

# **Working Group on the Strengthening of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction**

8 August 2023

English and Russian only

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## **Second Session**

**Geneva, 7-18 August 2023**

Agenda item 6

**Identifying, examining and developing specific and effective measures, including possible legally-binding measures, and making recommendations to strengthen and institutionalize the Convention in all its aspects within the mandate of the Working Group**

## **National Implementation by the Russian Federation of the Obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction**

### **Submitted by the Russian Federation**

1. The Russian Federation confirms its commitment to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC) and fully fulfils its obligations under the Convention. Russia took an active part in drafting the Convention and is one of the Depositary States. Strengthening the BWC regime and fulfilling the international obligations related to prohibition and non-proliferation of biological and toxic weapons are among the key priorities of Russia's national policy.

2. In accordance with its international obligations, the Russian Federation has taken all the necessary national measures to ensure the implementation of the Convention.

(a) Decree of the President of the Russian Federation dated 11 April 1992 No. 390 "On ensuring the fulfilment of international obligations in the field of biological weapons" states that the development and implementation of biological programmes in violation of the BWC is not allowed on the territory of the Russian Federation.

(b) Decree of the Government of the Russian Federation dated 5 June 2008 No. 438 enforced the Regulations on the Ministry of Industry and Trade of the Russian Federation that vest the Ministry of Industry and Trade of Russia with authority of the national body of the Russian Federation responsible for the implementation of the BWC.

(c) Federal Law dated 30 December 2020 No. 492-FZ "On Biological Security in the Russian Federation" establishes the foundations of state regulation in the field of ensuring biological security in the Russian Federation and defines a set of measures aimed at protecting the population and environment from the effects of biological hazards, preventing biological threats, creating and developing a biological risk monitoring system.

In accordance with the Federal Law, the authorized federal executive bodies and organizations carry out, within their competence, international cooperation to strengthen the BWC regime in order to ensure a complete ban on biological weapons, investigate cases of alleged use of biological and toxin weapons, ensure safe handling of pathogens, take measures to integrate the Russian Federation into international systems for ensuring biological security and other international integration associations, facilitate Russia's participation in international scientific exchange in this area.



(d) A system of export control to monitor the movement of biological products complying with all the requirements of the BWC has been established and is in operation in the Russian Federation. The system is continuously being improved to take into account the new challenges and threats facing humanity. The procedure for exercising export control over biological products is regulated by the following core legislative and regulatory legal acts:

- i. Federal Law dated 18 July 1999 No. 183-FZ "On export control" (as amended on 26 March 2023) establishes the principles for the implementation of the national policy, the legal basis for the activities of the state authorities of the Russian Federation in the field of export control as well as determines the rights, obligations and responsibilities of participants in foreign economic activity;
- ii. Decree of the Government of the Russian Federation dated 16 July 2022 No. 1287, in accordance with Article 6 of the Federal Law dated 18 July 1999 No. 183-FZ "On export control", in order to protect national interests and ensure the fulfilment of the international obligations of the Russian Federation under the BWC and UN Security Council resolution 1540 dated 28 April 2004, approved the List of microorganisms, toxins, equipment and technologies subject to export control;

Foreign economic transactions with controlled goods and technologies are carried out on the basis of the relevant licenses issued by the authorized state executive body;

- iii. Decree of the Government of the Russian Federation dated 15 August 2005 No. 517 (as amended on 5 August 2022) approved the rules of procedure for requesting a permission from the Export Control Commission of the Russian Federation in cases where it is a matter of foreign economic transactions with goods, information, works, services, results of intellectual activity (rights to them) that can be used by a foreign State or a foreign person or entity for the purpose of creating weapons of mass destruction and their means of delivery, other types of weapons and military equipment, or can be acquired in the interests of organizations or individuals involved in terrorist activities;
- iv. Decree of the Government of the Russian Federation dated 29 August 2001 No. 634 (as amended on 3 February 2023) enforced the Regulations on the implementation of control over foreign economic activity in relation to microorganisms, toxins, equipment and technologies.

The Regulations are mandatory for all legal entities and individuals under the jurisdiction of the Russian Federation engaged in foreign economic activity in relation to microorganisms, toxins, equipment and technologies included in the above List (see section 4.b).

(e) The Criminal Code of the Russian Federation provides for liability (up to imprisonment) for criminal activities that are contrary to the BWC.

Thus, Article 189 of the Criminal Code of the Russian Federation provides for the punishment in the form of imprisonment for a term from five to ten years with a fine of up to one million roubles for illegal export from Russia or transfer to a foreign person or entity or his representative of weapons of mass destruction or their means of delivery, or goods, technologies and works (services), which are known to the perpetrator as those that can be used in the development of weapons mass destruction or their means of delivery and that are subject to export control.

Also, in accordance with Article 355 of the Criminal Code of the Russian Federation, the development, manufacture, stockpiling, acquisition or sale of mass-destruction weapons shall be punishable by imprisonment for a term from five to ten years.

In addition, in accordance with Article 356 of the Criminal Code of the Russian Federation, the use of weapons of mass destruction banned by an international treaty of the Russian Federation shall be punishable by deprivation of liberty for a term of 10 to 20 years.

(f) In accordance with the decision of the Third Review Conference of the BWC (1991), the Russian Federation annually provides information on its biological activities and facilities as part of the confidence building measures.

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