

First Meeting
Geneva, 10 – 14 November 2003
Items 5 and 6 of the agenda

Working Paper Submitted by the Russian Federation

**Answers to the Questionnaire
on National Legislation Ensuring Compliance with the
Convention on the Prohibition of Biological and Toxin Weapons**
(The questionnaire was proposed by the Russian delegation at the meeting
of experts in August 2003)

I. Legal Framework that Ensures Compliance with the Convention

1. Which law(s) and/or other regulatory legal acts prohibit activities inconsistent with the Convention or govern the implementation and application of the Convention? (Specify law(s) or normative legal acts, indicating the level at which they were adopted and the date of entry into force).

1) The Decree of the Presidium of the Supreme Soviet of the USSR of February 11, 1975 (law) “On ratification of the Convention on the prohibition of development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction”. Entered into force on March 26, 1975.

2) The Decree of the President of the Russian Federation ? 390 “On ensuring the fulfillment of the international obligations in the field of biological weapons” of April 11, 1992. Entered into force on April 11, 1992.

2. Which legislative and/or other regulatory legal acts ensure compliance with Article 1 of the Convention, including the development, production, stockpiling and acquisition? (Specify them, including their titles, level at which they were adopted and dates of entry into force).

1) The Decree of the Presidium of the Supreme Soviet of the USSR (law) “On ratification of the Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction” of February 11, 1975. Entered into force on March 26, 1975.

2) The Decree of the President of the Russian Federation ? 390 “On ensuring fulfillment of international obligations in the field of biological weapons” of April 11, 1992. Entered into force on April 11, 1992.

3. Does the state control transfer (export) of:
- pathogens and toxins? (YES/NO)
 - equipment? (YES/NO)
 - technologies, including: a) tangible? (YES/NO), b) intangible? (YES/NO)

Which legislative or other regulatory legal acts ensure compliance with Article 3 of the Convention, including transfer (export) of agents, toxins, equipment and technologies? (Specify them, including their titles, level at which they were adopted and dates of entry into force).

Which criteria (circumstances) are taken into account when considering a possibility of transfer (export) of agents, toxins, equipment and technologies?
(Specify them, including the level of taking the decision).

1) Federal law of the Russian Federation ? 183-FZ On Export Control of July 18, 1999. Entered into force after its official publication. Covers foreign economic activities concerning goods, information, work, services, results of intellectual activities, which may be used in the development of weapons of mass destruction (including bacteriological (biological) and toxin weapons).

2) Federal law of the Russian Federation ? 157-FZ On State Regulation of Foreign Economic Activities of October 13, 1995. Entered into force 30 days after its official publication.

3) Decision of the Government of the Russian Federation ? 57 “On strengthening control over the export of dual-use goods and services related to weapons of mass destruction and missiles used as their means of delivery” of January 22, 1998. Entered into force from the day of its official publication.

4) Decree of the President of the Russian Federation ? 1004 “On approval of the List of disease-causing agents (pathogens) of diseases of humans, animals and plants, genetically modified microorganisms, toxins, equipment and technologies subject to export control” of August 8, 2001. Entered into force three months after its official publication.

5) Decision of the Government of the Russian Federation ? 634 “On approval of the Regulation on control of foreign economic activities related to disease-causing agents (pathogens) of diseases of humans, animals and plants, genetically modified microorganisms, toxins, equipment and technologies” of August 29, 2001. Entered into force simultaneously with the Decree of the President of the Russian Federation ? 1004 of August 8, 2001.

When considering a possibility of transfer (export) of agents, toxins, equipment and technologies, the following is taken into account:

- compliance with international obligations of the Russian Federation in the field of non-proliferation of weapons of mass destruction, as well as in the field of control over exports of dual-use items;
- ensuring protection of political, economic, military interests and security of the state;
- purpose of using by the importer of goods, work, services, results of intellectual activities, which are the subject of a transaction, as well as the level of risk of using them for another purpose;

- importance of a transaction for the building up of military-industrial capacity of the receiving state, its impact on regional and international security and stability;
- other factors indicated in national legislation and international treaties of the Russian Federation in the field of export control;

These positions are stipulated by the Decision of the Government of the Russian Federation ? 294 of April 16, 2001 based on the Federal law of the Russian Federation of ? 157-FZ on State Regulation of Foreign Economic Activities of October 13, 1995 and the Federal law of the Russian Federation ? 183-FZ On Export Control of July 18, 1999.

In addition to that, the Decision of the Government of the Russian Federation ? 634 of August 29, 2001 stipulates that, when entering into contracts for transfer of controlled pathogenic agents of diseases, toxins, equipment and technologies to a foreign national, the following should be specified:

- purpose and place of use of controlled pathogenic agents of diseases, toxins, equipment and technologies;
- end-user of controlled pathogenic agents of diseases, toxins, equipment and technologies;
- obligations of a foreign national, envisaging that controlled pathogenic agents of diseases, toxins, equipment, and technologies received by him:
 - shall be used only for declared purposes not related to the development of bacteriological (biological) weapons or other activities, prohibited by the Convention;
 - shall not be re-exported or transferred to anybody without a written consent of the Russian Side.

4. Which legislative or other regulatory legal acts ensure customs control over a) exports and b) imports of agents, toxins, equipment and technologies?

(Specify them, indicating their titles, level at which they were adopted and dates of entry into force)

1) Customs Code of the Russian Federation, adopted by resolution No 5223-1 of the Supreme Soviet of the Russian Federation of July 18, 1993 (in force till December 31, 2003)

2) Customs Code of the Russian Federation, adopted by resolution No 61-FZ of the Government of the Russian Federation of May 28, 2003 (shall enter into force on January 1, 2004)

3) Order of the State Customs Committee of the Russian Federation of January 8, 2002, No 19-r "On Enforcement of Authorization Procedure Governing Movement of Controlled Goods and Technologies". In force since the date of signing.

5. Which legislative and/ or other regulatory legal acts ensure compliance with the Geneva Protocol of 1925?

(Specify them, including their titles, level at which they were adopted and dates of entry into force)

1) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and Bacteriological Methods of Warfare. Signed in Geneva, June 17, 1925. Ratified by the USSR on March 7, 1928. In force since February 8, 1928

2) Federal Law of the Russian Federation No 143-FZ of December 6, 2000, "On Withdrawal of Reservations related to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and Bacteriological Methods of Warfare of June 17, 1925". In force since the date of signing.

6. How are the issues of responsibility of entities and individuals for non-compliance with the Convention reflected in the penal legislation?

(Summarize appropriate articles and indicate dates of their entry into force)

1) Federal Law of the Russian Federation of June 13, 1996, No 63-FZ On Implementation of the Criminal Code of the Russian Federation. (In force since January 1, 1997)

Articles of the Criminal Code are quoted as they were worded as of October 1, 2003:

Article 356

Use of weapons of mass destruction, prohibited by an international agreement signed by the Russian Federation, shall be punishable by imprisonment for a period from ten to twenty years.

In force since January 1, 1997.

Article 355

Development, production, stockpiling, acquisition or sale of chemical, biological, toxin weapons, as well as other weapons of mass destruction, prohibited by an international agreement signed by the Russian Federation shall be punishable by imprisonment for a period from five to ten years.

In force since June 2001.

Article 188

Movement through the customs border of the Russian Federation of... weapons of mass destruction, their delivery means..., as well as materials and equipment which can be used for the development of weapons of mass destruction... in respect to which specific rules of movement through the customs border of the Russian Federation have been instituted... if this action is accomplished without customs control or by concealment from such control or through fraudulent use of documents or customs identification or if that is associated with the failure to declare or unauthentic declaration - shall be punishable by imprisonment for a period from three to seven years with or without confiscation of property.

In force since June 2002.

Article 189

Illicit export or transfer of raw materials, equipment, technologies, scientific and technical information, illicit work for (services to) a foreign entity or its representative, which can be used for the development of weapons of mass destruction... - shall be punishable by a fine..., or deprivation of right to occupy certain posts..., or imprisonment for a period from three to seven years with or without confiscation of property.

In force since June 2002.

7. Is there any authorized body responsible for ensuring implementation of the Convention?

(YES/NO; if “yes” – specify the national authority, regulatory legal act on its establishment or appointment and date of entry into force of that act)

From 1992 to 1999: the Committee on Conventional Problems of Chemical and Biological Weapons under the President of the Russian Federation.

From 1999 up to now: the Russian Munitions Agency.

1) Decree of the President of the Russian Federation No 160 “On the creation of the Committee on Conventional Problems of Chemical and Biological Weapons under the President of the Russian Federation” of February 19, 1992.

2) Decree of the President of the Russian Federation No 523 “On the Activity of the Committee on Conventional Problems of Chemical and Biological Weapons under the President of the Russian Federation” of May 25, 1992.

3) Resolution of the Government of the Russian Federation No 906 “Russian Munitions Agency issues” of August 6, 1999. The functions were defined, including those related to conventional problems of biological weapons: the exercising on the territory of the Russian Federation of national control over the implementation of international agreements in the area of the prohibition of biological weapons, legislative and other regulatory legal acts; participation in international cooperation; the organization of the research and development activities in order to ensure the implementation of the conventional obligations in the field of prohibition, stockpiling and use of biological weapons. In force since the date of signing.

4) Resolution of the Government of the Russian Federation No 374 “On Ratification of the Statute of the Russian Munitions Agency” of May 31, 2002. The Russian Munitions Agency (Rosboyepripasy) is defined... as the body exercising control over the implementation of the international obligations of the Russian Federation under the BTWC and with respect to cooperation with international organizations and States Parties to the BTWC. In force since the date of signature.

II. Legislative Framework Regulating Activities involving Microorganisms and Other Biological Agents and Toxins Dangerous for Humans, Animals and Plants

1. Are there any legislative and/or other regulatory legal acts regulating the procedure of handling, including a) work, b) storage, c) transfer, d) shipping and e) transportation on the territory of a State of microorganisms, biological agents and toxins dangerous for:

- humans?
- animals?
- plants?

(Specify them, indicating their titles, level at which they were adopted and dates of entry into force)

1) The Federal Law of the Russian Federation ? 52-FZ on Sanitary and Epidemiological Well-Being of the Population of March 30, 1999. Entered into force on the day of official publication.

2) The Federal Law of the Russian Federation ? 4979-1 on Veterinary Medicine of July 14, 1993. Entered into force on the day of official publication.

3) Sanitary rules "Procedure for issuing a sanitary and epidemiological conclusion on the possibility of working with pathogens of infectious diseases of man, belonging to I-IV group of pathogenicity (danger), genetically-engineered modified microorganisms, biotoxins and helminths" SP 1.2.1318-03. Approved by the Resolution ? 85 of the State Chief Sanitary Physician of the Russian Federation of April 30, 2003. Entered into force on the day of official publication. Mandatory for implementation by all entities regardless of their organizational and legal forms and forms of property.

4) "Safety in work with microorganisms belonging to I-II groups of pathogenicity (danger)". Sanitary and Epidemiological Regulations SP 1.3.1285-03. Approved by the Resolution ? 43 of the State Chief Sanitary Physician of the Russian Federation of April,15 2003. They prescribe requirements for organization of work with microorganisms belonging to I-II groups of pathogenicity (under Russian classification), premises and laboratory equipment, work in laboratories of production units, operational procedure for accident elimination in the process of work with biological materials, in genetic engineering, the exit procedure applied to the staff of entities working with biological materials, as well as requirements for sanitary and epidemiological monitoring. There is a provision concerning the commission for control over the observance of biological safety requirements at an entity (enterprise), the list of disinfection means and methods applied in the process of work with pathogenic materials. They entered into force from the day of their official publication. They are mandatory for implementation by all entities regardless of their organizational and legal forms and forms of property.

5) Sanitary rules SP 1.2.036-95 "Procedure for record keeping, storage, transfer and transportation of microorganisms belonging to I-IV groups of pathogenicity". Apart from the rules, the procedure for control of their implementation was established. Approved by the Resolution ? 14 of the State Committee for Sanitary and Epidemiological Supervision of Russia of August 28, 1995. Entered into force on the day of official publication. Mandatory for implementation by all agencies regardless of their organizational and legal forms and forms of property.

6) Epidemiology. "Safety in work with microorganisms belonging to III-IV groups of pathogenicity and helminths". Sanitary rules SP 1.2.731-99. Approved by the Resolution ? 4 of the State Chief Sanitary Physician of the Russian Federation of February 22, 1999. Entered into force on the day of official publication. Mandatory for implementation by all agencies regardless of their organizational and legal forms and forms of property.

7) Sanitary and counter-epidemic regulations "Safety in work with recombinant DNA molecules". Adopted on January 12, 1989 by the Ministry of Health of the USSR. Entered into force on the day of official publication.

8) A compilation of sanitary and veterinary regulations "Prevention and combating the infectious diseases common for humans and animals". Adopted by a resolution of the State Committee for Sanitary and Epidemiological Supervision and an order issued by the Russian Ministry of Agriculture and Food in 1996. Sanitary regulations SP 3.1.084-96. Veterinary regulations VP 13.3.4.1100-96. Entered into force on the day of official

publication. Mandatory for implementation by all entities regardless of their organizational and legal forms and forms of property.

9) "Rules of sanitation at work, of health protection and quarantine, as well as veterinary and sanitary conditions at enterprises of biological industry", adopted by a resolution of the General Veterinary Department, Ministry of Agriculture of the USSR on July 14, 1989. Entered into force on the day of official publication.

10) "Rules of conducting scientific research with quarantine and potentially dangerous pests, pathogens and weeds, as well as introduced useful organisms". Approved by the Russian Ministry of Agriculture on July 24, 1983. Entered into force on the day of official publication.

2. Is there any authorized body (bodies) which is (are) responsible for public sanitary supervision of work involving micro-organisms and other biological agents and toxins dangerous for:

- humans?
- animals?
- plants?

(YES/NO: if "yes" – specify the national body, regulatory legal act related to its establishment or designation and date of entry into force of that act)

Ministry of Health of the Russian Federation (Department of State Sanitary and Epidemiological Supervision)

Ministry of Agriculture of the Russian Federation (State Veterinary Service of the Russian Federation)

Ministry of Agriculture of the Russian Federation (State Plant Quarantine Service of the Russian Federation)

1) Statute on State Sanitary and Epidemiological Service of the Russian Federation. Approved by the Regulation of the Government of the Russian Federation No 554 of July 24, 2000. Entered into force on the date of its signing.

2) Statute on State Veterinary Service of the Russian Federation for protection of the territory of Russia from the import of infectious animal diseases from foreign countries. Approved by the Regulation of the Government of the Russian Federation No 830 of October 29, 1992. Entered into force on the date of its signing.

3) Statute on State Plant Quarantine Service of the Russian Federation. Approved by the Regulation of the Government of the Russian Federation No 268 of April 23, 1992. Entered into force on the date of its signing.

3. Are there any legislative and/or other regulatory legal acts that govern public licensing of work and other activities of a) individuals and b) legal entities with microorganisms and other biological agents and toxins dangerous for:

- humans?
- animals?

- plants?

(Specify them, indicating their titles, level at which they were adopted and dates of entry into force).

1) Federal Law "On Licensing of Certain Types of Activities" ? 128-FZ of August 8, 2001. Entered into force on the date of its official publication.

2) Decree of the Government of the Russian Federation No 501 of July 4, 2002 "Regulation for licensing of activities connected with use of pathogens of infectious diseases". Defines the procedure of licensing of activities (with microorganisms belonging to groups I-II of pathogenicity, including genetically modified, bacteriological toxins, biological toxins, their derivatives, museum stocks and microorganisms, contaminated materials or materials suspected of having been contaminated) carried out by legal entities and individual entrepreneurs, as well as control (scheduled or unscheduled inspection) of compliance with license requirements. Entered into force on the date of its official publication.

4. Are there any legislative and/or other regulatory legal acts that govern the ensuring of physical safety of work with microorganisms and other biological agents and toxins affecting:

- humans?

- animals?

- plants?

(Specify them, including their titles, level at which they were adopted and dates of entry into force)

1) Sanitary rules "Procedure for issuing a sanitary and epidemiological conclusion on the possibility of working with pathogens of infectious diseases of man belonging to I-IV groups of pathogenicity (danger), genetically-engineered modified microorganisms, biotoxins and helminths". SP 1.2 1318-03. Approved by the Decision No 85 of the Chief State Physician of the Russian Federation of April 30, 2003. They entered into force on the date of their official publication. They are mandatory for implementation by all agencies regardless of their organizational and legal forms and forms of property.

2) "Safety in work with microorganisms belonging to I-II groups of pathogenicity (danger)". Sanitary-epidemiological rules SP 1.3 1285-03. Approved by the Decision No 43 of the State Chief Sanitary Physician of the Russian Federation of April 15, 2003. They prescribe requirements with respect to the organization of work with microorganisms belonging to I-II groups of pathogenicity (under Russian classification), to premises and laboratory equipment, to the work in laboratories of production units, to the operational procedure for accident elimination in the process of work with biological materials, in genetic engineering, the exit procedure applied to the staff of agencies working with biological material, as well as requirements for sanitary and epidemiological monitoring. There is a provision concerning the commission for control over the observance of biological safety requirements at an agency (enterprise), the list of disinfection means and methods applied in the process of work with pathogenic materials. Entered into force on the date of their official publication. They are mandatory for implementation by all agencies regardless of their organizational and legal forms and forms of property.

3) Sanitary-epidemiological rules "On proper practice to be applied in the production of medical immunological agents". SP 3.2.1288-03. Approved by the Decision No 60 of the State Chief Sanitary Physician of the Russian Federation of April 18,

2003. Entered into force on the date of their official publication. They are mandatory for implementation by all agencies regardless of their organizational and legal forms and forms of property.

4) "Rules of labor-related health, protection and quarantine practice, as well as veterinary-sanitary conditions at enterprises of biological industry" were approved by the Decision of the Chief Veterinary Administration of the State Agro-Industrial Committee of the USSR on July 14, 1989. Entered into force on the date of their official publication.

5) "Prevention and control of infectious diseases common for human beings and animals". Collection of sanitary and veterinary rules. Was approved by the Decision of the State Committee for Sanitary and Epidemiological Monitoring of Russia and the Order of the Ministry of Agriculture and Food of Russia in 1996. Sanitary rules SP 3.1.084-96. Veterinary rules VP 13.3.4.1100-96. Entered into force on the date of its official publication. They are mandatory for implementation by all agencies regardless of their organizational and legal forms and forms of property.

6) "Rules of conducting scientific research with quarantine and potentially dangerous pests, pathogens of diseases and weeds, as well as introduced useful organisms". Were approved by the Ministry of Agriculture of Russia on July 24, 1983. They entered into force on the date of their signing.

5. Are there any legislative and/or other regulatory legal acts governing genetic engineering activities during the work with microorganisms and other biological agents and toxins dangerous for:

- humans?
- animals?
- plants?

(Specify them, indicating their titles, level at which they were adopted and dates of entry into force).

1) Federal Law of the Russian Federation No 86-FZ "On State Regulation in the Field of Genetic Engineering Activities" of July 5, 1996. Entered into force on the date of its official publication.

2) Sanitary and counter-epidemic regulations "Safety in handling recombinant DNA molecules". Were approved by the Ministry of Health of Russia on January 12, 1989. Entered into force on the date of their official publication.

6. How does the penal/administrative legislation reflect issues concerning responsibility for violation of safety of work involving microorganisms and other biological agents and toxins dangerous for:

- humans?
- animals?
- plants?

(Summarize appropriate articles and specify dates of their entry into force).

The articles of the Criminal Code of the Russian Federation (enacted by the Federal Law of the Russian Federation "On Enactment of the Criminal Code of the Russian Federation" of June 13, 1996 No. 64-FZ) governing treatment of biological agents and toxins as they are worded as of October 1, 2003:

Article 247

The production of prohibited hazardous wastes, their transportation, storage, burial, use or other handling... bacteriological ... that violate the established rules, if such acts caused a threat of a serious damage to human health or environment,

- shall be punishable by a penalty amounting to 200 to 500 minimum wages or amounting to two- to five-month wages or other income earned by the convicted person or by restraint of liberty for up to three years, or by deprivation of freedom for up to two years.

The same acts that polluted, poisoned or contaminated environment, damaged human health or resulted in mass death of animals, as well as the acts committed in an environmental disaster area or in an environmental emergency area,

- shall be punishable by deprivation of freedom for up to five years.

The same acts that led, by negligence, to a death of a person or a large-scale outbreak of disease among people,

- shall be punishable by deprivation of freedom for three to eight years.

Entered into force in January 1997.

Article 248

The violation of safety rules in handling microbiological or other biological agents or toxins, when it resulted in causing damage to human health, spread of epidemics or epizootic diseases or other grave consequences –

- shall be punishable by deprivation of freedom for up to three years and deprivation of the right to occupy certain posts or engage in certain activities for up to three years or without such deprivation.

The same acts that led, by negligence, to a death of a person –

- shall be punishable by deprivation of freedom for two to five years and deprivation of the right to occupy certain posts or engage in certain activities for up to three years.

Entered into force in January 1997.

Article 249

The violation of the veterinary rules that led to a spread of epizootic diseases or other grave consequences –

- shall be punishable by correctional treatment for up to two years or restraint of liberty for up to three years or deprivation of freedom for up to three years.

The violation of the rules established to control diseases and plant pests that caused grave consequences –

- shall be punishable by correctional treatment for up to one year or restraint of liberty for up to two years or deprivation of freedom for up to two years.

Entered into force in 1997.

Article 236

The violation of the sanitary and epidemiological rules that caused, by negligence, a large-scale outbreak of disease or mass poisoning of people

- shall be punishable by a penalty amounting to 100 to 200 minimum wages or amounting to the wages or other one- or two-month income earned by the convicted person or deprivation of the right to occupy certain posts or engage in certain activities for up to three years, or restraint of liberty for up to three years or deprivation of freedom for up to two years.

The same act that led, by negligence, to a death of a person

- shall be punishable by restraint of liberty for up to five years or with equally long deprivation of freedom.

Entered into force in January 1997.

Article 188

The movement across the customs border of the Russian Federation ... of weapons of mass destruction, their means of delivery..., as well as materials and equipment that can be used to develop weapons of mass destruction ... subject to special rules for the movement across the customs border of the Russian Federation... if such an act has been committed without passing through, or with concealment from customs control or with fraudulent use of documents or customs identification or involves a failure to declare or unauthentic declaration

- shall be punishable by deprivation of freedom for 3 to 7 years with or without confiscation of property.

Entered into force in June 2002.

Article 189

An illegal export or transfer of raw materials, materials, equipment, technologies, scientific and technological information, illegal execution of work (rendering of services) for a foreign entity or its representative that can be used in production of weapons of mass destruction... –

- shall be punishable by a penalty ..., or deprivation of the right to occupy certain posts ..., or deprivation of freedom for up to three years.

The said acts committed by a group –

- shall be punishable by deprivation of freedom for 3 to 7 years with or without confiscation of property.

Entered into force in June 2002.

7. Are there any legislative and regulatory legal acts governing provision of information on the outbreaks of dangerous infectious diseases of:

- humans?
- animals?
- plants?

(Specify them, including their titles, level at which they were adopted and dates of entry into force)

(YES, NO)

1) Order of the Ministry of Health of Russia No 230 of July 29, 1998 "On Enhancing of Emergency Preparedness of Institutions and Organizations of the State Sanitary and Epidemiological Service". It stipulates the mandatory submission information on the outbreaks of diseases to the Ministry of Health of Russia. Entered into force on the date of its signing. It is mandatory for implementation by all agencies irrespective of their organizational and legal forms and forms of property.

2) Procedures for transmitting information on the outbreaks of infectious animal diseases are contained in the instructions on suppression and prevention measures (for each disease). The Ministry of Agriculture of Russia (the State Veterinary Service) approved them in 1980-1995. Entered into force on the date of their approval.

Note: All rules listed in the section 2 were registered by the Ministry of Justice of Russia.
