

EU JOINT ACTION IN SUPPORT OF THE BIOLOGICAL AND TOXIN WEAPONS CONVENTION

**Obligations stemming from
the 1972 Biological and Toxin Weapons Convention and
UN Security Council Resolution 1540 (2004) (pertaining to biological weapons)**

Checklists for States

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These checklists has been prepared to assist states parties to adhere to the 1972 Biological and Toxin Weapons Convention (BTWC) and to assist states to implement the obligations in UN Security Council Resolution 1540 (UNSCR 1540), adopted 28 April 2004, that relate to biological weapons.

All states parties to the BTWC will need to undertake certain actions in order to fully comply with their general obligations under the treaty. It is likely that states will need to adopt national legislation and other measures on a range of issues that relate to biological weapons control.

In addition, all states are obliged by UNSCR 1540 to review the adequacy of their existing measures and adopt any necessary measures to ensure compliance with their obligations under the resolution. States requiring legislative or other assistance in meeting their obligations under UNSCR 1540 are encouraged to inform the Security Council Committee established under operative paragraph 4 of UNSCR 1540 (2004) of what assistance they require as soon as possible.

OBLIGATIONS UNDER THE 1972 BIOLOGICAL WEAPONS CONVENTION AND RELATED TASKS

	BTWC reference
To do prior to entry into force of the BTWC (for the state concerned)¹	
Adopt any necessary national measures to:	
Prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I	Article IV
Extend national measures to any territory under its jurisdiction or control (external territories)	Article IV
Prohibit the transfer to any recipient whatsoever, directly or indirectly, any of the agents, toxins, weapons, equipment or means of delivery specified in article I	Article III
Prohibit the assistance, encouragement or inducement of any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in article I	Article III
Facilitate the destruction, or diversion to peaceful purposes of all agents, toxins, weapons, equipment and means of delivery specified in article I, which are in its jurisdiction or control as soon as possible, but not later than nine months after entry into force	Article II
To do within nine months of entry into force of the BTWC (for the state concerned)²	
Ensure the destruction, or diversion to peaceful purposes of all agents, toxins, weapons, equipment and means of delivery specified in article I, which are in its jurisdiction or control	Article II
To do annually:	
Not later than 28 April each year	<i>FD, 2RC, 1986</i>
Participate in the Confidence-Building Measure data exchanges, providing information for the last calendar year	
Standing obligations for all states parties	
Ensure the observance of all necessary safety precautions to protect populations and the environment in implementing the obligations in article II	Article II
Consult one another and to cooperate in solving any problems which may arise in relation to the objective	Article V

¹ These relate to tasks that a state party should have completed before ratification or accession, in order to ensure it is able to comply once it becomes a state party.

² These relate to tasks that a state party must complete within nine months of becoming a party to the Convention.

of, or in the application of the provisions of, the Convention.	
Provide or support assistance, in accordance with the UN Charter, to any state party which so requests, if the Security Council decides that such party has been exposed to danger as a result of violation of the Convention	Article VII
Facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes	Article X(1)
Cooperate individually or together with other states or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the prevention of disease, or for other peaceful purposes.	Article X(1)
Implement the Convention in a manner designed to avoid hampering: <ul style="list-style-type: none"> - the economic or technological development of states parties to the convention; or - international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of: <ul style="list-style-type: none"> - bacteriological (biological) agents and - toxins and - equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes	Article X (2)
Notify the UN Department for Disarmament Affairs of the adoption or amendment of national implementing measures/legislation	<i>FD, 2RC, 1986</i>

OBLIGATIONS UNDER UN SECURITY COUNCIL RESOLUTION 1540 (2004) RELATING TO BIOLOGICAL WEAPONS

	UNSCR 1540 Reference OP = operative paragraph
To do as soon as possible after 28 April 2004:	
Adopt national implementing legislation to:	
Prohibit any non-state actor manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery (offences)	OP 2
Prohibit attempts to engage in these activities (inchoate offences)	OP 2
Prohibit participation as an accomplice, assistant or financier (parties to offences)	OP 2
Develop and maintain export controls	OP 3 (d)
Establish end-user controls	OP 3 (d)
Establish criminal and civil penalties for violations of export controls	OP 3 (d)
Adopt national measures (may involve legislation) to:	
Enforce offences and inchoate offences, including offences involving parties	OP 2
Account for and secure BW in production, use, storage or transport	OP 3 (a)
Develop and maintain appropriate effective physical protection	OP 3 (b)
Develop and maintain appropriate effective border controls	OP 3 (c)
Develop and maintain law enforcement efforts	OP 3 (c)
Develop effective national control lists	OP 6
Ensure compliance with their commitments under the key multilateral non-proliferation treaties	OP 8 (b)
To do within six months of the adoption of this resolution:	
Not later than 28 October 2004	OP 4
Present a report to the Committee established under OP 4 on steps they have taken or intend to take to implement the resolution	

Standing obligations for states:	
Review existing national measures adopted in relation to OP 3, in order to render them consistent with the obligations contained in UNSCR 1540	OP 3
States in a position to do so are invited to offer assistance as appropriate in response to specific requests by states lacking: <ul style="list-style-type: none"> - the legal and regulatory infrastructure, - implementation experience, and/or - resources for fulfilling OPs 1 to 6	OP 7
Promote the universal adoption and full implementation of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons	OP 8 (a)
Promote the strengthening, where necessary, of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons	OP 8 (a)
Renew and fulfil their commitment to multilateral cooperation, in particular within the framework of <ul style="list-style-type: none"> - the International Atomic Energy Agency, - the Organization for the Prohibition of Chemical Weapons, and - the Biological and Toxin Weapons Convention 	OP 8 (c)
Develop appropriate ways to work with and inform industry and the public regarding their obligations under national laws relating to non-proliferation of nuclear, biological and chemical weapons	OP 8 (d)
Promote dialogue and cooperation on non-proliferation	OP 9
Take cooperative action to prevent illicit trafficking in: <ul style="list-style-type: none"> - nuclear, - chemical, or - biological weapons, - their means of delivery, and - related materials in accordance with states national legal authorities and legislation and consistent with international law	OP 10
Provide at any time, or upon the request of the 1540 Committee, additional information on their implementation of Resolution 1540 (2004)	OP 3, UNSCR 1673 (2005)