

**Fourth Meeting
Geneva, 10-14 December 2007**

**Meeting of Experts
Geneva, 20-24 August 2007**

Items 5 of the agenda

**Consideration of ways and means to enhance
national implementation, including enforcement
of national legislation, strengthening of
national institutions and coordination among
national law enforcement institutions**

**THE BRAZILIAN NATIONAL IMPLEMENTATION MEASURES AND THE
LEGISLATIVE FRAMEWORK REGARDING THE BTWC**

Submitted by Brazil

1. Brazilian national initiatives towards the implementation of the Biological Weapons Convention (BTWC) comprise a vast array of measures regarding the establishment of a legal framework aiming at appropriately addressing all aspects of the Convention, as well as adopting practical implementation of its dispositions. Such measures are conducted by the General Coordination Office for Sensitive Materials (CGBE) – Ministry of Science and Technology –, which is the Brazilian National Authority in charge of controlling nuclear, chemical, biological and delivery systems' assets. CGBE is also the Executive Secretariat of the Inter-ministerial Commission for the Export Control of Sensitive Goods (CIBES) and is responsible for the national implementation of the BTWC.
2. Brazilian legal history on the subject goes as far back as the legislative decree of 1972 that approved the BTCW as part of our national legislation. The most recent legal instrument approved nationally is "Cibes Resolution n. 8/2007", which establishes a List of Sensitive Goods and Directly Linked Services in the Biological Area. This list defines which microorganisms, toxins and equipments may have dual use and therefore must be monitored in the export, import and internal market areas.
3. The National Authority has also devised and implemented an innovative National Program for the Integration of Government, Industries and Research Institutions in the Sensitive Assets Area (Pronabens). The program's main goal is to raise awareness about all the international instruments regarding non-proliferation and disarmament, and it reaches out to all actors involved with any aspect of dual-use assets. Pronabens provides those non-state actors with information about the Government's controls for transfers of sensitive technologies and

dual use materials and widens the State's cooperation and information exchange with such actors for anticipated detection and prevention of eventual prohibited transfers. The Pronabens program comprises visits to industries, research institutions and personnel involved with dual-use technology, as well the organization of seminars and workshops with such actors. Besides ensuring the Brazilian compliance to the BTWC provisions, the program increases the participation of the Brazilian society in controlling dual-use items and preventing biological accidents and prohibited activities, under national and international legal frameworks.

4. With the Pronabens implementation, Brazil was one of the first countries to comply with Resolution 1540 of the United Nations Security Council, article 8 D, which "calls upon all States to develop appropriate ways to work with and inform industry and the public regarding their obligations [under such laws]".

Brazilian Legal Framework

Article 225 of the Brazilian Federal Constitution of 1988

5. Prohibits the development and production of weapons of mass destruction in Brazil. Article 225, paragraph 1, II and V determines that "it is incumbent upon the Government (...) to control entities engaged in research and manipulation of genetic material" and to "control the production, sale and use of techniques, methods and substances which represent a risk to life".

Law No. 9.112, 10 October 1995

6. Regulates the export of goods and services with possible military applications or dual use and, in that connection, also regulates the export of goods or related services with possible application for the development of weapons of mass destruction, whether nuclear, chemical or biological, and their delivery vehicles (i.e. missiles). Exports of sensitive goods require prior permission from the relevant federal agencies under the overall coordination of the Strategic Affairs Secretariat of the Presidency of the Republic. Breaches of the law concerning the export of sensitive goods are punished with sanctions ranging from admonition to the suspension of the right to participate in foreign trade activities. Sanctions are provided for violation, including incarceration from 1-4 years.

Law No. 8974, 5 January 1995

7. Sets the standards for use of genetic engineering techniques in the construction, cultivation, manipulation, transportation, marketing, consumption, release and disposal of genetically modified organisms (GMOs) with the objective of protecting the life and health of humans, animals, plants and the environment. Requires any organization using genetic engineering techniques and methods to create an Internal Biosafety Commission (CIBio) and outlines the responsibilities of these commissions. Outlines crimes in relation to the law and corresponding punishments, including the crime of the genetic manipulation of germ cells.

Decree No.4.214, 30 April 2002

8. Establishes the competences of the Inter-ministerial Commission for Export Controls of Sensitive Goods (CGBE).

Provisional Measure No. 2186-16, 23 August, 2001

9. Determines general principles applied to the security of biological materials. Regulates protection measures and restrictions on the access to genetic heritage and associated traditional knowledge. The Provisional Measure also regulates the access to, and transfer of technology for the conservation and use of genetic heritage. Specific norms are stipulated by the National Technical Bio-safety Commission, especially with regard to genetically modified organisms.

Decree No. 5459, 7 June 2005

10. Establishes sanctions for the development of biological weapons.

Law n 11.105 of 2005

11. Establishes safety norms and regulations and verification mechanisms for activities that involve GMOs and their products.

Cibes Resolution n 8/2007 of 1.03.07

12. Establishes the list of Sensitive Goods and Directly Linked Services in the Biological area. This list defines which microorganisms, toxins and equipments may have dual use and therefore must be monitored in the export, import and internal market areas.

13. Available at: www.unog.ch/bwc > Information for States-Parties > National implementation
