

**MEETING OF THE STATES PARTIES TO THE
CONVENTION ON THE PROHIBITION OF
THE DEVELOPMENT, PRODUCTION AND
STOCKPILING OF BACTERIOLOGICAL
(BIOLOGICAL) AND TOXIN WEAPONS AND
ON THEIR DESTRUCTION**

BWC/MSP/2003/3
4 November 2003

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First Meeting
Geneva, 10 – 14 November 2003
Item 2 of the provisional agenda

ANNOTATED PROVISIONAL AGENDA FOR THE MEETING OF STATES PARTIES

Prepared by the Secretariat

Item 1: Opening of Meeting

1. The Meeting of States Parties will be opened by the Chairman, Ambassador Tibor Tóth of Hungary.

Item 2: Adoption of Agenda

2. The Meeting of States Parties will consider and adopt the provisional agenda (BWC/MSP.2003/1).

Item 3: Adoption of Programme of Work

3. The Meeting of States Parties will consider and adopt the provisional programme of work (BWC/MSP.2003/2). The provisional programme of work was developed by the Chairman following informal consultations with delegations and regional groups.

Item 4: General debate/discussion

4. It is envisioned that States Parties will make general statements on the issues emerging from the Meeting of Experts. Recognising the positive effect of cooperation between States Parties with differing legal and constitutional arrangements, States Parties in a position to do so may wish to offer legal and technical assistance to others who request it in framing and/or expanding their own legislation and controls in the areas of national implementation and biosecurity.

Item 5: Discussion of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation (“topic I”)

5. States Parties will be invited to make national presentations related to this topic, with a view to developing and expanding on specific ideas and proposals which they put forward at the Meeting of Experts. It is hoped that both the presentations and subsequent discussion will be less directly focused on the individual national experiences of States Parties, and will instead examine common themes which are more generally applicable. For example, States Parties might set out the need for, and possible methods of, reviewing and where necessary enacting or updating national legal, regulatory and penal measures which ensure effective implementation of the prohibitions of the Convention. Based on the common elements which emerged from working papers, presentations and discussions at the Meeting of Experts, the presentations and discussion will be divided according to the following three themes (with the third also applying to topic ii):

- *Incorporation of the prohibitions contained in Article I of the Convention, including the enactment of penal legislation:* national penal legislation by each State Party incorporating the prohibitions contained in Article I of the Convention (the general purpose criterion) and a prohibition on acts related to BW use by its citizens in any location and by anyone under its jurisdiction. This could include adaptation or enhancement of existing domestic legislation.
- *Licensing:* establishment of a national licensing system governing the export of dual-use biological agents and related equipment and technologies.
- *Enforcement:* enforcement of national legislation, including criminal and civil penalties, and utilization of investigative tools for prevention and response.

Item 6: Discussion of national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins (“topic ii”)

6. As with item 5, States Parties will be invited to make national presentations related to this topic, with a view to developing and expanding on specific ideas and proposals which they put forward at the Meeting of Experts. Based on the common elements which emerged from presentations and discussions at the Meeting of Experts, these presentations will be divided according to the following four themes (with the first also applying to “topic i”):

- *Enforcement:* national penal legislation to protect facilities and transport systems that possess, handle, use or transport potentially dangerous pathogens and toxins, including requirements limiting handling, use and transport of such pathogens to registered facilities and authorized personnel.
- *Biosecurity evaluation and implementation of biosecurity procedures:* establishment of national programmes to evaluate and implement biosecurity procedures based both on intrinsic pathogen danger and likelihood of diversion, including oversight of facilities, transport systems and personnel possessing, handling, using and transporting potentially dangerous pathogens and toxins, as well as national measures to secure pathogen collections and the control of their use for peaceful purposes, and the value of biosecurity measures and procedures to ensure that such dangerous materials are not accessible to persons who could misuse them for purposes contrary to the Convention.

- *Identification and licensing/registration*: national identification and licensing/registration of facilities and persons, and internal and external monitoring of facilities.
- *Efforts by relevant international bodies*: efforts by relevant international bodies, such as the WHO, OIE and FAO, as appropriate, to develop and/or expand voluntary biosecurity guidelines.

Item 7: Arrangements for the Meeting of Experts and Meeting of States Parties in 2004

7. In accordance with the decision of the Fifth Review Conference, the Meeting of States Parties will appoint a representative of the Group of the Non-Aligned Movement and Other States to chair the 2004 meetings. The Meeting of States Parties will also confirm the dates and venue for the 2004 meetings, based on the advice of the Depositary governments. The incoming Chair may wish to take the opportunity to outline any preliminary plans for preparations for the 2004 meetings.

Item 8: Adoption of Report

8. A draft procedural report, with attachments to be determined in the course of the Meeting, will be distributed for consideration and adoption by the Meeting.

Item 9: Closing of Meeting
