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National Implementation and Regional Cooperation on Implementation of the Biological Weapons Convention

Working Paper Submitted by the People's Republic of China

China has all along supported the principles and objectives of the Biological Weapons Convention (hereinafter referred to as "the Convention") and fulfilled its obligations in a comprehensive and earnest manner. A series of effective measures have been taken in the fields of national implementation legislation, law enforcement, institutionalization and international cooperation to ensure the comprehensive and effective implementation of the Convention. Hereunder are China's practice and proposals on national implementation measures and regional cooperation.

I. China's Practice

i. National Legislation

The Chinese Government has rigorously implemented all articles of the Convention. A series of laws and regulations, which cover the whole range of prohibition, export control, biosafety and biosecurity, public health and infectious diseases surveillance, have been promulgated and implemented. A comprehensive implementation legal system has taken shape. The detailed information can be found in the working paper entitled "National Implementation Measures and Biosecurity and Oversight Mechanism: Practice and Proposals" submitted by China to the 2003 Meeting of Experts to the Convention. In recent years, reviews and updates have been carried out to meet the requirements of the changing situation. Since 2003, laws and regulations were promulgated or revised as follows:

a. Non-proliferation and Export-control

In 2005, *Measures on Administration of Import and Export License of Dual-use Goods and Technologies* was promulgated. It clearly stipulates the licensing system of

biological dual-use items and technologies, examination and grant of license, control list and punishment for violations.

In 2006, the *Export Control List of Regulations of the People's Republic of China on Export Control of Dual-Use Biological Agents and Related Equipment and Technologies* was updated by adding thirteen kinds of pathogens, bacteria and virus, including SARS and one kind of equipment.

b. Biosafety and Biosecurity

With regard to the safety and security of biological laboratory, storage and transport of pathogens and virus, the following laws and regulations have been put in place since 2003: *Regulations on Biosafety Management in Pathogenic Microorganism Laboratories*, *Measures on the Administration of the Examination and Approval of Human Infected Highly Pathogenic Microorganism Laboratories and Biosafety of such Laboratory's Activities*, *List of Human Infected Pathogenic Microorganisms*, *Regulations on Transportation of Human Infected Highly Pathogenic Bacterium (virus) or Its Specimen*, *Guidelines on Biosafety of Veterinary Laboratories*, *Measures on the Administration of the Examination and Approval of Biosafety Management in Highly Pathogenic Animal Microorganism Laboratories*, *List of Animal Pathogenic Microorganisms*. They stipulate in detail the classification and management of pathogens and microorganisms, the storage and transport procedures of bacteria, virus and their specimens, examination and grant procedures regarding the qualifications of laboratories and their activities, the supervision and liabilities, etc.

With regard to the supervision of biological products, from 2004 through 2005, the *Regulations of the People's Republic of China on the Administration of Veterinary Drugs* was revised and *Measures for Registration of Veterinary Drugs*, *Measures on the Administration of the Research and Production of Veterinary Drugs* promulgated. They establish detailed procedures on the registration, production, research and supervision of the veterinary drugs and veterinary biological products, as well as the punishment provisions.

With regard to biosafety of transgenic living things, *Measures for the Administration of Quarantine Inspection on Import and Export of Transgenic products* was promulgated and implemented in 2004. It stipulates that the General Administration of Quality Supervision Inspection and Quarantine is the competent authority responsible for quarantine inspection on import and export of transgenic products. A licensing system is established on the agriculture transgenic products in transit.

c. Infectious diseases surveillance and response

The amended *Law of the People's Republic of China on the Prevention and Control of Infectious Diseases* was published in 2004, which establishes the infectious diseases surveillance system and improves the system of reporting, notifying and publishing regime for infectious diseases.

National Preparedness of Response to Public Health Emergencies and *National Preparedness of Response to Medical Rescue on Public Emergencies* were promulgated in 2005, which stipulates the functions and responsibilities of relevant competent authorities responding to public health emergencies, and the classification, surveillance, reporting, emergency response, and damage control of such emergencies.

Regulations on Response to Severe Animal Epidemics was promulgated in 2005, which standardizes the procedures for diseases emergency response, stipulates the responsibilities of the competent authorities, enterprises and individuals, and improves the emergency response mechanism.

ii. Law Enforcement

The Chinese Government attaches great importance to the law enforcement and adheres to the principle of "enforcing the law strictly and punishing all offenders". A series of effective administrative measures has been taken and improved to ensure the implementation of relevant laws and regulations. A national implementation mechanism, which consists of such government's organs as Ministry of Foreign Affairs, Defense, Agriculture, Health, Commerce and Chinese Customs, has been put in place.

a. In non-proliferation export control, the Chinese Government imposes effective export control on dual-use biological agents and related equipment and technologies. China's legislation on export control embraces such international practice as licensing system, end-user and end-use certification, the establishment of list control and the "catch-call" principle. The Chinese Government attaches great importance to the establishment of an effective export control mechanism. Ministry of Commerce is the national licensing authority. The competent government departments involved in inter-agency license review include Ministry of Commerce, Health, Agriculture, and National Development and Reform Commission. In 2004, China established an inter-agency contingency mechanism for export control, which consists of Ministry of Foreign Affairs, Ministry of Commerce, National Development and Reform Commission. The mechanism is responsible for investigating suspected proliferation cases, stopping proliferation activities and punishing violations accordingly.

b. With regard to biosafety and biosecurity, management of the safety of biological laboratories has been strengthened. The regulations on supply, use, packing and transportation of bacteria and virus have been rigorously implemented. The quarantine inspection of import and export of related items has been enhanced. An inter-ministerial mechanism on the safety of transgenic products has been established, which consists of Ministry of Agriculture, Commerce, Science and Technology, Health.

c. With regard to infectious diseases surveillance and response, Ministry of Agriculture, Ministry of Health and other competent authorities jointly established a nation-wide human, animal and plant diseases surveillance, prevention and control system. The preparedness of emergency response has been improved, an expert team established, and the diseases surveillance, reporting and publishing system enhanced. Therefore, the effective control and reduction of the harmful consequences of severe outbreak of diseases can be achieved.

d. The Chinese Government made unremitting efforts in improving law enforcement capacity through adopting best practices for law enforcement and educating and training law enforcement personnel. The publicity of relevant laws and regulations has been enhanced through organizing regular training courses and lectures and distributing

pamphlets, with a view to helping the enterprises rigorously implement relevant laws and regulations and run their business accordingly.

iii. Regional Cooperation on implementation of the Convention

In recent years, China has been fully engaged in cooperation on implementation of the Convention. By holding and taking part in a series of seminars, China exchanged practice and experience with regional countries on national implementation measures with a view to improving implementation capacity.

In July 2006, China hosted the Seminar on Implementing the Resolution 1540 in the Asia Pacific. Representatives from more than 20 Asian Pacific countries and Inter-governmental Organizations held in-depth discussions on implementing multilateral non-proliferation treaties, strengthening export control and law enforcement.

At the 2006 Asian Seminar on Prevention and Crisis Management of Biological Terrorism held in Japan last year, China provided detailed information on its practice and propositions on combating against bio-terrorism and crisis management.

China organized several international seminars on biosafety and infectious diseases surveillance. Bilateral exchanges have been carried out between China and the USA, Canada, ASEAN, and EU, etc.

II. China's Perspectives and Proposals

i. Adopting effective national implementation measures constitutes basic obligations for the States Parties, as well as important elements for strengthening the effectiveness of the Convention in a comprehensive manner. States Parties could further enhance their national implementation in the following respects:

Firstly, States Parties are obligatory to establish an implementation legal system in accordance with the Convention and respective constitutional process and in light of

national situations. Reviews, assessment and updates should be carried out in a timely manner.

Secondly, a series of effective administrative measures should be adopted to ensure the strict law enforcement and punish the violations accordingly.

Thirdly, a national implementation mechanism with clear division of responsibility and effective coordination should be enhanced and the law enforcement capacity improved.

Fourthly, the publicity of relevant policies and laws should be enhanced with a view to raising the awareness and self-discipline of relevant enterprises, research and education institutions and personnel.

ii. Promoting comprehensive and forceful implementation of the Convention is in the interest of all and demands joint efforts of the international community. States Parties should actively support and take part in international and regional cooperation on implementing the Convention. On the basis of equality, cooperation and mutual respect, States Parties should exchange successful experience and practice and provide assistance to those countries in need through technological exchanges, financial support and regional workshop, to help improve implementation capacity.