First Meeting
Geneva, 10 – 14 November 2003

Meeting of Experts
Geneva, 18 – 29 August 2003
Items 5 and 6 of the agenda

**National measures on export control adopted by the Russian Federation for implementation of international obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin weapons and on their Destruction**

Prepared by the Russian Federation

1. In order to implement requirements, provided by Articles III and X of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (CBTW), the Russian Federation carries out, on a regular basis, target-oriented activities on strengthening and improvement of the legislation in the field of export control over biological items of dual use.

**List of biological items under control**

2. List of germs (pathogens) causing diseases in human beings, animals and plants; genetically modified microorganisms; toxins; equipment and technologies which are subject to export control is being developed by the authorized federal executive body exercising export control, namely by the Ministry of Economic Development and Trade of the Russian Federation (Department of the Export Control) jointly with other federal executive bodies and is being approved by a Decree of the President of the Russian Federation as advised by the Government of the Russian Federation.

3. Existing list of biological items which are subject to the export control is available on the following web-site of the Ministry of Economic Development and Trade of the Russian Federation: [www.economy.gov.ru/dep_dek/doc/pravo/u1004.htm](http://www.economy.gov.ru/dep_dek/doc/pravo/u1004.htm).

**Fundamental Legislative and Other Statutory Acts**

4. The Russian Federation adopted the following legislative and other statutory acts regulating export control over biological items of dual use:

- Decree of the President of the Russian Federation No. 1004 "On approval of the List of pathogens of human being, animals and plants, genetically changed microorganisms, toxins, equipment and technologies, subject to export control" of August 8, 2001;

- Decree of the Government of the Russian Federation No. 634 "On approval of Regulation on Carrying Out Control Over Foreign Trade Activities in Respect to Pathogens of Human Being, Animals and Plants, Genetically Modified Microorganisms, Toxins, Equipment and Technologies" of August 29, 2001;


**Fundamental Regulations of Export Control over Biological Items of Dual Use**

5. Control over foreign trade activities in respect to pathogens, toxins, equipment and technologies includes the following:

- licensing procedure for foreign trade activities providing export from the Russian Federation and (or) transfer of pathogens, toxins, equipment and technologies under control (including transfer of equipment and technologies in the form of individual elements) to foreign legal and natural persons, international organizations or representatives of this organizations by any means including mailing and electronic communications;

- customs control over and customs clearance of pathogens, toxins, equipment and technologies in the form of technical data crossing customs border of the Russian Federation and subject to export control.

6. Export of biological items, which are subject to export control, from the Russian Federation to foreign states is permitted for the purposes that are not prohibited by the CBTW.

7. Foreign trade activities in respect to pathogens, toxins, equipment and technologies under control are carried out under licenses provided by the Ministry of Economic Development and Trade of the Russian Federation or authorizations of the Commission on Export Control of the Russian Federation.

8. With a view to define conformity of a specific foreign trade transaction in respect to biological items under control to the state interests and international obligations of the Russian Federation under the CBTW the following factors should be taken into consideration (Decree of the Government of the Russian Federation No. 294, of April 16, 2001):

- providing protection of political, economic, military interests and security of the Russian Federation;
- purpose of using items which are subject of a transaction;

- significance of a transaction for development of military and industrial potential of a recipient state;

- obligations of an importer and/or end user providing the conditions that items received:
  
  a) will be used only for declared purposes not connected with development of bacteriological (biological) or toxin weapons or with carrying out activities prohibited by the Convention;
  
  b) will not be re-exported or transferred to an entity without respective approval.

9. In some cases a decision on granting permission to conclude a foreign trade transaction may be conditioned by observance of certain requirements, terms and restrictions.

Catch-all control provisions

10. With a view to enhancing control and preventing proliferation of the sensitive biological products the Russian legislation enforces the following provisions (Federal Law of July 19, 1999, 183-ФЗ, Article 20):

11. An exporter is obliged to receive an appropriate permit to conduct a foreign economic transaction involving sensitive biological products if he:

   - has been advised by the Ministry of Economic Development and Trade of the Russian Federation or by other competent public authority that such products may be used with a view to developing biological weapons;

   - has reasons to believe that such products may be used with a view to developing biological weapons.

12. Russian persons are not permitted to conclude, execute foreign economic transactions or engage therein should such persons be perfectly aware that such products will be used by a foreign state or a foreign persons with a view to developing biological weapons.

Prohibitions and Limitations:

13. With a view to defending national interests and satisfying international obligations of the Russian Federation the prohibitions and limitations (Federal Law of July 19, 1999, 183-ФЗ, Article 21, 25) may be enforced on foreign economic activities involving biological products subject to export control. Such prohibitions and limitations may be enforced on:

   - individual foreign states by federal laws;

   - specific products in accordance with international obligations of the Russian Federation by the President of the Russian Federation;
- specific foreign individuals involved in activities that contradict principles of the non-proliferation of weapons of mass destruction by the Government of the Russian Federation;


The Responsibility for Violation of the Export Control Legislation

14. The citizens, officials and organizations, having violated an export control legislation of the Russian Federation, bear criminal, administrative and civil law responsibility.

15. Subject to gravity of the wrongful acts committed in that area one may be punished both with penalties and imprisonment and/or prohibition to be assigned to specific posts or involved into specific activities.

16. Physical and legal persons may be brought to responsibility for the following kinds of violations of an export control legislation committed when executing foreign economic operations involving controlled pathogenic organisms, toxins, equipment and technologies:

- executing foreign economic transactions without licenses or permits;
- obtaining licenses and permits by provision of false or misleading documents;
- violating terms and conditions of the licenses or permits;
- non-execution or inappropriate execution of orders by the Ministry of Economic Development and Trade of the Russian Federation;
- obstructing federal executive officials in the discharge of their duties;
- groundless refusal to provide information, its deliberate misrepresentation or concealment;
- violation of the established registration procedure for foreign economic transactions.

17. The above mentioned measures to control exports of the dual-use biological products are coordinated with broad efforts made by the Russian Federation to satisfy its international obligations assumed under the BTWC.