientific discoveries in the field of bacteriology (biology) for the prevention of disease and for other peaceful purposes.

310. Examples of activities include:

(i) co-operation with individual states, such as the Highland Malaria Project (HIMAL) involving the Ministry of Health in the Republic of Kenya and the Ministry of Health in the Republic of Uganda;

(ii) co-operation with other states, including activities conducted with G8 partners such as the commitment to fight infectious diseases;

(iii) contributions to international organisations such as "The Global Fund to Fight AIDS, Tuberculosis and Malaria";

(iv) co-operation with non-governmental organisations, such as the Global Alliance for Vaccines and Immunization (GAVI);

(v) co-operation with other entities such as the Centre for Health and Population Research located in Dhaka, Bangladesh and the Consultative Group on International Agricultural Research (CIGAR); and,

(vi) co-operation undertaken via the European Commission and with our partners in the EU.

311. The UK implements the Convention in a manner designed to avoid hampering the economic or technological development of States Parties or international cooperation in the field of peaceful bacteriological (biological) activities. This includes the international exchange of bacteriological (biological) and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention. The UK takes this opportunity to inform States Parties that between calendar years 2002 and 2005, 195 licences were granted to export pathogens, toxins and equipment relevant under this Convention. Only 1 licence application was refused during the 2002 to 2005 period.

Article XII

312. The UK has provided a report on compliance at each Review Conference of the Convention along with papers on scientific and technological development. The UK fully supports periodic reviews of the operation of the Convention, at least once every five years, and the continuation of work to strengthen the implementation of the Convention.

Article XIV

313. The UK acts as one of three Depositaries to the Convention and continues to fulfil its obligations as a Depositary Government.

Other Activities which support compliance with the BTWC

314. The UK co-operates with other States Parties to the BTWC and other states, intergovernmental organisations, and non-governmental organisations to fulfil its obligations under the Convention. Examples of the co-operation and activities undertaken include: activity to support the effectiveness of UK export licensing and export control procedures via participation in the Australia Group; support for UN Security Council Resolution 1540 (2004), including the submission of reports to the Committee as required; activity to deter and prevent the acquisition of materials and equipment related to offensive biological weapons programmes via support for the activities of the Proliferation Security Initiative; and, as part of our commitment to full compliance with the Convention by all States Parties, the UK has been supporting under the Global Partnership agreed by the G8 in Kananaskis (2002) a number of activities including the redirection of former biological weapons scientists.

United States of America

315. Under the heading “Background Documentation”, paragraph 22(b) of the Report of the Preparatory Committee (BWC/CONF.VI/PC/2), for the Sixth Review Conference of States Parties to the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, the Preparatory Committee decided to request the Secretariat to compile a background information document on compliance by States Parties with all their obligations under the Convention.

316. Section 403 of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2593), requires the President of the United States to submit a report to the United States Congress on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments. This report reflects the importance the United States places upon compliance with such agreements and commitments. As such, the United States notes in its report from August 2005 that:

> "The United States is in compliance with all its obligations under arms control, nonproliferation, and disarmament agreements, and continues to make every effort to comply scrupulously."

317. In concordance with this report, the United States wishes to confirm to States Parties, through the Secretariat, that the United States is in full compliance with its obligations under the Biological Weapons Convention. Moreover, in 1969, in an action separate from the then on-going negotiations, the United States unilaterally renounced all methods of biological warfare and directed complete destruction of its stocks of biological agents, toxins, and weapons connected in any way with its offensive program.

318. Since that time, the United States has conducted its activities consistent with Article I of the Convention. Further, in support of its obligations, the United States annually submits to the United Nations Secretariat data declarations under the Confidence Building Measures adopted at the Third Biological Weapons Convention Review Conference.

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