

## **A Compiled List of Laws and Regulations of China in Relation to the Implementation of the Biological Weapons Convention**

China has all along stood for the comprehensive prohibition and thorough destruction of biological weapons, and opposed the proliferation of such weapons. China supports the principles and objects of the Biological Weapons Convention (hereinafter referred to as the Convention) and exerts itself to strengthen the effectiveness of the Convention. China has been earnestly fulfilling its obligations under the Convention according to the following laws and regulations:

**1. The Criminal Law of the People's Republic of China** (Adopted by the Standing Committee of the National People's Congress and Promulgated by the Decree of the President of the People's Republic of China in July 1979, the Third Revision in December 2001) provides that any illegal manufacturing, trading in, transporting, storing, using, stealing, snatching or robbing of any toxic, radioactive substances or infectious pathogens constitutes a crime against public security and shall receive criminal punishment in accordance with relevant provisions of the Criminal Law. Organizing, leading or participating in terrorist activities constitutes a crime and shall be punished.

**2. Regulations of the People's Republic of China on Export Control of Dual-Use Biological Agents and Related Equipment and**

**Technologies** (Promulgated by the State Council on October 14, 2002) and its **Export Control List**. A licensing system is imposed on the export of dual-use biological agents and related equipment and technologies. Without being licensed, no unit or individual shall export such dual-use items and technologies in the Control List. Exporter of dual-use items in the Control List shall apply with the competent export control department and provide the latter with certificate of end-user and end-use, document of guarantee and other required documents. Importer shall be obliged not to use dual-use biological agents and related equipment and technologies supplied by China for purposes other than the declared end-use or to transfer such items to any third party without the consent of the Chinese Government. The Regulations also introduce “catch-all” principle and provide for punishment for violators.

**3. Customs Law of the People’s Republic of China** (Adopted by the Standing Committee of the National People’s Congress and Promulgated by the Decree of the President of the People’s Republic of China on January 22, 1987, Revised on July 8, 2000) establishes the Customs’ supervision and control over the means of transport, goods and other items entering or leaving the territory.

**4. List of Articles Prohibited from Import and Export by Customs of the People’s Republic of China** (Revised and Promulgated by the General Customs Administration on February 26, 1991) lists weapons, toxins, narcotics, dangerous pathogenic bacteria, injurious insects and other harmful animals and plants and their by-products, food and drugs which may cause epidemics.

**5. Measures for the Administration of License for the Import of**

**Goods** (Promulgated by the Ministry of Foreign Trade and Economic Cooperation on December 20, 2001) establish the universal licensing system for imports. The State shall practice a licensing system for the import of goods which have quantity limitation or other limitations.

**6. Law of the People's Republic of China on Border Health Quarantine** (Adopted by the Standing Committee of the National People's Congress and Promulgated by the Decree of the President of the People's Republic of China on December 2 , 1986) establishes that health and quarantine officers shall quarantine and monitor infectious diseases, carry out health inspections in accordance with the provisions of the law so as to prevent infectious diseases from spreading in or out of the country.

**7. Law of the People's Republic of China on Quarantine Inspection of Import and Export Animal and Plant** (Adopted by the Standing Committee of the National People's Congress and Promulgated by the Decree of the President of the People's Republic of China on October 30, 1991) and its **Implementation Regulations** (Promulgated by the State Council on December 2, 1996) stipulate in detail the quarantine procedures of the goods for import, export and in transit. The goods include animals, plants, animal or plant products, other quarantinable goods (bacteria, serum, diagnosing fluid, castoff of animal or plant), and their containers, wrapping or matting materials and vehicles.

**8. Measures on the Administration of Animal Quarantine** (Promulgated by the Ministry of Agriculture on May 6, 2002) establish that all animals or animal products shall receive quarantine inspection by designated quarantine officers prior to selling or moving from the

producing area. The consignor should apply in advance to local authority in charge of animal epidemic prevention for quarantine inspection.

**9. Law of the People's Republic of China on the Prevention and Control of Infectious Diseases** (Adopted by the Standing Committee of the National People's Congress and Promulgated by the Decree of the President of the People's Republic of China on February 21, 1989) and its **Implementation Regulations** (Promulgated by the Ministry of Health in December 1991) establish three categories of infectious bacteria and viruses based on toxicity and seriousness of the diseases caused, and spell out corresponding measures for the administration of the using, storing, carrying and shipping of such bacteria and viruses.

**10. Regulations on Response to Public Health Emergent Incidents** (Promulgated by the State Council on May 12, 2003) provide for the administration of quick response to serious outbreak of infectious diseases or unidentified mass diseases which may cause severe harm to public health, with a view to effectively preventing, containing and eliminating the harmful consequences.

**11. Measures on the Administration of the Prevention and Control of Infectious Severe Acute Respiratory Syndrome** (Promulgated by the Ministry of Health on May 12, 2003) establish detailed procedures of the reporting, notifying and publishing, preventing and controlling, medical treatment of SARS.

**12. Law of the People's Republic of China on the Prevention of Animal Epidemics** (Promulgated by the Ministry of Agriculture on July 3, 1997) prescribes in detail the management of animal epidemics prevention, quarantine of animal and animal products, supervision of the

prevention of animal epidemics management and liabilities.

**13. Measures on the Administration of the Reporting of Animal Epidemics** (Promulgated by the Ministry of Agriculture on October 19, 1999) establish the relevant authorities and stipulates in detail the reporting procedures.

**14. Law of the People's Republic of China on the Management of Drugs** (Adopted by the Standing Committee of the National People's Congress and Promulgated by the Decree of the President of the People's Republic of China on September 20, 1984, Revised on February 28, 2001) stipulates the launch, examination, approval, routine management and supervision of the enterprises that produce or sell drugs. It also prescribes punishment articles and establishes detailed requirements for the management of medicament of medical units.

**15. Regulations of the People's Republic of China on the Administration of Veterinary Drugs** (Promulgated by the State Council on May 21, 1987, Revised on November 29, 2001) and its **Implementation Regulations** (Revised and Promulgated by the Ministry of Agriculture in January 1998) provide detailed procedures for the production, marketing, import and export, administration and monitoring of veterinary biological products. In addition, the Ministry of Agriculture has formulated, inter alia, the following administrative measures to ensure the effective implementation of the aforementioned regulations:

**Administrative Measures on Veterinary Biological Products;**

**Administrative Measures on Imported Veterinary Drugs;**

**Administrative Measures on the Management and Inspection of Veterinary Drugs;**

**Administrative Measures on the Licensing of the Production of Veterinary Drugs and the Marketing of Veterinary Drugs and Veterinary Agents**

**16. Administrative Measures for Genetically Modified Food Hygiene** (Promulgated by the Ministry of Health on April 25, 2002) establish supervision and administration over genetically modified food so as to safeguard the health of consumers.

**17. General Guidelines on Biological Safety in Microbial and Biological Medical Laboratory** (Promulgated by the Ministry of Health on December 3, 2002) establish detailed requirements for the criterion design of constructing laboratories of BL2 and above.

**18. Measures on the Administration of Plant Manufacturing Biological Products** (Promulgated by the Ministry of Health in October 1993) establish detailed requirements for the review, approval and construction of production facility of biological products.

**19. Regulations on Labor Protection in Workplaces Where Toxic Substances Are Used** (Promulgated by the State Council on April 3, 2002) establish measures on the safe use of toxic substances in working places.

**20. Regulations of the People's Republic of China on the Storage and Administration of Microbial Bacteria Species** (Promulgated by the State Science and Technology Commission on August 8, 1986) detail procedures on the separation, selection, collection, storage, identification, indexing, supplying and exchange of bacteria species.

**21. Measures of the People's Republic of China on the Administration of the Storage of Medical Microbial Bacteria Species**

(Revised and Promulgated by the Ministry of Health on March 23, 1985) provide detailed procedures on the classification, collection, storage, use, application and posting, external exchange of medical microbial bacteria species.

**22. Tentative Measures on the Administration of the Storage of Veterinary Microbial Bacteria Species** (Promulgated by the Ministry of Agriculture in November 1980) establish the administrative authorities and detailed procedures on the classification, collection, supply, identification and storage, use and external exchange of veterinary microbial bacteria, viruses and pathogenic insect species.

**23. Measures on the Safety Administration of Genetic Engineering** (Promulgated by the State Science and Technology Commission on December 24, 1993) prescribe the management system of genetic engineering. According to the latent risk, the measures classify four levels of safety on the generic engineering and stipulate examination and approval purviews.

**24. Implementation Measures on the Safety Administration of Agricultural Biological Genetic Engineering** (Promulgated by the Ministry of Agriculture on July 10, 1996). The measures establish corresponding safety levels according to the comprehensive evaluation on agricultural biological generic engineering. The experimental research, interim trial and production at different safety levels should apply to corresponding agency for approval. The security control and emergency measures are also needed.

**25. Regulations on the Safety Administration of Agricultural Transgenic Living Things** (Promulgated by the State Council on May 23,

2001), **Measures on the Administration of Safety Evaluation of Agricultural Transgenic Living Things** (Promulgated by the Ministry of Agriculture on January 5, 2002), **Measures on the Safety Administration of the Import of Agricultural Transgenic Living Things** (Promulgated by the Ministry of Agriculture on January 5, 2002). These measures stipulate the research, trial, production, processing, marketing, import and export of the agricultural transgenic living things. They also prescribe the safety of animals, plants and microbes.