

First Meeting
Geneva, 10 – 14 November 2003

Meeting of Experts
Geneva, 18 – 29 August 2003

REPORT OF THE MEETING OF EXPERTS

(Part I)

Introduction

1. The Final Document of the Fifth Review Conference of the States Parties of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC/CONF.V/17), in the section dealing with Decisions and Recommendations, contained the following decision:

“The Conference decided, by consensus, as follows:

(a) To hold three annual meetings of the States Parties of one week duration each year commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006, to discuss, and promote common understanding and effective action on:

- i. the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
- ii. national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
- iii. 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;
- iv. 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;
- v. the content, promulgation, and adoption of codes of conduct for scientists.

- (b) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.
- (c) Each meeting of the States Parties will be prepared by a two week meeting of experts. The topics for consideration at each annual meeting of States Parties will be as follows: items i and ii will be considered in 2003; items iii and iv in 2004; item v in 2005. The first meeting will be chaired by a representative of the Eastern Group, the second by a representative of the Group of Non-Aligned and Other States, and the third by a representative of the Western Group.
- (d) The meetings of experts will prepare factual reports describing their work.
- (e) The Sixth Review Conference will consider the work of these meetings and decide on any further action.”

2. The Fifth Review Conference also approved the nomination by the Eastern Group of Ambassador Tibor Tóth of Hungary as Chairman of the 2003 meetings.

3. By decision 57/516, adopted without a vote on 22 November 2002, the General Assembly, *inter alia*, requested the United Nations Secretary-General to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences.

Organization of the Meeting of Experts

4. In accordance with the decision of the Fifth Review Conference, the Meeting of Experts was convened on 18 August 2003, under the Chairmanship of Ambassador Tibor Tóth of Hungary, at the Palais des Nations in Geneva for a period of two weeks.

5. At its first meeting, the Meeting of Experts adopted its agenda (BWC/MSP.2003/MX/1) and programme of work (BWC/MSP.2003/MX/2) as proposed by the Chairman. The Chairman also drew the attention of delegations to the annotated agenda (BWC/MSP.2003/MX/3).

6. At the same meeting, following a suggestion by the Chairman, the Meeting of Experts adopted as its rules of procedure, *mutatis mutandis*, the rules of procedure of the Fifth Review Conference, as contained in Annex II of the Final Document of the Review Conference (BWC/CONF.V/17). The Meeting of Experts also decided that the same rules of procedure would apply to the Meeting of States Parties.

7. Ms. Jenifer Mackby, Senior Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Meeting of Experts.

Participation at the Meeting of Experts

8. Eighty-three States Parties to the Convention participated in the Meeting of Experts as follows: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, Iceland, India, Indonesia, Iran

(Islamic Republic of), Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Malaysia, Malta, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam, Yemen.

9. In addition, two States that had signed the Convention but had not yet ratified it participated in the Meeting of Experts without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the rules of procedure: Egypt, Madagascar.

10. One State, Israel, neither Party nor Signatory to the Convention, participated in the Meeting of Experts as an observer, in accordance with rule 44, paragraph 2 (a).

11. The United Nations, including the Counter-Terrorism Committee of the United Nations Security Council, the United Nations Department for Disarmament Affairs, the United Nations Environment Programme (UNEP) and the United Nations Institute for Disarmament Research (UNIDIR), attended the Meeting of Experts in accordance with rule 44, paragraph 3.

12. The Food and Agriculture Organization (FAO), the International Centre for Genetic Engineering and Biotechnology (ICGEB), the International Committee of the Red Cross (ICRC), the Organization for Economic Co-operation and Development (OECD), the Organization for the Prohibition of Chemical Weapons (OPCW), the Secretariat of the Basel Convention, the World Health Organization (WHO), the World Organization for Animal Health (OIE), and the World Trade Organization (WTO), upon their request, were granted observer status to participate in the Meeting of Experts in accordance with rule 44, paragraph 4.

13. Fifteen non-governmental organizations and research institutes attended the Meeting of Experts under rule 44, paragraph 5.

14. A list of all participants in the Meeting of Experts is contained in document BWC/MSP.2003/MX/INF.2.

Work of the Meeting of Experts

15. The Meeting of Experts held two public meetings, on 18 and 29 August respectively, and 19 working sessions between 18 and 29 August 2003. In accordance with the programme of work (BWC/MSP.2003/MX/2), the week of 18 to 22 August was devoted to consideration of the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation (agenda item 5), and the week of 25 to 29 August was devoted to consideration of national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins (agenda item 6).

16. During its consideration of the adoption of necessary national measures to implement the prohibitions set forth in the convention, including the enactment of penal legislation (agenda item 5), the Meeting of Experts heard national overview statements from 16 States Parties on 18 August. In subsequent sessions during the week, the Meeting of Experts heard a total of 37

thematic presentations by States Parties and held a structured general discussion on, *inter alia*, the sub-topics of Legal, Regulatory and Administrative (including civil legislation; penal legislation; regulations; and guidelines); Prohibitions (including direct implementation; war materials; development, production, possession and use; and complementary legislation); Restrictions (including classification; operational frameworks; intangible technologies; and sanctions); Practical Implementation and Enforcement (including national infrastructure; international cooperation; education and training; and experts); and Criminalization and Law Enforcement (including information sharing; enforcement; and international agreements).

17. During its consideration of national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins (agenda item 6), the Meeting of Experts heard national overview statements from 14 States Parties on 25 August. In subsequent sessions during the week, the Meeting of Experts heard a total of 36 thematic presentations by States Parties and held a structured general discussion on, *inter alia*, the sub-topics of Legal, Regulatory and Administrative (including national and international models and standards; and risk assessment, programme design and consequence management); Facilities (including facility planning and management; and storage, containment, custody and disposal of dangerous pathogens); Personnel (including personnel issues for pathogen management; and training and continued education in pathogen security); Transport and Transfer (including issues of transport and transfer of dangerous pathogens; and type of recipient facility); and Oversight and Enforcement (including issues of licensing, accreditation and authorization).

18. In the course of this work, the Meeting of Experts was able to draw on a number of working papers submitted by States Parties. These working papers are listed in Annex I to this Report. In addition, statements, presentations and contributions to the discussions were also provided by States Parties in writing and were circulated daily to the Meeting of Experts. The Meeting of Experts decided that all the statements, presentations and contributions made available to the Chairman by States Parties would be attached to this Report, in the languages of submission, as Annex II¹.

19. The Meeting of Experts was also able to draw on a CD-ROM-based repository of information, prepared by the Secretariat, containing a listing of relevant national implementation measures in a large number of States Parties and other relevant information and documents, which was updated in the course of the Meeting.

Documentation

20. A complete list of documents of the Meeting of Experts, including the working papers submitted by States Parties, is contained in Annex I to this Report.

Conclusion of the Meeting of Experts

21. At its closing meeting on 29 August 2003, the Meeting of Experts noted the advice of the Depositary Governments that the 2003 Meeting of States Parties would be held in Geneva from 10 to 14 November 2003, in accordance with the decision of the Fifth Review Conference.

22. At the same meeting, the Meeting of Experts adopted its Report by consensus.

¹ Issued as a separate volume: BWC/MSP.2003/MX/4 (Part II).

Annex I

LIST OF DOCUMENTS OF THE MEETING OF EXPERTS

<u>Symbol</u>	<u>Title</u>
BWC/MSP.2003/MX/1	Provisional Agenda for the Meeting of Experts
BWC/MSP.2003/MX/2	Provisional Programme of Work for the Meeting of Experts
BWC/MSP.2003/MX/3	Annotated Provisional Agenda for the Meeting of Experts
BWC/MSP.2003/MX/4	Report of the Meeting of Experts
BWC/MSP.2003/MX/INF.1 [English Only]	List of States Parties
BWC/MSP.2003/MX/INF.2 [English/French/Spanish Only]	List of Participants
BWC/MSP.2003/MX/CRP.1/Rev.1 [English Only]	Revised Draft Procedural Report
BWC/MSP.2003/MX/Misc.1	Provisional List of Participants
The following Working Papers are in English only unless otherwise indicated:	
BWC/MSP.2003/MX/WP.1	Russian Federation - Proposals on the Draft Questionnaire on National Legislation Ensuring Compliance with the Convention on the Prohibition of Biological and Toxin Weapons
BWC/MSP.2003/MX/WP.2	U.S. Strategy for Achieving Meaningful Progress Through Annual Meetings of BWC States Parties, 2003-2005
BWC/MSP.2003/MX/WP.3	United States – National Implementation Measures 2003 BWC Experts Group
BWC/MSP.2003/MX/WP.4	National Measures Adopted by the United States to Implement the Prohibitions Set Forth in the Biological Weapons Convention

BWC/MSP.2003/MX/WP.5	United States – Security of Dangerous Pathogens and Toxins
BWC/MSP.2003/MX/WP.6	Relevant Measures Taken by the United States Relevant to Security and Oversight of Dangerous Pathogens and Toxins
BWC/MSP.2003/MX/WP.7/Rev.1	United Kingdom – The Design of National Mechanisms to Maintain the Security and Oversight of Pathogenic Microorganisms and Toxins
BWC/MSP.2003/MX/WP.8	United Kingdom – BTWC Implementing and Penal Legislation: Core Elements
BWC/MSP.2003/MX/WP.9	A Compiled List of the Laws and Regulations in China in Relation to the Implementation of the Biological Weapons Convention
BWC/MSP.2003/MX/WP.10	National Paper prepared by Japan
BWC/MSP.2003/MX/WP.11/Rev.1	Japan – Possible Measures for Strengthening Biosecurity
BWC/MSP.2003/MX/WP.12	Legislation in the Federal Republic of Germany on the Prohibition of Biological Weapons
BWC/MSP.2003/MX/WP.13	Legislation in the Federal Republic of Germany Related to Security and Oversight of Pathogenic Microorganisms and Toxins
BWC/MSP.2003/MX/WP.14	The Netherlands - Preventing unauthorized acquisition of pathogenic agents and toxins: A legal patchwork
BWC/MSP.2003/MX/WP.15	Sweden - Possible Measures for Ensuring Security and Oversight of Work with Microorganisms
BWC/MSP.2003/MX/WP.16	Republic of Korea: National Measures or Legislation to Implement the BTWC: A Conceptual Analysis
BWC/MSP.2003/MX/WP.17	France – Biotechnology, Biological Weapons and Bioterrorism – Notes from a Paris Seminar of 9 April 2003
BWC/MSP.2003/MX/WP.18	France – National Mechanisms to Establish and Maintain Surveillance of Microorganism and Toxins, and Prospects for International Cooperation
BWC/MSP.2003/MX/WP.19	France - Biological Risk and Pathogen Control: Lessons from the Study of Emerging Diseases
BWC/MSP.2003/MX/WP.20	Brazilian Views on the Way Forward

BWC/MSP.2003/MX/WP.21	German Experience with the Catch-All Clause
BWC/MSP.2003/MX/WP.22	German Approaches to Awareness-Raising
BWC/MSP.2003/MX/WP.23	Argentina – National Measures to Implement the Biological Weapons Convention
BWC/MSP.2003/MX/WP.24	German Legislation in the Field of Biological Weapons and Agents
BWC/MSP.2003/MX/WP.25	China – National Implementation measures and Biosecurity and Oversight Mechanisms: Practice and Proposals
BWC/MSP.2003/MX/WP.26	Canada – Meeting Bio-Security Challenges: Development of a Canadian Federal Interdepartmental Collaborative Model
BWC/MSP.2003/MX/WP.27	Canadian Measures to Enhance Domestic Laboratory Security for Biological Agents
BWC/MSP.2003/MX/WP.28	Canada’s Biological and Chemical Defence Review Committee: Transparency Model
BWC/MSP.2003/MX/WP.29	The Canadian Counter-Terrorism Technical Center (CTTC) as a Mechanism to Provide Security and Oversight Through Facilities and Equipment
BWC/MSP.2003/MX/WP.30	South Africa: BTWC and Related Legislation
BWC/MSP.2003/MX/WP.31	Domestic Legislation for the BTWC Implementation in the Russian Federation
BWC/MSP.2003/MX/WP.32	National measures on export control adopted by the Russia Federation for implementation of international obligations under the BWC
BWC/MSP.2003/MX/WP.33	Poland – NATO Advanced Research Workshop: “Preparedness against bioterrorism and re-emerging infectious diseases – regional capabilities, needs and expectations in Central and Eastern European countries”, held on 15-18 January 2003 in Warsaw, Poland
BWC/MSP.2003/MX/WP.34	United Kingdom – Managing the Threat from Biological Weapons: Science, Society and Secrecy
BWC/MSP.2003/MX/WP.35	Germany – Coherent National Implementation as a Means to Improve the Effectiveness of the BTWC

BWC/MSP.2003/MX/WP.36	Germany - Measures Relevant to the Security and Oversight of Biological Materials
BWC/MSP.2003/MX/WP.37	German Genetic Engineering Legislation Related to Contained Use
BWC/MSP.2003/MX/WP.38	Australia's Experience in Educating Industry and Research Institutes about Export Obligations – A Framework for the Biological Sector
BWC/MSP.2003/MX/WP.39	Australia – Model Strategy for Implementing BWC Obligations
BWC/MSP.2003/MX/WP.40	National Measures in Ukraine to Control Genetic Modification
BWC/MSP.2003/MX/WP.41	General Information on Sanitary-Epidemiological Surveillance System in Ukraine and Measures Taken to Counteract Possible Bioterrorist Activity in the Context of Events of Autumn 2001
BWC/MSP.2003/MX/WP.42	Procedure to Control Access and Work with Biological Agents and Toxins in Ukraine
BWC/MSP.2003/MX/WP.43	Ukraine – Information on Criminal Responsibility for the Bioterrorist Activity and Activity Aimed at Development of Weapons of Mass Destruction
BWC/MSP.2003/MX/WP.44	Poland's Legislation Relating to BTWC
BWC/MSP.2003/MX/WP.45	United Kingdom – Practical Implementation and Enforcement: National Infrastructure
BWC/MSP.2003/MX/WP.46 [Spanish Only*]	Cuba - Mecanismos Nacionales Para Establecer y Mantener La Seguridad y La Vigilancia de Microorganismos Pathógenos y Toxinas
BWC/MSP.2003/MX/WP.47 [Spanish Only*]	Cuba - Adopción de Medidas Nacionales Necesarias Para Aplicar Las Prohibiciones Establecidas en la Convención Incluida la Promulgación de una Legislación Penal
BWC/MSP.2003/MX/WP.48	Meeting BWC Obligations: Australia's Experience with Licensing, Accreditation and Authorization of Work with Genetically Modified Organisms

* An informal translation into English is attached to the document

BWC/MSP.2003/MX/WP.49	Meeting BWC Obligations: Australia's Experience with Facility Planning and Management for Dealing with Genetically Modified Organisms
BWC/MSP.2003/MX/WP.50	Meeting BWC Obligations: Australian Experience with a National Model for Regulating Laboratory Work with Genetically Modified Organisms
BWC/MSP.2003/MX/WP.51	Islamic Republic of Iran – National Implementation Measures
BWC/MSP.2003/MX/WP.52	Malaysia – Legislative Action to Implement the Obligations under the BWC
BWC/MSP.2003/MX/WP.53	Austria – Cooperation with Foreign Missions in Austria: Case Study “Anthrax”
BWC/MSP.2003/MX/WP.54	Islamic Republic of Iran – National Report on national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins
BWC/MSP.2003/MX/WP.55	Regulations and guidelines in the Islamic Republic of Iran on national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins
BWC/MSP.2003/MX/WP.56	Practical aspects of export licensing: Australia's experience
BWC/MSP.2003/MX/WP.57	Finland's New Penal Legislation on Biological Weapons and Terrorism
BWC/MSP.2003/MX/WP.58	National legislative and regulatory provisions for the implementation by the Republic of Bulgaria of the prohibitions set forth in the BWC
BWC/MSP.2003/MX/WP.59	Germany – International Regulations for the Safe Transport of Biological Materials
BWC/MSP.2003/MX/WP.60 [Spanish Only]	Mexico – Medidas relativas a la aplicación sobre la Prohibición de las Armas Biológicas
BWC/MSP.2003/MX/WP.61	The Biological Weapons Convention in Thailand
BWC/MSP.2003/MX/WP.62	Austria, Belgium, Finland, France, Germany, Ireland, Italy, the Netherlands, Portugal, Spain, Sweden, United Kingdom – BTWC and Related Legislation

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BWC/MSP.2003/MX/WP.63

United Kingdom – Issues of Licensing, Accreditation and
Authorisation: The Example of the Specified Animal
Pathogens Order 1998 (SAPO)

BWC/MSP.2003/MX/WP.64

United Kingdom – Emergency Preparedness and Response

BWC/MSP.2003/MX/WP.65

United Kingdom – Legislation Governing Intangible
Technology

BWC/MSP.2003/MX/WP.66

Export Control Legislation in the United Kingdom
