Chemical Weapons Convention

IAP

Implementation Assistance Programme

November 2004

Chemical Weapons Convention Implementation Assistance Programme

Introduction

The purpose of this Implementation Assistance Programme (IAP) is to provide information to assist States Parties to implement the Chemical Weapons Convention's (CWC) declaration and import/export control obligations under Article VI, and provisions for National Authorities under Article VII. The focus of materials in the IAP is on how to implement treaty requirements. The software allows for review of materials at the user's desired level of detail using links.

The IAP describes how to establish a National Authority. The chemicals subject to the CWC, how to identify industries that may use CWC chemicals, the most common scheduled chemicals used in industry, and potential applications of CWC chemicals to chemical agents are also described in the IAP. Materials to assist States Parties in conducting outreach for industry submission of declarations is included. The IAP also provides information on the treaty's requirements for export and import controls and declarations, as well as a description of administrative requirements and suggestions for how to establish and implement these controls.

Finally, the IAP provides various background and reference materials. For example, useful CWC definitions are listed in the software. The Organisation for the Prohibition of Chemical Weapons' Declarations Handbook is available via a link as is information to assist in developing national legislation and points of contact for additional assistance.

Because the utility of any treaty is linked directly to the compliance of its membership, it is critical that every CWC State Party meet its core Article VII obligations as soon as possible, and no later than the Tenth Conference of States Parties in November 2005.

Table of Contents

	[Topics]	[Reference]
Section 1: Treaty Overiew 5	– General Overview / **7** – Organisation for the Prohibition of Chemical Weapons (OPCW) / **7** – Prohibitions and Non-Prohibited Activities / **8** – Global Role of the CWC / **8** – National Implementation Measures / **9** – Article VI Requirements / **10** – International Cooperation & Assistance / **10**	– Annex on Chemicals / **12** – Schedules of Chemicals / **13** – The Organisation for the Prohibition of Chemical Weapons IAP-003 / **15** – United Nations Security Council Resolution 1540 / **16** – OPCW Plan of Action Regarding the Implementation of Article VII Obligations / **20** – State Party Assistance / **24**
Section 2: Establishing A National Authority 25	– Article VII Requirements / **27** – Structure / **27** – Responsibilities / **28** – Common National Authority Tasks **/ 28** – Forms Required for Establishing a National Authority and Submitting Initial Declarations after Entry into Force / **29**	– Establishing a National Authority / **29** – State Party CWC Requirements / **33**
Section 3: Glossary of Terms 37		
Section 4: Chemicals 45	– Introduction to Chemicals / **47** – Annex on Chemicals / **48** – Schedules of Chemicals / **49** – Discrete Organic Chemicals / **51** – Overview of Industry Uses / **52** – How to Identify Your Chemical Industry / **61** – How to Determine if a Chemical is Subject to Declaration / **63**	– Identification of Declarable Activities / **66** – Potential Chemical Weapon Applications / **70**
Section 5: Declaration Regime 81	– Article VI Data Monitoring Requirements / **83** – Declaration Requirements / **90** – Determining Product Group Codes for Declarations / **141** – Establishing a Declaration Regime for Industry / **141** – State Party Procedures for Receiving and Processing Declarations / **143** – Compiling the Declaration for Submission to the OPCW / **144** – Classifying the State Party Declaration / **146**	– Product Group Coded - Industry Descriptions / **147** – Technical Secretariat Report - " The Project To Assist States Parties In Identifying New Declarable Facilities Under Article VI of the Chemical Weapons Convention" / **151** – Clarifications of Declarations / **156**

Table of Contents

	[Topics]	[Reference]
Section 6: Export/ Import Requirements 159	– Treaty Requirements/ **161** – State Party Requirements / **165** – Administrative Measures / **166** – Compliance / **168** – Outreach **/ 170**	
Section 7: Compliance Activities 171	– General Overview/ **173** – Technical Secretariat Compliance Activities / **173** – State Party Compliance Activities / **173**	– Product Group Codes – Industry Descriptions/ **178** – Technical Secretariat Report - " The Project To Assist States Parties In Identifying New Declarable Facilities Under Article VI of the Chemical Weapons Convention" / **182** – Clarifications of Declarations / **187**
Section 8: Outreach 189	– Overiew/ **191** – Information Pamphlets / **191**	– Obligations for Non-Prohibited Activities under the Chemical Weapons Convention IAP-001/ **192** – A Guide to the Chemical Weapons Convention IAP-002 / **193** – The Organisation for the Prohibition of Chemical Weapons IAP-003 / **194** –Introduction to Article VI Implementation IAP-004 / **195**
Section 9: Tools 225	– Applications / **227** – Documents / **227** – Legislation / **227** – OPCW National Implementation Legislation Kits / **228** – Web Sites / **228** – Points of Contact / **228**	

SECTION 1

Treaty Overview

In this Section:

Topics / **page**

General Overview / **7**

Organisation for the Prohibition of Chemical Weapons (OPCW) / **7**

Prohibitions and Non-Prohibited Activities / **8**

Global Role of the CWC / **8**

National Implementation Measures / **9**

Article VI Requirements / **10**

International Cooperation & Assistance / **10**

Reference Material / **page**

Annex on Chemicals / **12**

Schedules of Chemicals / **13**

The Organisation for the Prohibition of Chemical Weapons IAP-003 / **15**

United Nations Security Council Resolution 1540 / **16**

OPCW Plan of Action Regarding the Implementation of Article VII Obligations / **20**

State Party Assistance / **24**

GENERAL OVERVIEW

- The Chemical Weapons Convention (CWC) bans chemical weapons and monitors the production, use, and transfer of chemicals that could be associated with chemical weapons.
- First treaty to outlaw an entire class of weapons of mass destruction and require their elimination.
- First multilateral arms control treaty to have a significant impact on the private sector.
  - Export/import, declaration, and inspection requirements.
- Open for signature on January 28, 1993.
- Entered into force on April 29, 1997.
- There are over 165 States Parties to the CWC.

ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW)

- CWC is administered by the Organisation for the Prohibition of Chemical Weapons (OPCW).
  - Located in The Hague, Netherlands.
- All countries that accede to the CWC are "States Parties" (i.e., members).

Organs of the OPCW

- Conference of States Parties (CSP)
  - Oversees implementation and reviews compliance issues.
  - Comprised of all member states.
  - Meets annually.
- Executive Council (EC)
  - Promotes effective implementation of and compliance with the CWC.
  - Consists of 41 member states primarily based on geography and significance of chemical industry.
  - Meets 4-6 times annually.

- Technical Secretariat
  - Responsible for day-to-day operations.
  - Comprises permanent staff and is led by a Director-General.
- See page 15 at the end of this section for an outreach pamphlet, *IAP-003, that* describes the elements of the OPCW most relevant to the chemical and related industries.

PROHIBITIONS AND NON-PROHIBITED ACTIVITIES

CWC Prohibitions

- Develop, produce, otherwise acquire, stockpile, or retain chemical weapons, or transfer chemical weapons to anyone.
- Use of chemical weapons.
- Engage in any military preparations to use chemical weapons.
- Assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the CWC.

Non-Prohibited Activities

- CWC monitors certain toxic chemicals and their precursors, but permits, under prescribed circumstances, the production, processing, consumption, export, and import of such chemicals for purposes not prohibited by the treaty.
  - Non-prohibited purposes include industrial, agricultural, research, medical, pharmaceutical, protective, or other peaceful purposes.

GLOBAL ROLE OF THE CWC

- Critical component of the United Nations' strategy to deter the spread and use of weapons of mass destruction.
- Article VII requires each State Party to implement its CWC obligations, in accordance with its constitutional practices.
  - Enact legislation, including penal legislation, outlawing prohibitions.
  - Establish administrative measures (e.g., National Authority, declarations, inspections).

- **United Nations Security Council Resolution 1540** *(See pg. 16 at the end of this section)*
  - Requires all States to adopt and enforce effective laws prohibiting the proliferation of chemical weapons to non-State Actors.
  - Requires all States to take and enforce effective measures to establish domestic controls to prevent the proliferation of chemical weapons.
  - Calls upon States to adopt national rules and regulations to ensure compliance with the CWC.

NATIONAL IMPLEMENTATION MEASURES

- Upon accession to the CWC, each State Party is required to implement the following provisions:
  - Enact legislation, including penal legislation, to enforce the prohibitions of the CWC;
  - Establish a National Authority to serve as the national focal point for effective liaison with the OPCW and other States Parties; and
  - Inform the OPCW of the legislative and administrative measures taken to implement the CWC.

- On 24 October 2003, the CSP adopted a **"Plan of Action"** to ensure universal State Party compliance with Article VII by the Tenth Session of the CSP (7-11 November 2005). *(See pg. 20 at the end of this section)*
  - Calls upon States Parties to enact necessary legislation, including penal legislation, and adopt administrative measures to implement the CWC.
  - Resulted in targeted assistance to States Parties to meet the November 2005 deadline.

- CSP Actions at the Tenth Session
  - Review the status of implementation and consider and decide on any appropriate measures to be taken, if necessary, to ensure compliance with Article VII.

State Party Legislative Measures

Each State Party shall, in accordance with its constitutional processes, adopt the necessary mechanisms to implement its obligations under the CWC, which include:

- Prohibiting natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Convention, including enacting penal legislation with respect to such activity;

- Not permitting in any place under its control any activity prohibited to a State Party under the CWC; and
- Extending its penal legislation to any activity prohibited to a State Party under the CWC undertaken anywhere by natural persons, possessing its nationality, in conformity with international law.

State Party Administrative Measures

- Establish a national authority.
- Establish a regime to control exports and imports of Scheduled chemicals.
- Establish a regime to compel declarations and submit them to the OPCW.
- Establish a regime to host OPCW inspections.

ARTICLE VI REQUIREMENTS

- Enact measures to ensure any toxic chemical or precursor is only developed, produced, otherwise acquired, retained, transferred, or used in any place under its jurisdiction for purposes not prohibited.
  - This requirement is not limited to Scheduled or unscheduled discrete organic chemicals (DOCs).
- Prohibit or restrict transfers of Scheduled chemicals.
- Subject facilities to data monitoring of production, processing, consumption, export, and import of Scheduled chemicals and certain unscheduled DOCs.
- Subject facilities to on-site verification.

INTERNATIONAL COOPERATION AND ASSISTANCE

- International exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for non-prohibited purposes.
- Assistance with compliance (e.g., Articles VI and VII).
  - The Technical Secretariat and many States Parties have offered to provide assistance to any State Party to comply with Article VII by November 2005.
    - Technical Secretariat support.

TS Contacts: International Cooperation
tel: +31 70 416 3218
fax: +31 70 416 3279
intcoopbr@opcw.org

Implementation Support
tel: +31 70 416 3376
fax: +31 70 306 3535
ipb@opcw.org

Office of the Legal Advisor
tel: +31 70 416 3814
fax: +31 70 416 3779
legal@opcw.org

- See page 24 for a current list of States Parties offering assistance.
- Network of Legal Experts:

  OPCW office of the Legal Advisor
  tel: +31 70 416 3814
  fax: +31 70 416 3779
  legal@opcw.org

  - This Implementation Assistance Programme is an effort to provide States Parties with assistance in meeting their Article VII obligations.

Technical Secretariat Support

- Focuses on capacity building for the peaceful applications of chemistry in areas which are relevant to the CWC:
  - Analytical skills development courses;
  - Associates programme;
  - Information service;
  - Internship support;
  - Laboratory assistance; and
  - Research projects.

ANNEX ON CHEMICALS

A. Guidelines for Schedules of Chemicals

Schedule 1 Chemicals

1. The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:

(a) It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;

(b) It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:

(i) It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;

(ii) It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;

(iii) It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;

(c) It has little or no use for purposes not prohibited under this Convention.

Schedule 2 Chemicals

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

(a) It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;

(b) It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;

(c) It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;

(d) It is not produced in large commercial quantities for purposes not prohibited under this Convention.

Schedule 3 Chemicals

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

(a) It has been produced, stockpiled or used as a chemical weapon;

(b) It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;

(c) It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;

(d) It may be produced in large commercial quantities for purposes not prohibited under this Convention.

Schedules of Chemicals

Schedule 1		CAS registry number	HTS Codes
A.	**Toxic chemicals:**		
(1)	O Alkyl (<C10, incl. cycloalkyl) alkyl		
	(Me, Et, n Pr or i Pr) phosphonofluoridates		
	e.g. Sarin: O Isopropyl methylphosphonofluoridate	(107 44 8)	
	Soman: O Pinacolyl methylphosphonofluoridate	(96 64 0)	2931.00
(2)	O Alkyl (<C10, incl. cycloalkyl) N,N dialkyl		
	(Me, Et, n Pr or i Pr) phosphoramidocyanidates		
	e.g. Tabun: O Ethyl N,N dimethyl phosphoramidocyanidate	(77 81 6)	2931.00
(3)	O Alkyl (H or <C10, incl. cycloalkyl) S 2 dialkyl		
	(Me, Et, n Pr or i Pr) aminoethyl alkyl		
	(Me, Et, n Pr or i Pr) phosphonothiolates andcorresponding alkylated or protonated salts		
	e.g. VX: O Ethyl S 2 diisopropylaminoethyl methyl phosphonothiolate	(50782 69 9)	2930.90
(4)	Sulfur mustards:		
	2 Chloroethylchloromethylsulfide	(2625 76 5)	
	Mustard gas: Bis(2 chloroethyl)sulfide	(505 60 2)	
	Bis(2 chloroethylthio)methane	(63869 13 6)	
	Sesquimustard: 1,2 Bis(2 chloroethylthio)ethane	(3563 36 8)	
	1,3 Bis(2 chloroethylthio) n propane	(63905 10 2)	
	1,4 Bis(2 chloroethylthio) n butane	(142868 93 7)	
	1,5 Bis(2 chloroethylthio) n pentane	(142868 94 8)	
	Bis(2 chloroethylthiomethyl)ether	(63918 90 1)	
	O Mustard: Bis(2 chloroethylthioethyl)ether	(63918 89 8)	2930.90
(5)	Lewisites:		
	Lewisite 1: 2 Chlorovinyldichloroarsine	(541 25 3)	
	Lewisite 2: Bis(2 chlorovinyl)chloroarsine	(40334 69 8)	
	Lewisite 3: Tris(2 chlorovinyl)arsine	(40334 70 1)	2931.00
(6)	Nitrogen mustards:		2921.19
	HN1: Bis(2 chloroethyl)ethylamine	(538 07 8)	
	HN2: Bis(2 chloroethyl)methylamine	(51 75 2)	
	HN3: Tris(2 chloroethyl)amine	(555 77 1)	2921.19
			2930.90
(7)	Saxitoxin	(35523 89 8)	3002.90
(8)	Ricin	(9009 86 3)	3002.90
B.	**Precursors:**		
(9)	Alkyl (Me, Et, n Pr or i Pr) phosphonyldifluorides		
	e.g. DF: Methylphosphonyldifluoride	(676 99 3)	
(10)	O Alkyl (H or <C10, incl. cycloalkyl) O 2 dialkyl		
	(Me, Et, n Pr or i Pr) aminoethyl alkyl		
	(Me, Et, n Pr or i Pr) phosphonites and corresponding alkylated or protonated salts		
	e.g. QL: O Ethyl O 2 diisopropylaminoethyl methylphosphonite	(57856 11 8)	2931.00
(11)	Chlorosarin: O Isopropyl methylphosphonochloridate	(1445 76 7)	2931.00
(12)	Chlorosoman: O Pinacolyl methylphosphonochloridate	(7040 57 5)	2931.00

Schedules of Chemicals

Schedule 2		CAS registry number	HTS Codes
A.	**Toxic chemicals:**		
(1)	Amiton: O,O Diethyl S [2 (diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	(75-53-5)	2930.90
(2)	PFIB: 1,1,3,3,3 Pentafluoro 2 (trifluoromethyl) 1 propene	(382 21 8)	2903.30
(3)	BZ: 3 Quinuclidinyl benzilate (*)	(6581 06 2)	2933.90
B.	**Precursors:**		
(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride (676 97 1) Dimethyl methylphosphonate (756 79 6) Exemption: Fonofos: O Ethyl S phenyl Ethylphosphonothiolothionate	(944 22 9)	2931.00
(5)	N,N Dialkyl (Me, Et, n Pr or i Pr) phosphoramidic dihalides		2929.90
(6)	Dialkyl (Me, Et, n Pr or i Pr) N,N dialkyl Me, Et, n Pr or i Pr) phosphoramidates		2929.00
(7)	Arsenic trichloride	(7784 34 1)	2812.10
(8)	2,2 Diphenyl 2 hydroxyacetic acid	(76 93 7)	2918.19
(9)	Quinuclidin 3 ol	(1619 34 7)	2933.39
(10)	N,N Dialkyl (Me, Et, n Pr or i Pr) aminoethyl 2 chlorides and corresponding protonated salts		2921.19
(11)	N,N Dialkyl (Me, Et, n Pr or i Pr) aminoethane 2 ols and corresponding protonated salts Exemptions: N,N Dimethylaminoethanol and corresponding protonated salts (108-01-0) N,N Diethylaminoethanol andcorresponding protonated salts (100-37-8)		2922.19
(12)	N,N Dialkyl (Me, Et, n Pr or i Pr) aminoethane 2 thiols and corresponding protonated salts		2930.90
(13)	Thiodiglycol: Bis(2 hydroxyethyl)sulfide	(111 48 8)	2930.90
(14)	Pinacolyl alcohol: 3,3 Dimethylbutan 2 ol	(464 07 3)	2905.14

Schedule 3		CAS registry number	HTS Codes
A.	**Toxic chemicals:**		
(1)	Phosgene: Carbonyl dichloride	(75 44 5)	2812.10
(2)	Cyanogen chloride	(506 77 4)	2851.00
(3)	Hydrogen cyanide	(74 90 8)	2811.19
(4)	Chloropicrin: Trichloronitromethane	(76 06 2)	2904.90
B.	**Precursors:**		
(5)	Phosphorus oxychloride	(10025 87 3)	2812.10
(6)	Phosphorus trichloride	(7719 12 2)	2812.10
(7)	Phosphorus pentachloride	(10026 13 8)	2812.10
(8)	Trimethyl phosphite	(121 45 9)	2920.90
(9)	Triethyl phosphite	(122 52 1)	2920.90
(10)	Dimethyl phosphite	(868 85 9)	2921.19
(11)	Diethyl phosphite	(762 04 9)	2920.90
(12)	Sulfur monochloride	(10025 67 9)	2812.10
(13)	Sulfur dichloride	(10545 99 0)	2812.10
(14)	Thionyl chloride	(7719 09 7)	2812.10
(15)	Ethyldiethanolamine	(139 87 7)	2922.19
(16)	Methyldiethanolamine	(105 59 9)	2922.19
(17)	Triethanolamine	(102 71 6)	2922.13

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The Organisation for the Prohibition of Chemical Weapons

The Organisation for the Prohibition of Chemical Weapons (OPCW) is the international body created to implement the Chemical Weapons Convention (CWC). The OPCW has an affiliated relationship with the United Nations and is located in The Hague, Netherlands. Qualified citizens of the more than 165 States Parties may serve on its staff.

Basic Organisation

Article VIII of the CWC establishes the OPCW and its major components. The Conference of States Parties (CSP) is the OPCW's principal organ, responsible for overseeing implementation and reviewing compliance issues. All States Parties are members of the CSP, which meets annually.

The Executive Council (EC) is the OPCW's executive body. It promotes the effective implementation of and compliance with the Convention. The EC meets approximately six times per year to supervise the activities of the Technical Secretariat (TS) and facilitate consultations and cooperation among States Parties. The EC's 41 members are selected by a formula that recognizes the importance of geographic diversity, representation by the most significant national chemical industries, and political and security interests.

The TS is responsible for day-to-day operations and verification activities. It is comprised of the OPCW permanent staff, and is led by a Director–General, who is elected by the CSP. The staff itself consists of technical, managerial, and administrative personnel.

Verification Division

The Verification Division of the TS receives and maintains data declarations and inspection reports, manages inspection planning, and analyzes and protects information related to CWC compliance and implementation.

- Declarations Branch: processes and validates declarations.
- Confidentiality Branch: monitors the handling of and controls access to confidential verification information.
- Industry Verification Branch: assesses declarations and plans inspections for declared facilities/plant sites.
- Policy and Review Branch: monitors and assesses verification activities, prepares proposals to enhance verification efficiency, and resolves inspection issues.

Inspectorate Division

The Inspectorate Division of the TS manages the inspectors, as well as the operational and logistical aspects of inspections.

- Inspectorate Management Branch: supplies the 200+ inspectors who conduct on-site verification activities.
- Operations and Planning Center Branch: staffs a 24-hour operations center for inspection notification and support to deployed inspection teams, and conducts short-range planning and inspection reporting.
- Inspection Review Branch: reviews logistical and operational aspects of inspections, and prepares procedural manuals and policy documents.

The Inspectors

The inspectors involved with industry verification are chemical production technologists, process specialists, analytical chemists and logisticians. They have 3-year, renewable contracts and possess the following qualifications:

- Bachelor of Science in chemical engineering or chemistry and 6 years practical in-plant experience.
- Fluency in one of the six official United Nations languages, plus working knowledge of English.

Inspectors, as well as other TS employees, must sign and comply with an OPCW Secrecy Agreement, which prohibits them from divulging any information obtained while employed at the OPCW. It is binding for the duration of their employment and 5 years thereafter. The Agreement supports the Confidentiality Annex of the CWC, which contains protections for confidential business information.

United Nations S/RES/1540 (2004)

Security Council

Distr.: General
28 April 2004

Resolution 1540 (2004)

Adopted by the Security Council at its 4956th meeting, on 28 April 2004

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,* constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

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* Definitions for the purpose of this resolution only:

Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.

Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

04-32843 (E)
0432843

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides that* all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

2. *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for

terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

3. *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

4. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

5. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

7. *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

8. *Calls upon* all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. *Calls upon* all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. *Decides* to remain seized of the matter.

OPCW **Conference of the States Parties**

Eighth Session
20 – 24 October 2003

C-8/DEC.16
24 October 2003
Original: ENGLISH

DECISION

PLAN OF ACTION REGARDING THE IMPLEMENTATION OF ARTICLE VII OBLIGATIONS

The Conference of the States Parties,

Recalling the recommendations that the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (First Review Conference) made on national implementation measures (as covered under agenda item 7(c)(v) of its report, subparagraphs 7.74 to 7.83 of RC-1/5, dated 9 May 2003), in particular the agreement in subparagraph 7.83(h) of that report to develop, at its next regular session, a plan of action based on a recommendation from the Executive Council (hereinafter "the Council") regarding the implementation of obligations under Article VII of the Chemical Weapons Convention (hereinafter "the Convention"), with the objective of fostering the full, effective, and non-discriminatory implementation of the Convention by all States Parties;

Stressing the need to fully implement the recommendations of the First Review Conference on national implementation measures;

Recognising how important and how urgent it is that States Parties complete their obligations under Article VII to adopt, in accordance with their constitutional processes, the necessary measures to implement the Convention;

Convinced that the full and effective implementation of Article VII by all States Parties also contributes to universal adherence to the Convention;

Concerned that a large number of States Parties have not yet fulfilled the range of obligations under Article VII, and **recognising** that many of them may have difficulties in doing so; and

Taking note of the report by the Director-General to the Eighth Session of the Conference on national implementation measures (C-8/DG.5, dated 18 September 2003, and Add.1, dated 22 October 2003);

Having received the recommendation by the Council on the Plan of Action on national implementation measures (EC-M-23/DEC.2, dated 21 October 2003),

CS-2003-3683(E) distributed 04/11/2003

C-8/DEC.16
page 2

Hereby:

Identification and analysis of problems and needs (action items for the Technical Secretariat and States Parties)

1. **Requests** the Technical Secretariat (hereinafter "the Secretariat") to intensify its work with those States Parties that have difficulties in adopting the measures required under Article VII, by further identifying, analysing, and addressing those difficulties;

2. **Further requests** the Secretariat to submit to the Thirty-Sixth Session of the Council a report covering, *inter alia*, problems that have been identified, requirements of States Parties for support, the capabilities of the OPCW (that is, both of the Secretariat and of the States Parties) to provide implementation support, and any recommendations relevant to the implementation of the plan of action;

3. **Requests** States Parties seeking assistance of any kind in meeting their national implementation obligations and that have not yet informed the Secretariat of what assistance they require, to do so preferably before 1 March 2004;

Resources for implementation support (action items for the Technical Secretariat and States Parties)

4. **Requests** the Secretariat, within the parameters set by the OPCW Programme and Budget, to offer sustained technical support to States Parties that request it for the establishment and effective functioning of National Authorities, the enactment of national implementing legislation, and the adoption of any administrative measures required in accordance with Article VII;

5. **Welcomes** voluntary contributions from States Parties towards the implementation of this plan of action, and **requests** the Secretariat to implement the plan of action within the resources approved for the OPCW Programme and Budget, together with any voluntary contributions received for national implementation, and in a cost-effective manner;

6. **Encourages** States Parties to lend advice, upon request, to other States Parties in drafting and adopting national measures necessary to implement the Convention, *inter alia* to ensure that the laws reflect the comprehensive nature of the Convention by covering all activities that are to be prohibited or required in accordance with the Convention, and that involve the use of any toxic chemicals and their precursors; to cover the provision of annual declarations on past and anticipated activities; to ensure the implementation of the provisions related to transfers of scheduled chemicals; and to cover the annual submission of information on national protective programmes in accordance with paragraph 4 of Article X;

7. **Requests** States Parties able to provide assistance of any kind towards national implementation in other States Parties to inform the Secretariat, preferably before 1 March 2004, of what they can offer;

8. **Requests** the Secretariat to further develop and improve its implementation support programme, including by mobilising States Parties' efforts so as to provide, upon request and within the limits on available resources, technical assistance and technical evaluations to States Parties in the implementation of the provisions of the Convention, in the areas identified in the section of the report of the First Review Conference on national implementation measures (subparagraph 7.74 to 7.83 of RC-1/5);

9. **Encourages** the Secretariat to identify and, by mutual consent, engage with regional, subregional and other relevant groups of States Parties that can render support to the States Parties concerned in their implementation efforts;

10. **Encourages** the Secretariat and the States Parties to develop partnerships with relevant regional organisations and agencies that could render support to States Parties in their implementation work;

Overall time-frame, intermediate steps, and target date (action items for States Parties)

11. Without prejudice to the timelines set by the Convention, recalling States Parties' obligations under Article VII, and reminding them that it has been more than six years since the entry into force of the Convention, **agrees** that it is imperative that those States Parties that still need to do so take the necessary steps and set realistic target dates for these steps leading to the enactment of the necessary legislation, including penal legislation, and/or the adoption of administrative measures to implement the Convention no later than the Tenth Session of the Conference of the States Parties, scheduled for November 2005;

12. **Calls upon** those States Parties that still need to do so to make every effort to adhere to the overall time-frame established in paragraph 11 above, as well as to the steps and target dates they have established for themselves, and to maintain regular contact with the Secretariat about the implementation of these steps and target dates;

13. **Encourages** States Parties and the Secretariat to take measures to raise awareness of the prohibitions and requirements of the Convention, *inter alia* in their armed forces, in industry, and in their scientific and technological communities;

14. **Underlines** that the steps mentioned in paragraph 11 above should include:

(a) designating or establishing a National Authority and notifying the Secretariat thereof in accordance with Article VII of the Convention, as soon as possible;

(b) taking the steps necessary to enact the legislation, including penal legislation, and/or to adopt the administrative measures States Parties need in order to implement the Convention in accordance with their constitutional processes; and

(c) providing the Secretariat with the full text of their national implementing legislation, including updates, or, in the case of States Parties with a monist legal system, with information on the specific measures they have taken to implement the Convention;

15. **Urges** States Parties that have not yet done so to review their existing regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention;

Oversight by the Executive Council and the Conference of the States Parties (action items for States Parties and the Technical Secretariat)

16. **Requests** the Secretariat to report to the Ninth Session of the Conference and to every second session of the Council starting with the Thirty-Sixth, in March 2004, on the progress made in implementing this plan of action;

17. **Further requests** the Council to provide guidance to, and to coordinate with, the Secretariat as necessary and to monitor the implementation of this plan of action;

18. **Also requests** States Parties that lend advice, upon request, to other States Parties on the drafting and adopting of national measures to implement the Convention, to keep the OPCW informed of their actions and the results they have achieved; and

19. **Undertakes to review**, at its Ninth Session, the progress made in implementing this plan of action, and to **decide** on any further action needed; and **undertakes to review further**, at its Tenth Session, the status of implementation of Article VII and to **consider** and **decide on** any appropriate measures to be taken, if necessary, in order to ensure compliance by all States Parties with Article VII.

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Current list of States Parties Offering Assistance

The following States Parties have indicated that they would be willing to provide assistance under the Plan of Action:

Algeria (in the sub-region, through the Network of Legal Experts)
Argentina
Australia (to States Parties in Southeast Asia and the Southwest Pacific)
Austria (through the Network of Legal Experts)
Belarus
Canada (through the Network of Legal Experts)
Cuba (with respect to drafting legislation)
Czech Republic (through the Network of Legal Experts)
France (by providing a legal consultant)
Germany
India (by making available a panel of legal experts)
Italy
Japan
New Zealand (with respect to States Parties in the Pacific region)
Norway
Pakistan (offering the services of an expert to provide on-site advice)
Portugal (to States Parties in Africa where Portuguese is spoken)
Romania (through the Network of Legal Experts)
Spain (primarily to States Parties where Spanish is spoken)
Sweden
Switzerland
United States of America
United Kingdom of Great Britain and Northern Ireland

Excerpt from EC-38/DG.16 (12-15 October 2004), Note by the Director-General: Second Progress Report on the OPCW Plan of Action regarding the Implementation of Article VII Obligations.

SECTION 2

Establishing a National Authority

In this Section:

Topics / **page**

Article VII Requirements / **27**
Structure / **27**
Responsibilities / **28**
Common National Authority Tasks **/ 28**
Forms Required for Establishing a National Authority and Submitting Initial Declarations after Entry into Force / **29**

Reference Material / **page**

Establishing a National Authority / **29**
State Party CWC Requirements / **33**

ARTICLE VII REQUIREMENTS

- Upon accession to the CWC, each State Party is required to implement the following:
  - Enact legislation, including penal legislation, to enforce the prohibitions of the CWC.
  - Inform the OPCW of the legislative and administrative measures taken to implement the CWC.
  - Establish a National Authority to serve as the national focal point for effective liaison with the OPCW and other States Parties.
    - Each State Party shall notify the OPCW of its National Authority when the CWC enter into force for it.

STRUCTURE

There are two basic structures:

- Centralized
  - One core office
  - Handles all responsibilities for compliance
- Decentralized
  - Various agencies may assume implementation roles
    - Ministry of Foreign Affairs
    - Ministry of Defense
    - Ministry of Economics, Trade, Commerce or Industry
    - Ministry of Health
    - Ministry of the Environment
    - Ministry of Science and Technology
  - The National Authority coordinates the activities of other agencies and has overall responsibility for a State Party's compliance.
    - Includes interface with the OPCW and other States Parties.

Factors Affecting the Structure

- Chemical Weapons (CW) (e.g., old and abandoned CW, current or former CW production facilities, CW storage and destruction facilities):
  - Defense ministry will have a large implementation role.
- Commercial chemical activities:
  - Economics/trade ministry will have a large implementation role.

Expertise

Personnel that may be needed:

- CW experts
- Industry experts
- Treaty experts
- Lawyers

Technical Background:

- Munition Experts
- Chemical engineers
- Chemists
- Policy/regulatory experts

RESPONSIBILITIES

The National Authority has two key responsibilities as the national focal point:

- Liaison with the OPCW and States Parties; and
- Domestic CWC obligations:
  - Centralized: has direct responsibility; or
  - Decentralized: coordinates implementation by other government agencies.

Supervision

The National Authority may directly control or supervise:

- Regulated chemical industry activities;
- Export and import of chemicals;
- Receipt of data from industry and agencies for declarations;
- Internal checks, inspection preparations, and assistance; and
- National CWC workshops, seminars, and briefings.

COMMON NATIONAL AUTHORITY TASKS

- Enactment and enforcement of national legislation under Article VII.
- Collection and submission of initial and annual declarations under Articles IV-VI.
- Establishment of a regime to prohibit or restrict the export or import of certain Scheduled chemicals.

- Collection and submission of a declaration on assistance under Article X.
- Collection and submission of annual information and national programmes for protection under Article X.
- Preparation for and receipt of inspections.
- Designation of the Point(s) of Entry.
- Issuance of visas.

FORMS REQUIRED FOR ESTABLISHING A NATIONAL AUTHORITY AND SUBMITTING INITIAL DECLARATIONS

The following is a list of forms that a State Party should submit to the Technical Secretariat upon Entry Into Force (EIF) or within 30 days after EIF:

- Form A-1 — General Reference Data of the National Authority
- Form A-2 — Primary Declaration Identification for Submission of Initial Declarations
- Supplement to Form A-2 — Declaration Checklist

Note: *Form A-2 and Supplement to Form A-2 should be submitted in addition to those forms for initial declarations addressed under the IAP element entitled "Declaration Requirements."*

Establishing a National Authority

Article VII of the Chemical Weapons Convention (CWC) requires each State Party to designate or establish a National Authority to serve as the national focal point for effective liaison with the Organisation for the Prohibition of Chemical Weapons (OPCW) and other States Parties. Each State Party must notify the OPCW of its National Authority at the time that the Convention enters into force for it.

Creation of a National Authority is central to CWC implementation because it ensures communication and coordination with and between the many and varied governmental and commercial entities that may be involved in implementation. Therefore, effective coordination among government departments, as well as communication with the OPCW and other States Parties, is essential.

The CWC does not specify the structure of the National Authority. Its optimal composition, structure and size depend largely on the number and nature of declarable activities and facilities

in the State Party. Each State Party must answer some basic questions: What declarable activities are there (chemical weapons (CW), CW production facilities, old and abandoned CW, commercial chemical activities, etc.) and who is responsible for their oversight? For example, in cases where States Parties possess CW and/or former CW facilities, Schedule 1 facilities, or a sizeable chemical industry, the tasks of their National Authorities would be more demanding compared to those of States Parties not possessing such facilities. A possessor State Party with a large chemical industry not only has a large declaration to compile, but must also plan for hosting routine inspections. The National Authority might therefore include chemical weapons experts, industry experts, policy experts, treaty experts, chemical engineers and chemists. They may be housed in an existing agency or alternatively in a new Organisation dedicated to the CWC. On the other hand, a State Party with few declarable facilities may find that after the initial establishment of the National Authority and implementing legislation, one or two people (perhaps only working part time) might be able to handle all of the treaty obligations for that State Party. These people must be knowledgeable about the CWC and the OPCW and be able to serve as the government's experts in this area.

Every State Party, no matter how big or small, must designate or establish a National Authority. Not only is it a legal requirement under the Convention, there are also important reporting and administrative obligations common to all States Parties. Whether or not they have any declarable facilities, the common obligations include (but are not limited to):

- The collection and submission of initial declarations under Articles III and VI of the Convention;

- The collection and submission of notifications required by the Convention;

- The collection and submission of a declaration on assistance and annual information on national programs for protection, under Article X of the Convention;

- The enactment and enforcement of national legislation in accordance with Article VII and Article VI enabling internal implementation of the Convention, including the enactment of the required penal legislation;

- The preparation for, and receiving of, inspections including the designation of one or more points of entry into the country, the issuance of appropriate visas and customs clearance;

- The supervision over the confidentiality requirements with regard to OPCW-related information; and

- The establishment of a regime to prohibit or restrict the export or import of certain chemicals.

The choice of a government entity to act as a CWC National Authority is entirely that of a State Party. To date, the majority of States Parties have designated or appointed the Ministry of Foreign Affairs as the National Authority. Other agencies designated or appointed by States Parties as the National Authority include: the Departments (or Ministries) of Industry, Trade, Economy, Defense, Science, Technology, and Environment.

National Authorities can either have a centralized structure or alternatively have a form designed for general coordination among governmental bodies. Most National Authorities have a centralized structure in which the responsibility for all aspects of national implementation of the CWC lies within a core office. This office oversees or coordinates the involvement of other government departments and agencies in the implementation of specific aspects of national obligations under the CWC while also maintaining liaison with the OPCW and other States Parties. The effective functioning of this interagency coordination is important for ensuring internal compliance with the State Party's obligations under the Convention. This includes, among other things:

- The supervision of regulated chemical industry activities and the export and import chemicals;

- The gathering of data from industry and government agencies necessary to prepare the declarations and other information for submission to the OPCW;

- The conduct, where possible, of internal checks and inspection preparations; and

- The organisation of national workshops, seminars and briefings to provide advice and information.

Some National Authorities, however, are set up to act as coordinators between the various government agencies and the OPCW. In this case, implementation of CWC- related obligations is the responsibility of designated departments (or ministries). In the United States, for example, the National Authority is housed in the Department of State. Other government agencies, nonetheless, play lead roles in CWC implementation, such as:

- Ministry of Defense: destruction and verification of CW and related facilities, collection of annual data on protective programmes and hosting of CWC inspections at military facilities;

- Ministry of Economics: regulation of relevant industry activities, including the collection of annual declaration data; overseeing export controls, collection of data on the transfers of chemicals and hosting of commercial industry CWC inspections; and

- Ministry of Justice: enacting and enforcing implementing legislation including provisions related to the CWC's Article I prohibitions.

To assist with the wide variety of tasks faced by a National Authority, other entities can be chosen to provide advice or technical assistance on an ad hoc basis. States Parties may find it useful to consult with the chemical industry trade association(s) on matters pertaining to the CWC. Some countries may even wish to include them in the National Authority either directly or indirectly through designated points of contact. Most National Authorities should find it useful to have a chemist on staff or at least access to one as a consultant in order to determine what chemicals are included in the families of chemicals in the CWC Schedules of Chemicals. For inspections, participation of or access to a chemical engineer could also be useful.

States Parties that do not have any declarable facilities will not be subject to routine CWC inspections, but each State Party does have the obligation to receive a challenge inspection under Article IX of the CWC. Therefore, the designated National Authority must be capable of facilitating a challenge inspection. Each State Party, under Article IX, has the right to request a challenge inspection of any facility or location of any other State Party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of the Convention. This would be a short-notice notification and the National Authority must be able to acknowledge receipt of the notification within one hour and ensure access to the facility within the Convention guidelines. The State Party must make sure it has this type of capability.

Another important capability the National Authority needs (even for States Parties without any declarable industry) is the ability to track and control imports and exports of CWC-related chemicals into and out of their territory. The National Authority must be able to have access to or be provided with the import and export information in order to submit required reports to the OPCW.

The treaty requires all States Parties to designate or establish a National Authority including the requisite communications with the OPCW. It can be a challenging task and not all National Authorities are or will be set up the same exact way. Each State Party must evaluate the scope of their responsibilities and treaty obligations to involve the appropriate personnel and agencies. Each State Party knows what will work best for it but can consult with other State Parties for more information.

STATE PARTY CWC REQUIREMENTS

Tasks a National Authority may have to oversee or coordinate:

To Accomplish Before EIF:

1. Adopt National Implementing Measures. (Art VII)
   - Prohibit persons from performing acts prohibited to a State Party. (Art VII, 1(a))
   - Enact penal legislation. (Art VII, 1(a))
   - Extend penal legislation to cover extraterritorial activities of State's nationals. (Art VII, 1(c))
   - Cooperation with and legal assistance to other States Parties. (Art VII, 2)

2. Adopt Necessary Measures to Regulate Scheduled Chemicals and Related Facilities. (Art VI, 2)
   - **Schedule 1:**
     - Schedule 1 chemicals cannot be produced, acquired, retained or used outside the territories of the State Party. (VA VI, 1)
     - Schedule 1 chemicals can only be produced, acquired, retained, transferred or used for research, medical, pharmaceutical, or protective purposes in justifiable types and quantities, in specified amounts. (VA VI, 2)
     - Schedule 1 chemicals can only be transferred to another SP and only for research, medical, pharmaceutical or protective purposes and cannot be re-transferred to third States. Transfers to or from States not party are prohibited. (VA VI, 3)
     - All transfers of Schedule 1 chemicals must be reported to the OPCW 30 days in advance (some exceptions). (VA VI, 3)
     - Production of Schedule 1 chemicals for research, medical, pharmaceutical or protective purposes can only be carried out at one single small-scale facility (SSSF) approved by the State Party, except: (VA VI, 8)
     - Specified quantities of Schedule 1 chemicals for protective purposes may be produced at one approved facility outside the SSSF. (VA VI, 10)
     - Specified quantities of Schedule 1 chemicals for research, medical or pharmaceutical purposes may be produced outside the SSSF at approved facilities. (VA VI, 11)

– Less than 100 g per year per facility of Schedule 1 chemicals may be synthesized for research, medical or pharmaceutical purposes at laboratories, not subject declaration or verification (VA VI, 12)

- **Schedule 2**:

  – Schedule 2 chemicals can only be transferred to or received from States Parties. Transfers to States not party are prohibited. (VA VII, 32)

- **Schedule 3:**

  – Adopt the necessary measures to ensure Schedule 3 chemicals transferred to States not Party shall only be used for purposes not prohibited and an end-user certificate will be obtained from the competent government authority of the State not party. (VA VIII, 26 and 27 and CSP decisions: III/DEC.6 & DEC.7)

3. Review existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention. ((Art XI, 2(c), (d) and (e))

4. Identify declarable activities.

- Companies or facilities which will be affected by the reporting responsibilities under the Convention.
- Import/export of scheduled chemicals.
- Production, processing and consumption of scheduled chemicals.
- Possession of facilities producing unscheduled discrete organic chemicals.
- Riot control agents.

To Accomplish at EIF:

5. Notify the OPCW of the legislative and administrative measures taken to implement the Convention. (Art VII, 5)

6. Notify the OPCW of your National Authority. (Art VII, 4)

- POC's
- Address
- National Holidays

7. Notify the OPCW of your designated point of entry for inspections. (VA II, 16).

8. Notify the OPCW of the standing diplomatic clearance number for non-scheduled aircraft. (VA II, 22)

To Accomplish within 30 days after EIF:

9. Initial declarations: includes Nil declarations. (Art III)

- Declaration on chemical weapons. (Art III 1(a))
- Declaration on old chemical weapons and abandoned chemical weapons. (Art III 1(b))
- Declaration on chemical weapons production facilities. (Art III 1(c))
- Declaration of other facilities. (Art III 1(d))
- Declaration on riot control agents. (Art III 1(e))
- Declaration on relevant chemicals and facilities. (Art VI 7)
  - Declare Schedule 1 SSSF. (VA VI, 13)
  - Declare any other Schedule 1 facility. (VA VI, 17)
  - Initial declaration of Schedule 2 plant sites and data. (VA VII, 2(a), 4(a) and 5)
  - Initial declaration of Schedule 3 plant sites and data. (VA VIII, 2(a), 4(a) and 5)
  - Submit the list of other chemical production facilities -UDOCs. (VA IX 3)

To do after EIF:

10. Acknowledge and review lists received from the Secretariat. (VA II, 2 and VA XI, 7)

- Inspector/Inspection Assistant Lists.
- Qualified Experts for Investigations of Alleged Use List.

11. Provide multiple entry/exit/transit visas. (Art VI, 9 and VA II, 10)

12. Provide details to the OPCW on the procedures for handling of confidential information provided by the OPCW. (Art VII, 6 and Confidentiality Annex, 4)

13. Prepare a bilateral agreement with the TS on privileges and immunities. (Art VIII, 50)

14. Pay the assessed contribution for OPCW activities. (Art VIII, 7)

15. Designate a Permanent Representative. (Art VII, 49)

16. Conclude any Schedule 1 facility agreements - within 180 days. (VA III, 4).

17. Conclude any Schedule 2 facility agreements - 90 days after initial inspection. (VA VII, 24)

18. Select the measure of assistance the SP will provide to the OPCW. (Art X, 7)

Annually after EIF:

19. Annual declaration on anticipated activities SSSF (VA VI, 16)
    - Other Schedule 1 (VA VI, 20)
    - Schedule 2 (VA VII, 4(c))
    - Schedule 3 (VA VII, 4(c))

20. Annual declaration on past activities:
    - Schedule 1 (VA VI, 6, 15, 19)
    - Schedule 2 (VA VI, 1, 2(b), 4(c))
    - Schedule 3 (VA VI, 1, 2(b), 4(c))
    - Other chemical production facilities –OCPFs (VA IX, 1 & 3)

21. Information on National Programmes for Defensive Purposes.

22. Pay assessed contribution.

Other Standing Obligations:

23. Report all transfers of Schedule 1 Chemicals 30 days in advance. (VA VI, 5)

24. Safety and protection of the environment. (Art IV, 10 and Art VII, 3)

25. Development and cooperation in the field of chemical activities. (Art XI)

26. Facilitate exchange of means of protection against CW. (Art X, 3)

27. Confidentiality. (Art VIII, 6 and Confidentiality Annex)

28. Respond to requests for clarification. (Art IX)

29. Notify OPCW of amendments to national implementing legislation or measures. (Art VII, 5)

30. Notify OPCW of other changes. (Art III, 1(e), 9; VA VI, 14 & 18; VA VII, 4(c); VA VIII, 4(c); C- I/DEC.38VA II 17)

    Includes:
    - CW discovered after initial declaration
    - Riot Control Agent update (when changes made)
    - Planned changes to declarations of Schedule 1 facilities
    - Changes to annual declaration of anticipated activities at Schedule 2 & 3 plant sites
    - Changes to the point of entry

SECTION 3

Glossary of Terms

By-product

Means any chemical substance or mixture produced without a separate commercial intent during the manufacture, processing, use or disposal of another chemical substance or mixture.

Chemical Weapon (CW)

Means the following, together or separately:

1) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Chemical Weapons Convention, provided that the type and quantity are consistent with such purposes;

2) Munitions or devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in paragraph (1) of this definition, which would be released as a result of the employment of such munitions or devices; or

3) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in paragraph (2) of this definition.

Chemical Weapons Convention (CWC)

Means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and its annexes opened for signature on January 13, 1993.

Consumption

Means the conversion of a chemical into another chemical via a chemical reaction. Unreacted material must be accounted for as either waste or as recycled starting material.

Country Codes

Means a three-letter code used to designate the country (i.e., State Party or State not Party to the Convention) where Scheduled chemicals are exported to or imported from. Country Codes are contained in Appendix 1 of the OPCW Declaration Handbook.

Declaration Point of Contact (D-POC)

Means a person who is responsible for clarifying information provided in the declaration.

Declared facility or plant site

Means a facility or plant site required to complete data declarations of activities involving Schedule 1, Schedule 2, Schedule 3 or unscheduled discrete organic chemicals above specified threshold quantities.

Dedicated Schedule 2 Chemical Plant

Means a Schedule 2 plant whose process configuration is dedicated to the declarable activity/ies (production/processing/consumption) in relation to the declared Schedule 2 chemical(s).

Discrete Organic Chemical (DOC)

Means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulfides, and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstract Service registry number, if assigned.

Domestic Transfer

Means, with regard to declaration requirements for Schedule 1 chemicals, any movement of any amount of Schedule 1 chemical outside the geographical boundary of a facility in a State Party to another destination in that State Party, for any purpose. Also means, with regard to declaration requirements for Schedule 2 and Schedule 3 chemicals, movement of a Schedule 2 or Schedule 3 chemical in amounts or concentrations greater than specified thresholds, outside the geographical boundary of a plant site in a State Party, to another destination in that State Party, for any purpose. Domestic transfer includes movement between two divisions of one company or a sale from one company to another. Note that any movement to or from a facility outside a State Party is considered an export or import for reporting purposes, not a domestic transfer.

Facility

In the context of Article VI, means any of the industrial sites as defined below ("plant site", "plant" and "unit").

(a) **"Plant Site"** (Works, Factory) means the local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure, such as:

(i) Administration and other offices;
(ii) Repair and maintenance shops;
(iii) Medical centre;
(iv) Utilities;
(v) Central analytical laboratory;
(vi) Research and development laboratories;
(vii) Central effluent and waste treatment area; and
(viii) Warehouse storage.

(b) **"Plant"** (Production facility, Workshop) means a relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure, such as:

(i) Small administrative section;
(ii) Storage/handling areas for feedstock and products;
(iii) Effluent/waste handling treatment area;
(iv) Control/analytical laboratory;
(v) First aid service/related medical section; and
(vi) Records associated with the movement into, around and from the site, of declared chemicals and their feedstock or product chemicals formed from them, as appropriate.

(c) **"Unit"** (Production unit, Process unit) means the combination of those items of equipment, including vessels and vessel set up, necessary for the production, processing or consumption of a chemical.

Impurity

Means a chemical substance unintentionally present with another chemical substance or mixture.

Inspection Point of Contact (I-POC)

Means the person who is available on a 24-hour basis to receive notice of an impending inspection of a declared facility.

Intermediate

Means a chemical formed through chemical reaction that is subsequently reacted to form another chemical.

Multipurpose Schedule 2 Chemical Plant

Means a Schedule 2 plant designed to provide the means for the production of a variety of products by virtue of enabling more than one process configuration, i.e., the reconfiguration of the equipment and the piping as required for these different processes.

Notification

Means a notice informing the OPCW of a company's intention to export to or import from a State Party a Schedule 1 chemical. This notification must be submitted to the OPCW at least 30 days prior to the date of export or import (except for transfers of 5 milligrams or less of saxitoxin for medical/diagnostic purposes, which must be submitted to the OPCW at the time of the transfer).

Owner

Means the person who owns or possesses a facility.

Organisation for the Prohibition of Chemical Weapons (OPCW)

Means the international organisation, located in The Hague, The Netherlands that administers the CWC.

Person

Means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity.

Plant (Production facility, Workshop)

Means a relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure, such as:

(i) Small administrative area;
(ii) Storage/handling areas for feedstock and products;
(iii) Effluent/waste handling/treatment area;
(iv) Control/analytical laboratory;
(v) First aid service/related medical section; and
(vi) Records associated with the movement into, around, and from the site of declared chemicals formed from them, as appropriate.

Plant Site

Means the local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure, such as:

(i) Administration and other offices;
(ii) Repair and maintenance shops;
(iii) Medical center;
(iv) Utilities;
(v) Central analytical laboratory;
(vi) Research and development laboratories;
(vii) Central effluent and waste treatment area; and
(viii) Warehouse storage.

Precursor

Means any chemical reactant which takes part, at any stage, in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

Processing

Means a physical process such as formulation, extraction and purification in which a chemical is not converted into another chemical.

Product Group Codes

Means Standard International Trade Classification (SITC) Codes used to describe the kind of ultimate products manufactured at the plant or plant site (see definition of SITC codes).

Production

Means the formation of a chemical through chemical reaction.

> **Note 1:** *Production of a Schedule 1 chemical means formation through chemical synthesis as well as processing to extract and isolate Schedule 1 chemicals.*
>
> **Note 2:** *Production of a Schedule 2 or Schedule 3 chemical means all steps in the production of a chemical in any units within the same plant through chemical reaction, including any associated processes (e.g., purification, separation, extraction, distillation, or refining) in which the chemical is not converted into another chemical. The exact nature of any associated process (e.g., purification, etc.) is not required to be declared.*

Production Capacity

Means the annual quantitative potential for manufacturing a specific chemical based on the technological process actually used or, if the process is not yet operational, planned to be used at the relevant facility. It shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. For the purpose of Schedule 2 declarations, the nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, as demonstrated by one or more test-runs. The design capacity is the corresponding theoretically calculated product output, without test data or other supportive plant specific information.

Protective Purposes

Means purposes directly related to protection against toxic chemicals and to protection against chemical weapons.

PSF-chemical (PSF)

Means an unscheduled discrete organic chemical containing one of more elements of phosphorus, sulfur or fluorine.

Quantity

Means the actual quantity of a chemical. Where the product contains less than 100 percent of the chemical, only the quantity of the chemical in the product shall be declared.

Standard International Trade Classification Codes (SITC)

Means United Nations trade classification codes, which describe the kind of products manufactured at the plant or plant site based upon the main activities.

State Party
Means a country that has ratified or acceded to the CWC through its standard national processes. Accordingly, it is obligated to fully implement and abide by the tenets of the Convention.

State not Party to the Convention/non-State Party
Means a country that has not ratified or acceded to the CWC, regardless of whether it is a signatory, thereby not entitling it to the benefits that accrue to States Parties under the Convention (e.g., international cooperation, trade in certain Scheduled chemicals).

Storage
For purposes of Schedule 1 declarations, means any quantity of a chemical that is not accounted for under the categories of production, export, import, consumption or domestic transfer.

Tonne
Means metric tonne, i.e. 1,000 kg.

Toxic Chemical
Means any chemical which, through its chemical action on life processes, can cause death, temporary incapacitation, or permanent harm to humans or animals. The term includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions, or elsewhere.

Trading Company/House
Means any person involved in the export and/or import of Scheduled chemicals in amounts greater than specified thresholds, but not in the production, processing or consumption of such chemicals in amounts greater than threshold amounts requiring declaration. If such persons exclusively export or import scheduled chemicals in amounts greater than specified thresholds, they are subject to declaration requirements for aggregate national data purposes but are not subject to routine inspections.

Transfer to Other Industry
Means transfers of Schedule 3 chemicals to industries such as agriculture, construction, manufacturing, pharmaceutical and service industries.

Transient Intermediate
Means any chemical which is produced in a chemical process but, because it is in a transition state in terms of thermodynamics and kinetics, exists only for a very short period of time, and cannot be isolated, even by modifying or dismantling the plant, or altering process operating conditions, or by stopping the process altogether.

Unscheduled Chemical
Means a chemical that is not contained in Schedule 1, Schedule 2, or Schedule 3.

SECTION 4

Chemicals

In this Section:

Topics / **page**

Introduction to Chemicals / **47**

Annex on Chemicals / **48**

Schedules of Chemicals / **49**

Discrete Organic Chemicals / **51**

Overview of Industry Uses / **52**

- Examples of Schedule 1 Commercial Uses / **53**
- Examples of Schedule 2 Commercial Uses / **55**
- Examples of Schedule 3 Commercial Uses / **58**

How to Identify Your Chemical Industry / **61**

How to Determine if a Chemical is Subject to Declaration / **63**

Reference Material / **page**

Potential Chemical Weapon Applications / **66**

Identification of Declarable Activities / **70**

INTRODUCTION TO CHEMICALS

In order for a National Authority to effectively implement the CWC, it must understand why certain chemicals are subject to data monitoring and verification, including their capability for use for chemical weapons or non-prohibited purposes.

Overview of CWC Chemicals

- The CWC specifically addresses chemicals listed in three Schedules and "discrete organic chemicals."
- The Schedules of Chemicals are contained in the treaty's Annex on Chemicals.
- Scheduled chemicals are grouped based on their industrial or commercial uses and the potential risk they pose to the object and purpose of the CWC.
- Discrete organic chemicals are monitored under the CWC due to the process equipment used to produce them and the potential applicability of such equipment for use in chemical agent production.

Organisation of the Chemical Schedules

- Toxic chemicals are listed in the "A" part of the Schedules.
  - Defined as "any chemical which through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to humans or animals."
- Precursor chemicals are known to have been used for production of toxic chemicals and are listed in the "B" part of the Schedules.
  - Defined in the treaty as "any chemical reactant which takes part at any stage in the production by whatever means of a toxic chemical."

Chemical Weapons Nexus

- Not all chemicals listed in the CWC's Annex on Chemicals are chemical weapon (CW) agents.
- The CW Applications document found on page 68 describes the chemical weapons applications (e.g., nerve, blood, blister agents) of toxic chemicals in the Annex on Chemicals and the relationship between the listed precursor and toxic chemical.

ANNEX ON CHEMICALS

A. Guidelines for Schedules of Chemicals

Schedule 1 Chemicals

1. The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:

   (a) It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;

   (b) It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:

      (i) It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;

      (ii) It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;

      (iii) It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;

   (c) It has little or no use for purposes not prohibited under this Convention.

Schedule 2 Chemicals

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

   (a) It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;

   (b) It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;

   (c) It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;

   (d) It is not produced in large commercial quantities for purposes not prohibited under this Convention.

Schedule 3 Chemicals

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

   (a) It has been produced, stockpiled or used as a chemical weapon;

   (b) It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;

   (c) It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;

   (d) It may be produced in large commercial quantities for purposes not prohibited under this Convention.

Schedules of Chemicals

Schedule 1		CAS registry number	HTS Codes
A.	**Toxic chemicals:**		
(1)	O Alkyl (<C10, incl. cycloalkyl) alkyl		
	(Me, Et, n Pr or i Pr) phosphonofluoridates		
	e.g. Sarin: O Isopropyl methylphosphonofluoridate	(107 44 8)	
	Soman: O Pinacolyl methylphosphonofluoridate	(96 64 0)	2931.00
(2)	O Alkyl (<C10, incl. cycloalkyl) N,N dialkyl		
	(Me, Et, n Pr or i Pr) phosphoramidocyanidates		
	e.g. Tabun: O Ethyl N,N dimethyl phosphoramidocyanidate	(77 81 6)	2931.00
(3)	O Alkyl (H or <C10, incl. cycloalkyl) S 2 dialkyl		
	(Me, Et, n Pr or i Pr) aminoethyl alkyl		
	(Me, Et, n Pr or i Pr) phosphonothiolates andcorresponding alkylated or protonated salts		
	e.g. VX: O Ethyl S 2 diisopropylaminoethyl methyl phosphonothiolate	(50782 69 9)	2930.90
(4)	Sulfur mustards:		
	2 Chloroethylchloromethylsulfide	(2625 76 5)	
	Mustard gas: Bis(2 chloroethyl)sulfide	(505 60 2)	
	Bis(2 chloroethylthio)methane	(63869 13 6)	
	Sesquimustard: 1,2 Bis(2 chloroethylthio)ethane	(3563 36 8)	
	1,3 Bis(2 chloroethylthio) n propane	(63905 10 2)	
	1,4 Bis(2 chloroethylthio) n butane	(142868 93 7)	
	1,5 Bis(2 chloroethylthio) n pentane	(142868 94 8)	
	Bis(2 chloroethylthiomethyl)ether	(63918 90 1)	
	O Mustard: Bis(2 chloroethylthioethyl)ether	(63918 89 8)	2930.90
(5)	Lewisites:		
	Lewisite 1: 2 Chlorovinyldichloroarsine	(541 25 3)	
	Lewisite 2: Bis(2 chlorovinyl)chloroarsine	(40334 69 8)	
	Lewisite 3: Tris(2 chlorovinyl)arsine	(40334 70 1)	2931.00
(6)	Nitrogen mustards:		2921.19
	HN1: Bis(2 chloroethyl)ethylamine	(538 07 8)	
	HN2: Bis(2 chloroethyl)methylamine	(51 75 2)	
	HN3: Tris(2 chloroethyl)amine	(555 77 1)	2921.19
			2930.90
(7)	Saxitoxin	(35523 89 8)	3002.90
(8)	Ricin	(9009 86 3)	3002.90
B.	**Precursors:**		
(9)	Alkyl (Me, Et, n Pr or i Pr) phosphonyldifluorides		
	e.g. DF: Methylphosphonyldifluoride	(676 99 3)	
(10)	O Alkyl (H or <C10, incl. cycloalkyl) O 2 dialkyl		
	(Me, Et, n Pr or i Pr) aminoethyl alkyl		
	(Me, Et, n Pr or i Pr) phosphonites and corresponding alkylated or protonated salts		
	e.g. QL: O Ethyl O 2 diisopropylaminoethyl methylphosphonite	(57856 11 8)	2931.00
(11)	Chlorosarin: O Isopropyl methylphosphonochloridate	(1445 76 7)	2931.00
(12)	Chlorosoman: O Pinacolyl methylphosphonochloridate	(7040 57 5)	2931.00

Schedules of Chemicals

Schedule 2		CAS registry number	HTS Codes
A.	**Toxic chemicals:**		
(1)	Amiton: O,O Diethyl S [2 (diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	(75-53-5)	2930.90
(2)	PFIB: 1,1,3,3,3 Pentafluoro 2 (trifluoromethyl) 1 propene	(382 21 8)	2903.30
(3)	BZ: 3 Quinuclidinyl benzilate (*)	(6581 06 2)	2933.90
B.	**Precursors:**		
(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride (676 97 1) Dimethyl methylphosphonate (756 79 6) Exemption: Fonofos: O Ethyl S phenyl Ethylphosphonothiolothionate	(944 22 9)	2931.00
(5)	N,N Dialkyl (Me, Et, n Pr or i Pr) phosphoramidic dihalides		2929.90
(6)	Dialkyl (Me, Et, n Pr or i Pr) N,N dialkyl Me, Et, n Pr or i Pr) phosphoramidates		2929.00
(7)	Arsenic trichloride	(7784 34 1)	2812.10
(8)	2,2 Diphenyl 2 hydroxyacetic acid	(76 93 7)	2918.19
(9)	Quinuclidin 3 ol	(1619 34 7)	2933.39
(10)	N,N Dialkyl (Me, Et, n Pr or i Pr) aminoethyl 2 chlorides and corresponding protonated salts		2921.19
(11)	N,N Dialkyl (Me, Et, n Pr or i Pr) aminoethane 2 ols and corresponding protonated salts Exemptions: N,N Dimethylaminoethanol and corresponding protonated salts (108-01-0) N,N Diethylaminoethanol andcorresponding protonated salts (100-37-8)		2922.19
(12)	N,N Dialkyl (Me, Et, n Pr or i Pr) aminoethane 2 thiols and corresponding protonated salts		2930.90
(13)	Thiodiglycol: Bis(2 hydroxyethyl)sulfide	(111 48 8)	2930.90
(14)	Pinacolyl alcohol: 3,3 Dimethylbutan 2 ol	(464 07 3)	2905.14

Schedule 3		CAS registry number	HTS Codes
A.	**Toxic chemicals:**		
(1)	Phosgene: Carbonyl dichloride	(75 44 5)	2812.10
(2)	Cyanogen chloride	(506 77 4)	2851.00
(3)	Hydrogen cyanide	(74 90 8)	2811.19
(4)	Chloropicrin: Trichloronitromethane	(76 06 2)	2904.90
B.	**Precursors:**		
(5)	Phosphorus oxychloride	(10025 87 3)	2812.10
(6)	Phosphorus trichloride	(7719 12 2)	2812.10
(7)	Phosphorus pentachloride	(10026 13 8)	2812.10
(8)	Trimethyl phosphite	(121 45 9)	2920.90
(9)	Triethyl phosphite	(122 52 1)	2920.90
(10)	Dimethyl phosphite	(868 85 9)	2921.19
(11)	Diethyl phosphite	(762 04 9)	2920.90
(12)	Sulfur monochloride	(10025 67 9)	2812.10
(13)	Sulfur dichloride	(10545 99 0)	2812.10
(14)	Thionyl chloride	(7719 09 7)	2812.10
(15)	Ethyldiethanolamine	(139 87 7)	2922.19
(16)	Methyldiethanolamine	(105 59 9)	2922.19
(17)	Triethanolamine	(102 71 6)	2922.13

DISCRETE ORGANIC CHEMICALS

Definition

Discrete organic chemical (DOC) means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates identifiable by chemical name, by structural formula, if known, and by Chemical Abstract Service registry number, if assigned.

Exemptions

The following types of DOCs are not subject to declaration:

- Oxides of carbon;
- Sulfides of carbon;
- Metal carbonates;
- Chemicals only containing carbon and metal; and
- Oligomers and polymers.

"Other chemical production facilities (OCPFs)" are not subject to declaration if they exclusively produce:

- Hydrocarbons (i.e., chemicals containing only carbon and hydrogen, irrespective of the number of carbon atoms in the compound); or
- Explosives (i.e., those chemicals listed in Class 1 of the United Nations Organisation hazard classification system).

Guidelines for Classifying Carbon Oxides, Carbon Sulfides, Metal Carbonates or Compounds of Metal and Carbon

To determine whether a DOC qualifies for exemption as a carbon oxide, carbon sulfide, metal carbonate or compound of metal and carbon, evaluate each chemical against the definitions below:

- Carbon oxides consist of chemical compounds that contain only the elements carbon and oxygen and have the chemical formula $C_x O_y$, where x and y denote integers. The two most common carbon oxides are carbon monoxide (CO) and carbon dioxide (CO_2). If a chemical produced at a plant site fits this definition, then it is classified as a carbon oxide.

- Carbon sulfides consist of chemical compounds that contain only the elements carbon and sulfur, and have the chemical formula $C_a S_b$, where a and b denote integers. The most common carbon sulfide is carbon disulfide (CS_2). If a chemical produced at a plant site fits this definition, then it is classified as a carbon sulfide.

- Metal carbonates consist of chemical compounds that contain a metal [i.e., the Group 1 Alkalis, Groups II Alkaline Earths, the Transition Metals, or the elements aluminum, gallium, indium, thallium, tin, lead, bismuth or polonium], and the elements carbon and oxygen. Metal carbonates have the chemical formula $M_d (CO_3)_e$, where d and e denote integers and M represents a metal

Common metal carbonates are sodium carbonate (Na_2CO_3) and calcium carbonate ($CaCO_3$). If a chemical produced at a plant site fits this definition then it is classified as a metal carbonate.

- Compounds of metal and carbon consist of those chemicals that contain only a metal (as described in the previous paragraph) and carbon, e.g., calcium carbide (CaC_2).

OVERVIEW OF INDUSTRY USES

Schedule 1 Chemicals

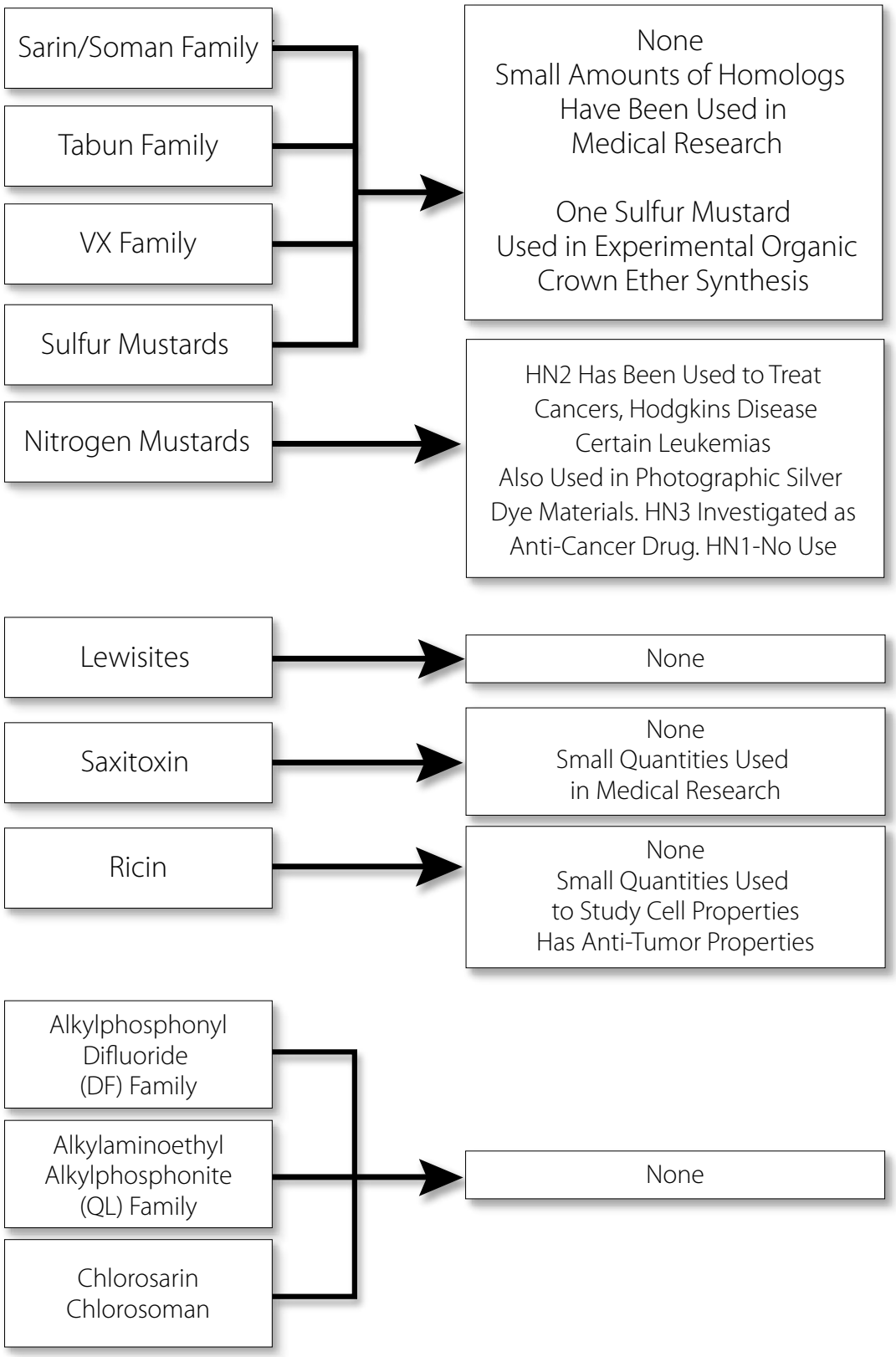
Overview

- Chemicals that pose a high risk to the object and purpose of the Convention but that have few or no industrial uses.
- Developed or used primarily for military purposes.
- Include specific listed chemicals and chemical classes or families.
- Examples of listed chemicals:
  - Mustard gas
  - Lewisite 1
- Examples of chemical families:
  - O Alkyl (<C10, incl. cycloalkyl) alkyl (Me, Et, n Pr or Pr) phosphonofluoridates (e.g., Sarin and Soman)
  - O Alkyl (<C10, incl. cycloalkyl) N,N dialkyl (Me, Et, n Pr or i Pr) phosphoramidocyanidates (e.g., Tabun).

Types or Categories of Products

- Pesticide development
- Insecticide development
- Medical and pharmaceutical preparations:
  - antineoplastic agents
  - neuromuscular blocking agents
  - monoclonal antibody preparations
  - intermediates for analgesics

EXAMPLES OF SCHEDULE 1 COMMERCIAL USES



Schedule 2 Chemicals

Overview

- Chemicals that pose a significant risk to the object and purpose of the Convention but that may be produced in large commercial quantities.
- Specific listed chemicals and chemical classes or families are listed in Schedule 2.
- Examples of specific chemicals include:
  - Arsenic trichloride
  - Thiodiglycol
- An example of a chemical family includes chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms (e.g., dimethyl methylphosphonate (DMMP)).

Type or Categories of Products

- Insecticides
- Flame retardant additive research (plastics, resins, fibres)
- Medical and pharmaceutical preparations:
  - Anticholinergics
  - Arsenicals
  - Tranquiliser preparations
  - Hypotensive agent preparations
- Herbicides
- Fungicides
- Defoliants
- Rodenticides
- General product additives, such as:
  - Antioxidants (fuels, lubricants, etc.)
  - Colour stabilizers
  - Lubricant additives
- Dyes, and photographic industries:
  - Printing ink
  - Ball point pen fluids
  - Copy media
  - Paints, coatings, etc.
- Metal plating preparations
- Toiletries, including perfumes and scents
- Epoxy resins

EXAMPLES OF SCHEDULE 2 COMMERCIAL USES

Amiton	Was a Commercial Pesticide-Withdrawn Due to Toxicity. May Still Be Used
PFIB	Waste Constituent
BZ	Pharmaceuticals, Medical Research
Schedule 2B.(4) Family	Anti-Foam Agents, Gasoline/Oil Additives Viscosity Depressants, Textile Treating Flame Retardants, Drugs
Dialkylphosphoramidic Dihalides Family	None
Dialkyl N, N-dialkyl-Phosphoramidates Family	Polyamide Fibers , Fireproofing Agents (Patented Applications)
Arsenic Trichloride	Purifying Arsenic, Semiconductor Manuf. Catalyst in CFC Manuf. Organoarsines/Chloroarsines
Diphenyl-2-hydroacetic Acid	Polishing Stainless Steel, Catalyst for Urethanes Antichigger Clothing Treatment Hydantoin Manufacture
Quinuclidine-3-ol	Organic Ammonium Bromides Drug Research Laboratory Reagent/Catalyst

EXAMPLES OF SCHEDULE 2 COMMERCIAL USES

N, N-Dialkylaminoethane-2-ols Family	Manufacturing Organic Thiols
N, N-Dialkylaminoethane-2-thiols Family	Drugs, Food Flavorings Antibacterials
N, N-Dialkylaminoethyl-2-chlorides Family	Drugs, Agrochemicals Dyes, Calcium Filler for Paper/Plastics
Thiodiglycol	Wetting Agent in Textile Dying, Dye Solvent Manuf. Ethers for Lubricants, Antioxidant Treating Cotton Fabrics, Ball Point Pen Ink Etching Steel, Manuf. Epoxy Resins Manuf. Anticorrosives
Pincolyl Alcohol	Organic Synthesis

Schedule 3 Chemicals

Overview

- Chemicals that pose a risk to the object and purpose of the Convention and that are produced in large commercial quantities.
- Only specific chemicals are listed in Schedule 3.

Type or Categories of Products

- Resin and plastic production:
  - Polycarbonates
  - Polyestercarbonates
  - Polyurethanes
  - Polymethylmetacrylate
  - Polysulphides
- Isocyanates
- Toiletries

- Pharmaceuticals
- Pesticides
- Herbicides
- Insecticides
- Amine manufacture
- Acrylonitrile manufacture
- Cyanic acid manufacture
- Cyanogen manufacture
- Cyanogen chloride manufacture
- Gold and other noble metal extraction solutions
- Metal plating preparations
- Soil fumigants
- Organic phosphate esters (hydraulic fluids, flame retardants, surfactants, sequestering agents)
- Organic phosphites (stabilisers, antioxidants, flame retardants, lubricants, plasticizers)
- Vulcanising agents for rubber
- Batteries
- Leather tannery and finishing supplies
- Surfactants for detergents, oil drilling emulsions, cutting oils, soaps and toiletries
- Corrosion inhibitors
- Cement manufacture supplies

EXAMPLES OF SCHEDULE 3 COMMERCIAL USES

Phosgene →
- Isocyanates
- Polycarbonates
- Drugs
- Perfumes
- Artificial Sweeteners
- Fumigants
- Dying Agent
- Chlorinating Agent

Cyanogen Chloride →
- Herbicides, Dyes
- Vitamins
- Rubber Vulcanization
- Laboratory Reagent

Hydrogen Cyanide →
- Adiponitrile
- Acetone Cyanohydrin
- Sodium Cyanide
- Cyanuric Chloride
- Methionine
- Plastics
- Pesticides, Bleaches
- Drugs, Sanitizers
- Fumigants

Chloropicrin →
- Fumigant
- Antioxidant

Phosphorous Oxychloride / **Phosphorus Trichloride** →
- Flame Retardants
- Plasticizers
- Plastics, Elastomers
- Surfactants
- Pesticides
- Lube Oils, Greases
- Solvent
- Catalyst

EXAMPLES OF SCHEDULE 3 COMMERCIAL USES

Phosphorus Pentachloride	Catalyst Chlorinating Agent Flame Retardants Polymers Surfactant Batteries
Trimethyl Phosphite	Insecticides Adhesives Polyolefin Plastics Fire Retardants Monoethers Other Phosphites
Triethyl Phosphite	Pesticides Plastics Additives Flame Retardants Corrosion Inhibitor Antioxidant Viscosity Depressant
Dimethyl Phosphite	Corrosion Inhibitor Anti-oxidant Stabilizer Adhesives Pesticides Antifungals Fire Retardants
Diethyl Phosphite	Color Preventative Catalyst Antifungals Insecticides Lube Oil Additive

EXAMPLES OF SCHEDULE 3 COMMERCIAL USES

Sulfur Monochloride →

Vulcanizing Rubber
Lube Oil Additives
Antioxidants
Crosslinking
Solvent
Catalyst

Sulfur Dichloride →

Chlorinating Agent
Pesticides
Lube Oil Additives
Antioxidants
Fungicides
Antibiotics

Thionyl Chloride →

Acid Chlorides
Herbicides
Insecticides
Fumigants
Miticides
Thermoplastics
Surfactants
Drugs
Vitamins
Dyes
Photographic Chemicals
Catalyst
Chlorinating Agent
Battery Research

Ethyldiethanolamine
Methyldiethanolamine
Triethanolamine →

Surfactants
Gas Purification
Electroplating
Lubricants
Derusting
Pickling Steel
Coagulants
Softening Agents
Antistatic Agents
Synthetic Fibers
Flame Retardants
Urethanes
Pesticides
Propellants

HOW TO IDENTIFY YOUR CHEMICAL INDUSTRY

Overview

- A broad range of chemicals may be subject to data monitoring under the CWC.
- The preceding examples of Scheduled chemical commercial uses illustrate the potential targets for an outreach programme to educate your chemical industry on the data monitoring requirements of the CWC.
- To ensure compliance with the CWC, it is critical to establish a methodology for identifying persons, facilities or trading companies that will be subject to Article VI requirements.

Determination of a Declarable Chemical Industry

- The task of identifying facilities likely to be subject to the CWC is complex.
  - There is no single source of information or general recipe for analysis.
  - There are great differences in the way chemical industries, research and technology are organised between State Parties.
  - There may be little or no government collection of national data regarding chemical activities.
- The OPCW's website, http://www.opcw.org, has a methodology for determining the presence or absence of a declarable chemical industry.
- The methodology was developed by the Technical Secretariat through informal consultations with:
  - Governments of States Parties and their agencies;
  - Chemical industry associations; and
  - Chemical industry marketing and manufacturing managers.
- The methodology was also developed by consulting other international chemical organisations and available chemical databases.

Potential Resources to Identify Facilities - Basis for a Search Method

- Schedules of Chemicals in the Annex on Chemicals. *(See Annex on Chemicals found on page 41).*
- Technical Secretariat's Handbook on Chemicals, which can be found at http://www.opcw.org.
- Lists of types or categories of Scheduled chemicals.
- Government, association and other organisation databases:
  - Computerised databases;

- Governmental records and databases, such as:
  - Import and export licenses;
  - Environmental permit records;
  - Transportation permits;
  - Port authority permits;
  - Ministry of Finance records;
  - Government enterprise records; and
  - Patent office information.
- Chemical industry associations;
- Chambers of commerce;
- Commercial listings and publications;
- United Nations bodies; and
- Non-profit public interest institutions.

Approach for Facilities Involved in Scheduled Chemicals

- Review each of the Schedules of Chemicals in the CWC.
- Conduct a study using the Handbook on Chemicals developed by the Technical Secretariat.
- Perform a search for a correlation between types or categories of products, their raw material precursors and/or intermediates and the chemicals.
- Conduct a search within the possible information resources for those industrial facilities involved with relevant types or categories of products.
- Identify facilities possibly involved with Scheduled chemicals with a view to producing an initial list of facilities.
- Refine the initial list of facilities with a view to producing a national industrial facility list for declaration purposes; and
- Use the refined initial list to gather information on the production, processing, consumption, export and import volumes of Scheduled chemicals.

Approach for Facilities Producing Unscheduled Discrete Organic Chemicals (DOCs), Including PSF (Phosphorous, Sulphur, Fluorine) Chemicals

- Conduct a search for a correlation between the chemicals included under the definition of unscheduled DOCs, including PSF-chemicals, and those covered by the lists in Chapters 28 and 29 of the Harmonised Tariff System (HTS) code.

- Conduct a search within the possible information resources for industrial facilities covered by Chapter 29 of the HTS code, with a view to producing an initial list of OCPFs.

- Contact those facilities on the initial list to identify whether they have anything to declare taking into account the thresholds for DOCs and/or PSF chemicals established in Part IX of the Verification Annex.

- Refine the initial list of facilities to produce a national OCPF list for declaration purposes.

HOW TO DETERMINE IF A CHEMICAL IS SUBJECT TO DECLARATION

Establishing a Chemical Classification Mechanism

- To assist persons, facilities (including plant sites and plants) and trading companies determine whether their chemicals and activities are subject to data monitoring, a State Party should establish a mechanism for conducting chemical classifications.

- The National Authority's staff should include or have access to personnel such as chemists or chemical engineers.

Chemical Classification Process

- A State Party should establish procedures for conducting chemical classifications, such as accepting or receiving a written request or email from a person, facility or trading company.

- The classification request should include the following information:
  - Chemical name and Chemical Abstracts Service (CAS) registry number, if assigned;
  - If a CAS registry number is unknown, identify the structural formula of the chemical
  - Activity involved (i.e., production, processing, consumption, export, import);
  - Quantities, if known; and
  - Purity of chemical in a mixture.

- Upon receipt of the request, the National Authority should consult chemical reference databases or publications to confirm whether a chemical is Scheduled or an unscheduled discrete organic chemical (DOC). Examples include:

- The OPCW's Chemical Weapons Convention (CWC) chemical database in the Declaration Handbook http://www.opcw.org/handbook, which lists chemicals by Schedule.
- The National Institutes of Health's databases on toxicology, hazardous chemicals, and related areas, www.toxnet.nlm.nih.gov, which can provide a chemical name if you have a CAS registry number or can determine a CAS registry number for a chemical. This site also shows the structural formula and lists chemical properties.
- Dictionary of Chemical Names and Synonyms, Philip H. Howard, Lewis Pubishers,1992, which can provide a chemical name if you have a CAS registry number or can determine a CAS registry number for a chemical. This publication also contains commonly used names or synonyms for chemicals.

Scheduled Chemicals

- Using reference databases or publications, compare the chemical information supplied by the person, facility or trading company (chemical name and/or the CAS registry number) to determine if it is a Scheduled chemical. If so, conduct the following analysis.
  - Determine if the activity related to that chemical (i.e., production, processing, consumption, export, import) is subject to data monitoring under the CWC.
  - Determine if the concentration of the chemical in a mixture exceeds the thresholds established by the OPCW (e.g., 30% for a Schedule 2B or 3 chemical).
  - Determine if the quantities involved exceed the relevant activity and quantity thresholds for the chemical (e.g., 1 metric tonne for production of a Schedule 2B chemical, 30 metric tonnes for production of a Schedule 3 chemical).
- An affirmative classification for all three aforementioned steps is required for a person, facility or trading company to be subject to declaration.

Unscheduled DOC

- If the chemical is not listed on a Schedule, determine if the chemical is an unscheduled discrete organic chemical (DOC). If so, conduct the following analysis.
  - Determine if the activity related to that chemical (i.e., production by synthesis) is subject to data monitoring under the CWC.
  - Determine if any DOC exemptions apply.
  - Determine if the quantities involved exceed the relevant quantity thresholds for an Other Chemical Production Facility (OCPF) (i.e., 200 metric tonnes of DOCs for a plant site, 30 metric tonnes of a PSF-chemical at one or more plants for a plant site).

- An affirmative classification for all three aforementioned steps is required for an OCPF to be subject to declaration.

Responding to a Chemical Classification Request

- If the National Authority determines that the chemical is not listed on Schedule 1, 2 or 3 does not meet the definition of an unscheduled DOC, or does not meet the threshold requirements for Scheduled or unscheduled DOCs, it should advise the person, facility, or trading company in writing that the chemical is not subject to data monitoring under the Convention.
  - This correspondence establishes an audit trail in the event of a clarification request regarding the declarability of the activities of a person, facility, or trading company.

- If the National Authority determines that the chemical is listed on Schedule 1, 2 or 3, or meets the definition of an unscheduled DOC, and meets the appropriate threshold requirements, it should advise the person, facility, or trading company in writing that the chemical is subject to data monitoring under the Convention.
  - The National Authority should advise the person, facility, or trading company of its obligations to declare pursuant to Parts VI-IX of the CWC's Verification Annex.

Potential Chemical Weapons (CW) Application

Schedule No.	Chemical Name	CAS No.	CW Application
1A(1)	O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates, e.g.,		
	Sarin: O-Isopropyl methylphosphonofluoridate	107-44-8	Nerve agent
	Soman: O-Pinacolyl methylphosphonofluoridate	96-64-0	Nerve agent
1A(2)	O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates, e.g.,		
	Tabun: O-Ethyl N,N-dimethylphosphoramidocyanidate	77-81-6	Nerve agent
1A(3)	O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts, e.g.,		
	VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	50782-69-9	Nerve agent
1(A)4	Sulfur mustards, i.e.,		
	2-Chloroethylchloromethylsulfide	625-76-5	Blister agent
	Mustard gas: Bis(2-chloroethyl)sulfide	505-60-2	Blister agent
	Bis(2-chloroethylthio)methane	63869-13-6	Blister agent
	Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	3563-36-8	Blister agent
	1,3-Bis(2-chloroethylthio)-n-propane	63905-10-2	Blister agent
	1,4-Bis(2-chloroethylthio)-n-butane	142868-93-7	Blister agent
	1,5-Bis(2-chloroethylthio)-n-pentane	142868-94-8	Blister agent
	Bis(2-chloroethylthiomethyl)ether	63918-90-1	Blister agent
	O-Mustard: Bis(2-chloroethylthioethyl)ether	63918-89-8	Blister agent
1A(5)	Lewisites:		
	Lewisite 1: 2-Chlorovinyldichloroarsine	541-25-3	Blister agent
	Lewisite 2: Bis(2-chlorovinyl)chloroarsine	40334-69-8	Blister agent
	Lewisite 3: Tris(2-chlorovinyl)arsine	40334-70-1	Blister agent
1A(6)	Nitrogen Mustards:		
	HN1: Bis(2-chloroethyl)ethylamine (538-07-8)	538-07-8	Blister agent
	HN2: Bis(2-chloroethyl)methylamine	51-75-2	Blister agent

	HN3: Tris(2-chloroethyl)amine	555-77-1	Blister agent
1A(7)	Saxitoxin	35523-89-8	Toxin
1A(8)	Ricin	9009-86-3	Toxin
1B(9)	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides, e.g.,		
	DF: Methylphosphonyldifluoride	676-99-3	Precursor to Sarin/Soman
1B(10)	O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl(Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts, e.g.,		
	QL: O-Ethyl O-2-diisopropylaminoethylmethylphosphonite	57856-11-8	Precursor to VX family
1B(11)	Chlorosarin: O-Isopropyl methylphosphonochloridate	1445-76-7	Precursor to Sarin
1B(12)	Chlorosoman: O-Pinacolyl methylphosphonochloridate	7040-57-5	Precursor to Soman
2A(1)	Amiton: O,O-DiethylS-[2-(diethylamino)ethyl]phosphorothiolate	78-53-5	Insecticide with high mammalian toxicity
	and corresponding alkylated or protonated salts		
2A(2)	PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	382-21-8	Choking agent
2A(3)	BZ: 3-Quinuclidinyl benzilate (*)	6581-06-2	Psychoactive agent
2B(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms (Exemption: Fonofos: O-Ethyl S-phenylethylphosphonothiolothionate, CAS 944-22-9), e.g.,		
	Methylphosphonyl dichloride	676-97-1	Precursor to VX, DF, Sarin, chlorosarin and chlorosoman
	Dimethyl methylphosphonate	756-79-6	Precursor to VX, DF, Sarin, chlorosarin and chlorosoman
2B(5)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides		Precursors to Tabun
2B(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates		Precursors to Tabun
2B(7)	Arsenic trichloride	7784-34-1	Precursor to Lewisites
2B(8)	2,2-Diphenyl-2-hydroxyacetic acid	76-93-7	Precursor to BZ
2B(9)	Quinuclidin-3-ol	1619-34-7	Precursor to BZ
2B(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts		Precursors to VX

2B(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts		Precursors to VX family, Sarin and Amiton
2B(12)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts		Precursors to VX and Amiton
2B(13)	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	111-48-8	Precursor to mustards (H,Q,T)
2B(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	464-07-3	Precursor to Sarin/Soman families
3A(1)	Phosgene: Carbonyl dichloride	75-44-5	Choking agent
3A(2)	Cyanogen chloride	506-77-4	Blood agent
3A(3)	Hydrogen cyanide	74-90-8	Blood agent
3A(4)	Chloropicrin: Trichloronitromethane	76-06-2	Blood agent
3B(5)	Phosphorus oxychloride	10025-87-3	Precursor to VX, DF, Sarin, chlorosarin and chlorosoman
3B(6)	Phosphorus trichloride	7719-12-2	Precursor to VX, DF, Sarin, chlorosarin and chlorosoman
3B(7)	Phosphorus pentachloride	10026-13-8	Precursor to VX, DF, Sarin, chlorosarin, and chlorosoman
3B(8)	Trimethyl phosphite	121-45-9	Precursor to VX, DF, chlorosarin and chlorosoman
3B(9)	Triethyl phosphite	122-52-1	Precursor to nerve agents
3B(10)	Dimethyl phosphite	868-85-9	Precursor to VX, DF, chlorosarin and chlorosoman
3B(11)	Diethyl phosphite	762-04-9	Precursor to nerve agents
3B(12)	Sulfur monochloride	10025-67-9	Precursor to Mustard (H), arsenic trichloride
3B(13)	Sulfur dichloride	10545-99-0	Precursor to Mustard (H)
3B(14)	Thionyl chloride	7719-09-7	Precursor to sulfur mustards, nitrogen mustards, arsenic trichloride, VX, DF, chlorosarin and chlorosoman

3B(15)	Ethyldiethanolamine	139-87-7	Precursor to HN1
3B(16)	Methyldiethanolamine	105-59-9	Precursor to HN2
3B(17)	Triethanolamine	102-71-6	Precursor to HN3

IDENTIFICATION OF DECLARABLE ACTIVITIES DETERMINATION OF THE PRESENCE OR ABSENCE OF A DECLARABLE CHEMICAL INDUSTRY

1. Introduction

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction requires a State Party to the Convention to declare all relevant military and civilian facilities which are subject to declaration not later than 30 days after the Convention enters into force (EIF) for it and subsequently on an annual basis.

Most military and Schedule 1 facilities are under the centralised control of the governmental authorities of States Parties and are, therefore, much easier for a government to identify. Civilian industrial facilities, however, particularly in countries with a free market economy or in economic transition, are less likely to be subject to central government control and accountability. Therefore, industry databases available to government agencies, including the CWC National Authority, might not be suitable to identify accurately those facilities probably subject to the provisions of the CWC. This makes the task of identifying facilities likely to be covered by the Convention, in particular with regard to facilities possibly involved in activities with scheduled chemicals, complex and rather difficult.

In the light of this difficulty, some States Parties, even since the time of the Preparatory Commission have requested advice from the Secretariat and have urged the development of a search methodology as a guideline to tracking down civilian chemical industry facilities covered by the CWC.

In an attempt to respond to these requests, the Secretariat conducted informal consultations with:

1. governments of States Parties and their agencies;
2. chemical industry associations; and
3. chemical industry marketing and manufacturing managers.

In addition, the Secretariat consulted other international chemical organisations and available chemical databases.

It was clear that there is no unified source or a general recipe for readily identifying the presence or absence of chemical facilities that might be subject to the Convention. Complications in the identification arise, inter alia, from the absence of direct links between kinds of products, product names, chemical trade names, and scientific chemical nomenclature. Such complications make the design and execution of data searches in compendia of data from technical literature, government agencies, trade organisations, marketing surveys, customs records, and other resources very difficult.

There are also great differences in the way chemical technology, research facilities, and chemical industries are organised from one State Party to another. Declarable chemical activities may be carried out in medical institutes, pharmaceutical production facilities, industrial plant sites, pilot plants or laboratories, either under private ownership or under government control.

Oversight of chemical activities by environmental, labour or other agencies may or may not exist. Even where such oversight is carried out, the national legislation may preclude the use of data gathered for one purpose being used for any other purpose. Moreover, in many cases there is simply no national list of all products and chemicals which are produced, processed or consumed within a country's borders.

2. General Approach To Identifying Facilities Probably Covered By The CWC

Bearing in mind the above considerations, the Secretariat has developed a general suggested approach to help in identifying facilities to be declared under the provisions of the CWC. This approach is based on a list of potential resources that States Parties may be able to access, together with general guidance on how to utilise these resources to facilitate the identification process.

2.1 Potential Resources

Among the many available resources on the basis of which a search method can be designed to identify declarable and inspectable facilities, the following should be mentioned:

(a) Schedules of chemicals, as they appear in the Annex on Chemicals and the definition of discrete organic chemical (DOC), including unscheduled discrete organic chemicals containing the elements phosphorus, sulfur, or fluorine (PSF-chemicals) as defined in the Verification Annex, Part I, paragraph 4 and Part IX, paragraph 1;

(b) The Handbook on Chemicals developed by the Secretariat as an aid to States Parties in identifying declarable activities. This lists nearly 1000 individual chemicals that fall in the Schedules of chemicals in the CWC in the Annex on Chemicals and is particularly useful to assist in recognising chemicals included in the various groups listed in Schedules 1 and 2;

(c) Lists of types or categories of products that could include scheduled chemicals in their manufacturing steps, whether as raw materials, precursors, intermediates or products. An illustrative and non-exhaustive list of types or categories of products is available. A list of Schedule 2 and 3 Chemicals - Products/Applications per Industry Sector known to the Secretariat has also been drafted and will be maintained to reflect new information as it becomes available. Moreover, illustrative groups of organic chemical products taken from Chapter 29 of the Harmonised System (HS) code of the World Customs Organisation

(WCO) could be used as a compendium of chemical activity areas, in particular regarding the identification of manufacturers of DOCs. Chapter 28 of the HS code covers some other scheduled chemicals;

(d) Possible information resources where a link between facilities and products is available, namely:

- computerised commercial databases;
- government records and databases (in particular, customs records);
- chemical and related industry associations;
- chambers of commerce;
- non-computerised commercial listings and information;
- relevant UN bodies and non-profit public interest international foundations and institutions, non-governmental organisations, etc.; and
- the Internet.

2.2 General Guidance

The proposed approach for setting up a general search sequence is presented below for scheduled chemicals under (a) and for DOCs including PSF-chemicals under (b). This approach is based on the assumption that the potential resources listed in subparagraph 2.1 c. above are available and are made accessible to National Authorities or to other agencies charged with the identification of facilities. It must be emphasised that the search can begin at any point in the process, e.g. a National Authority with an excellent industry facility database might simply compare this database with the chemicals mentioned in the CWC in order to establish an initial facility list. For National Authorities with less precise information resources the whole procedure may need to be completed.

(a) Approach for facilities involved in scheduled chemicals

In general, the approach for facilities involved in scheduled chemicals entails the following:

- a review of each of the Schedules of chemicals in the CWC;
- this can be augmented with a study of the Handbook on Chemicals developed by the Secretariat;
- a search for a correlation between types or categories of products, their raw material precursors and/or intermediates and the scheduled chemicals;
- a search within the possible information resources for those industrial facilities involved with relevant types or categories of products;
- the identification of facilities possibly involved with scheduled chemicals with a view to producing an initial list of facilities; and
- the refinement of the initial list of facilities with a view to producing a national industrial facility list for declaration purposes; and the use of the refined initial list to gather information on the production, processing, consumption, import and export volumes of scheduled chemicals.

(b) Approach for facilities producing unscheduled discrete organic chemicals including PSF-chemicals

The definition of discrete organic chemical (DOC) is contained in the Verification Annex, Part I, paragraph 4:

> "Discrete Organic Chemical" means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number, if assigned.

PSF chemicals are defined in the Verification Annex, Part IX, paragraph 1:

> ...an unscheduled discrete organic chemical containing the elements phosphorus, sulfur or fluorine (hereinafter referred to as ... "PSF-chemical").

The proposed approach for facilities producing unscheduled discrete organic chemicals including PSF-chemicals differs somewhat from that considered for scheduled chemicals. The difference arises because the term "discrete organic chemical" could be applied to virtually any organic chemical as compared with those included in the schedules of chemicals of the CWC, which are specific chemicals (even if these chemicals are noted as a group).

Thus, in this case, the approach can be the following:

- a search for a correlation between the chemicals included under the definition of unscheduled discrete organic chemicals including PSF-chemicals and those covered by the lists in types or categories of products and/or groups of products covered under Chapter 29 of the Harmonised System (HS) code, as well as Chapter 28 of the HS code, including their starting materials and intermediates;
- a search within the possible information resources for industrial facilities involved with types or categories of products or chemicals covered by Chapter 29 of the Harmonised System (HS) code, with a view to producing an initial list of facilities;
- contacts with those facilities on the initial list to identify whether they have anything to declare taking into account the thresholds and ranges for DOCs and/or PSF-chemicals established in Part IX of the Verification Annex; and
- the refinement of the initial list of facilities to produce a national industrial facility lis for declaration purposes.

(c) Remarks

During the search process it should be borne in mind that the Convention establishes a verification regime only for:

- Schedule 1 chemical production facilities;
- Schedule 2 chemical production, processing and consumption plants;

- Schedule 3 chemical production facilities; and
- Other chemical production facilities (OCPFs) manufacturing unscheduled discrete organic chemicals (DOCs) including PSF-chemicals.

On the other hand, there are certain chemical activities that are specifically excluded from consideration. These chemical activities are those dealing with:

- Oxides and sulfides of carbon and metal carbonates;
- Plant sites that EXCLUSIVELY produce hydrocarbons (i.e. chemicals containing only carbon and hydrogen, irrespective of the number of carbon atoms in the compound);
- Plant sites that EXCLUSIVELY produced explosives;
- Oligomers and polymers (per the decision of the First Conference of the States Parties, C-I/DEC.39 of 16 May 1997);
- Compounds containing only carbon and metal (per the decision of the First Conference of the States Parties, C-I/DEC.39 of 16 May 1997);
- Compounding/processing plants except those that process Schedule 2 chemicals (e.g. polymer compounding plants or formulating plants); and
- Extraction or purification activities -- except for Schedule 2 chemicals -- where no chemical change occurs to the chemical in question during the activity.

The chemical facilities identified in any search, but which are considered excluded in terms of the above should, however, be periodically reviewed at a national level, in order to make sure that they do not include other activities likely to be covered by declaration and inspection procedures. For example, it is possible that a plant site that produces only polyurethane polymers is nevertheless declarable because it is compounding the polymers with the Schedule 2 fire-retardant chemicals DMMP or DEEP. Similarly, a petroleum refinery might, on the same site, be manufacturing additives that are DOC or PSF chemicals, for the purpose of formulating them into lubricating oils or petroleum fuels.

A general approach such as that just described here will not of itself guarantee the completeness of the eventual list of facilities. The effectiveness of any search methodology is only as good as the information in the accessed resources and the quality of the effort to make effective use of the information. In relation to the last point, it is clear that the National Authority should be in a position not only to thoroughly know the provisions of the Convention and be aware of the current status of their interpretation within the OPCW, but to understand the implications of the results of a search process and be able to judge technically from this how to proceed. It has been shown in practice that it is highly beneficial for a National Authority to have on its staff at least one person knowledgeable in organic chemistry and also familiar with the chemical industry. Alternatively, the National Authority could contract in the services of such expertise on a consultancy basis to assist it in preparing its declarations.

The approach outlined here could quite possibly overestimate the number of declarable facilities, as the correlation between the Schedules of chemicals and the types or categories of products is not as straightforward as may appear to be the case.

Any initial list of facilities generated by the proposed search procedure will probably include facilities that are neither involved with any scheduled chemicals nor with relevant unscheduled DOCs. Whether or not the listed facilities actually produce, process, or consume scheduled chemicals will require further inquiries involving contact with the facility management.

Even if it turns out that a facility does produce, process or consume scheduled chemicals, a further screening must be conducted in relation to the quantities and concentrations of the chemical(s) involved in order to confirm whether the activity is declarable or not. The search methodology is thus an approach that compiles a list of potential declarable sites and then eliminates from that list those sites that do not in fact qualify for declarations.

It is important to note that available information resources will differ from one country to another. A successful effort in one country will, therefore, not guarantee a similarly successful effort in another.

In the case of a country planning to ratify or accede to the Convention, it is essential that an effective National Authority be identified as early as possible and empowered to prepare for the submission of the initial declarations. The National Authority will need to start conducting surveys for the purpose of data acquisition, particularly where governmental data is concerned, at the earliest possible time. As noted above, there are but 30 days after entry into force (EIF) of the Convention for each State Party to make its declarations to the OPCW. In this way the National Authority will be able to:

- estimate the amount of work and the costs involved in implementing the Convention at EIF;
- compile aggregate information about chemical facilities, plants and plant sites; and
- identify those resources which can assist the national implementation and legislation process.

In the case of an existing State Party, it should be emphasised that the preparation for the submission of the initial declarations, whilst a formidable task, cannot be considered to be the final activity in the implementation process. The chemical industry is,especially in volatile economic times, an extremely variable sector of the economies of most countries. There is a never-ending succession of mergers, acquisitions, bankruptcies, reorganisations, etc. which frequently impacts on the list of facilities that are declarable and inspectable in terms of the CWC. It is thus of paramount importance that the data acquisition process described above should be an ongoing activity of the National Authority, to ensure that the annual declarations are correct. The OPCW can only be as effective and efficient in its verification activities as the quality of these declarations allow.

It is hoped that this general approach will assist States Parties in their continuous implementation efforts. The Secretariat can, upon request, provide necessary advice and assistance to States Parties with regard to the implementation of this approach.

Possible Information Resources for Identifying Declarable Activities
How to associate products with facilities

1. Computerised databases

In principle it must be said that there is no computerised, commercially available database that is designed to provide a user with the ability to directly correlate lists of chemicals with lists of organisations which produce, process or consume those chemicals. However, it is possible to locate some data for some of the scheduled chemicals for facilities in some countries. Databases that have the ability to search their data by chemical name or by chemical identification numbers such as CAS or EINECS (European Inventory Existing Commercial Chemical Substances) are particularly useful. Databases are published and licensed by a number of commercial firms, for example the Scientific and Technical Information Network, International (STN) headquartered in Karlsruhe, Germany and Dialogue Information Services, Inc., located in Palo Alto, California, USA. These companies will license users to access specific databases via telephone modems and will then charge the users for the computer time spent using the databases. inter alia:

Chemical Abstracts	Can be searched by chemical and will contain source data including names of organisations and chemical industry facilities; worldwide coverage.
Chemical Business News Base	Includes chemicals, pharmaceuticals, agrochemicals with News Base correlations to companies and countries. Possible source of manufacturing volume information; worldwide coverage.
Cheminform RX	Correlates products with their chemical reactants.
Chemical Industry Notes	Correlates specific chemicals with business activities; worldwide coverage.
Chem Sources (CSCHEM)	Correlates chemical products and suppliers; worldwide coverage.

CSCORP	Correlates chemical products and suppliers; worldwide coverage.
Gmelin	Primarily scientific information, but will also access patent data which can be used for organisation/company correlations; worldwide coverage.
Phar	Correlates company names with products and associated chemicals; worldwide coverage.
Beistein Online	Primarily scientific information, but will also access patent data which can be used for organisation/company correlations; worldwide coverage.
Derwent World Patents Index	Can correlate chemicals and organisation/companies; worldwide coverage.
EINECS	European listing of 100,000 substances including very toxic substances (available on CD-ROM).

2. Governmental records and databases

All governments collect and organise import/export, financial, transport, tax, employment data etc. Most governments will try to organise this data in a such way as to allow it to be readily available for planning and reference purposes. Examples are the following:

Import and Export Licenses

The majority of States employ a so-called Harmonised System (HS) of tariffs which is based on numerical designators for products. Since the licenses are applied for by organisations and companies, a correlation can then be made between a type (or category) of product of the HS and the organisation/company. In many countries the HS records are amplified in the case of chemical products to include indication of specific chemicals identified by CAS or EINECS numbers. Unfortunately this detailed information, which is directly applicable to the facility identification process, is often protected by privacy legislation. In many countries the chemical industry is required to notify certain governmental agencies of the use of chemical substances to produce products. Familiar lists include the European Community's EINECS list, the United States of America's Toxic

Substances Control Act Inventory, the Australian Inventory of Chemical Substances, the Japanese Ministry of Trade and Industry List, etc. These lists are supported by detailed information on chemical production locations and production volumes. Any changes are periodically updated so that these lists and their supporting data remain evergreen. However, as in the cases of import and export data, privacy laws often preclude access to the information.

Environmental Permit Records

Many countries have environmental laws which require extensive application procedures to prove that chemical industry production and plant construction plans are consistent with the environmental interests of the country. This process involves the provision of precise chemical process and facility location information. Where this information is organised on a regional or national level it will be an excellent source of chemical versus facility information.

Transportation Permits

Environmental and safety concerns have led many countries to require permits to move chemical products by rail, barge, ship, and truck. These permits will include the name of the chemical(s) and facility source/destination information. Where this information is organised on a regional or national level, it can be used to identify facilities involved with specific chemicals.

Port Authority Permits

Closely related to the transportation permits are permits to berth ships laden with chem.-icals. These permits will contain specific chemical, ownership and transporter information.

Ministry of Finance Records, Government Enterprise Records, Patent Office Information

The ways in which countries tax organisations and companies operate on their territory is highly variable. The information concerning organisation/company operations, coincident with collection of financial data, is also variable. In countries with nationalised industry (governmentally owned and operated chemical plants/operations), and/or military operated chemical facilities, the National Authority may be able to directly access chemical and production volume data. In this case, considerations concerning security may affect access. Most countries have patent offices which will have carefully cross-referenced information on the organisations/companies which have applied for patent coverage for their products. Searches can be pursued by manual or electronic means to correlate specific chemical and organisation/company identifications. Because the patent applications will also contain pertinent references to other organisations/companies which pursue related chemical activities, the location of one useful patent will often result in leads to additional organisations and companies. After the patent application process is complete, the patents and their information are a matter of public record and are readily accessible to researchers.

3. Chemical Industry Associations

In many countries chemical industrial firms have established organisations which are supported by the financial contributions from member firms and which function to promote interests common to most members. These organisations will have a large proportion of member companies which are basic producers of chemicals. They will also tend to have larger chemical companies as members as opposed to smaller processors and consumers. Thus these associations cannot be expected to represent or even know of all chemical users in their respective countries. However, they will typically cover the firms responsible for a majority of chemical production activities. Some of these organisations have also undertaken activities in relation to the interests of specific subdivisions of their membership. Thus, subcommittees may exist for work on projects related to organophosphorus chemicals, phosgenes, etc. These organisations are excellent sources to canvas for facility information. Whereas it is difficult to search for generic chemical information in an electronic database, a panel of technical and business experts can easily address generic subject matter.

Other industry associations can also be used as resources. In some cases chemicals and facilities which pursue activities relevant to the Convention are members of organisations which do not consider themselves to be "chemical". These can include pharmaceutical, pesticide, and agrochemical associations. As in the chemical industry, these associations promote the common interests of their membership.

4. Chambers of Commerce

Many countries have national and regional chambers of commerce, which are organisations geared to promote the commercial and financial interests of their membership. Although these organisations are not typically focused on the chemical industry, they do have a spectrum of kinds of businesses. This diversity can be especially valuable in locating facilities in which venture projects might be using small quantities of Schedule 1 chemicals for research; or in locating companies which might be involved in the processing or consumption of Schedule 2 chemicals at low volumes in terms of production, but are still above Convention threshold use levels. Organisations such as these may not be members of chemical or other industry associations, and therefore will not be "counted" by these production-oriented organisations. Thus, chambers of commerce can be used to supplement the information available through the larger chemical industry and related organisations and, in relation to Schedule 2, to identify downstream industries that may be declarable.

5. Commercial Listings and Publications

The focus of this resource entry is on those listings or reference volumes which are available in book, magazine or newspaper format. It should be noted that some of those that are periodical in nature may also be available in electronic format or even through an on-line data system. These resources include, inter alia:

Chem Sources International 1996 Edition
Directory of World Chemical Producers
OPD Chemical Buyers Directory
Ullman's Encyclopaedia of Industrial Chemistry
Pesticide Manufacturing and Toxic Substances Control
Stanford Research Institute Index (SRI)
Pharmaceutical Manufacturing Encyclopaedia, 2nd Edition
Thomas Directory
Handbook on Scheduled Chemicals, Canada, August 1993
Kirk Othmer E.C.T., 4rd edition, John Wiley, NY
Catalogue of the US Congress Library.

6. Illustrative United Nations Bodies and Non-Profit Public Interest Foundations/Institutions

The following organisations are presented as examples of possible information resources. The listing is not complete and does not constitute an endorsement of the work of these organisations by the Secretariat.

UNIDO- United Nations Industrial Development Organisation
UNFAO- United Nations Food and Agriculture Organisation
ILO- International Labour Organisation
ECETOC- European Centre for Ecotoxicology and Toxicology of Chemicals
CSIC- Centre for Strategic and International Studies
SIPRI - Stockholm International Peace Research Institute
Monterey Institute of International Studies
The Henry L. Stimson Centre

SECTION 5

Declaration Regime

In this Section:

Topics / **page**

Article VI Data Monitoring Requirements / **83**
Declaration Requirements / **90**
Determining Product Group Codes for Declarations / **141**
Establishing a Declaration Regime for Industry / **141**
State Party Procedures for Receiving and Processing Declarations / **143**
Compiling the Declaration for Submission to the OPCW / **144**
Classifying the State Party Declaration / **146**

Reference Material / **page**

Product Group Coded - Industry Descriptions / **147**
Technical Secretariat Report - " The Project To Assist States Parties In Identifying New Declarable Facilities Under Article VI of the Chemical Weapons Convention" / **151**
Clarifications of Declarations / **156**

ARTICLE VI DATA MONITORING REQUIREMENTS

Overview

- In order to ensure certain activities involving toxic chemicals and precursors are conducted for purposes not prohibited under the Convention, each State Party must subject Schedule 1, 2, and 3 chemicals and unscheduled discrete organic chemicals (DOCs) to verification measures.

- These verification measures include data monitoring and on-site verification as contained in Parts VI-IX of the Verification Annex of the Convention.

Data Monitoring

- What is Data Monitoring?
  - Data Monitoring is the collection by a State Party of specific information from facilities involved with Scheduled chemicals and other chemical production facilities (OCPFs) involved with unscheduled discrete organic chemicals (DOCs).

- A State Party reviews and compiles information received from facilities and submits official declarations, as appropriate, to the Technical Secretariat (TS) of the Organisation for the Prohibition of Chemical Weapons (OPCW).

- The TS also reviews the accuracy and completeness of declarations received from States Parties for compliance with treaty requirements.

- The data monitoring provisions of the Convention are contained in the Verification Annex, which is divided as follows based on the types of chemicals and facilities:
  - Part VI: Schedule 1 Facilities;
  - Part VII: Schedule 2 Plant Sites;
  - Part VIII: Schedule 3 Plant Sites;
  - Part IX: Other Chemical Production Facilities.

General Types of Declarations

This section briefly describes the types of declarations required under the Convention. It is organized by declaration type and subsequently by chemical regime.

Note: *The section entitled "Declaration Requirements" provides more specific information and the required forms for each chemical regime by declaration type.*

Initial Declarations

- Applicable to Schedule 1, 2, and 3 facilities, and Other Chemical Production Facilities (OCPFs).

- Declarations must be received by the Technical Secretariat not later than 30 days after the CWC enters into force for a State Party.

- **Schedule 1 Initial Declaration for Existing Facility** entails a detailed Narrative Statement for each facility that produced Schedule 1 chemicals in the year prior to entry into force (EIF).
    - **Planned Changes to Initial Declaration** entails information on any changes at the facility or its relevant parts during the year compared to the previously submitted detailed technical description of the facility to be submitted at least 180 days before the changes are to take place.
- **Schedule 1 Initial Declaration for New Facility** entails a detailed Narrative Statement for each facility that anticipates to produce Schedule 1 chemicals to be submitted at least 180 days before operations begin.
- **Schedule 2 Initial Declaration** entails information on plant sites with one or more plants that produced, processed or consumed more than the applicable quantity threshold of a Schedule 2 chemical during the three years prior to EIF.
    - Schedule 2 Aggregate National Data (AND) Declaration for production, processing, consumption, export and import, including each Schedule 2 chemical exported or imported by country.
- **Schedule 3 Initial Declaration** entails information on plant sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical during the year prior to EIF.
    - Schedule 3 AND Declaration for production, export and import, including each Schedule 3 exported or imported by country.
- **OCPF Initial Declaration** entails information on plant sites that produced by synthesis more than 200 tonnes of unscheduled discrete organic chemicals (DOCs) or one or more plants on a plant site that produced by synthesis more than 30 tonnes of DOCs containing phosphorous, sulfur or fluorine during the year prior to EIF.

Declarations on Past Production of Schedule 2 or 3 Chemicals for Chemical Weapons Purposes

- Applicable to Schedule 2 and 3 plant sites.
- Declarations must be received by the Technical Secretariat not later than 30 days after the CWC enters into force for a State Party.
    - Declaration on Past Production of Schedule 2 chemicals for Chemical Weapons Purposes entails information on any amount of a Schedule 2 chemical produced by a plant site since 1946 for chemical weapons purposes.
    - Declaration on Past Production of Schedule 3 chemicals for Chemical

Weapons Purposes entails information on any amount of a Schedule 3 chemical produced by a plant site since 1946 for chemical weapons purposes.

Declaration of Schedule 1 Transfers to/from the State Party During the Previous Calendar Year

- Applicable to transfers (exports or imports) of any amount of a Schedule 1 chemical.
- Declaration must be received by the Technical Secretariat not later than 90 days after the end of the previous calendar year.
- Declaration entails detailed information on the supplier/recipient (exporting and importing parties) for each transfer of a Schedule 1 chemical.

Notification of Planned Transfer of Schedule 1 Chemicals to/from the State Party

- Applicable to individual transfers (exports or imports) of any amount of a Schedule 1 chemical.
- Each State Party involved in a transfer must submit a Notification to the Technical Secretariat at least 30 days before the transfer can occur, except:
  - Transfers of 5 milligrams or less of saxitoxin for medical/diagnostic purposes may be made at the time of the transfer.
- Each State Party should consider notifying the other State Party of the planned transfer of a Schedule 1 chemical to ensure the consistency of the transaction.
- Declaration entails detailed information on the supplier/recipient (exporting and importing parties) for each transfer of a Schedule 1 chemical.

Annual Declarations of Past Activities

- Applicable to Schedule 1, 2, and 3 facilities, and Other Chemical Production Facilities (OCPFs).
  - **Schedule 1 Annual Declaration of Past Activities** entails information on each facility that produced more than an aggregate of Schedule 1 chemicals above the applicable quantity thresholdin the previous calendar year.
  - **Schedule 1 Annual Declaration of Schedule 1 Transfers to/from the State Party During the Previous Calendar Year** entails information on any amount of transfer of a Schedule 1 chemical during the previous calendar year.
  - **Schedule 2 Annual Declaration of Past Activities** entails information on plant sites with one or more plants that produced, processed or consumed more than the applicable quantity threshold of a Schedule 2 chemical during any of the three previous calendar years.

        - Schedule 2 Aggregate National Data (AND) Declaration for production, processing, consumption, export and import, including each Schedule 2 chemical exported to or imported from a State Party in the previous calendar year.
    - **Schedule 3 Annual Declaration of Past Activities** entails information on plant sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical during the previous calendar year.
        - Schedule 3 AND Declaration for production, export and import, including each Schedule 3 exported to or imported from a State Party or a State not Party to the Convention.
    - **OCPF Annual Declaration of Past Activities** entails information on plant sites that produced by synthesis more than 200 tonnes of unscheduled discrete organic chemicals (DOCs) or one or more plants on a plant site that produced by synthesis more than 30 tonnes of DOCs containing phosphorous, sulfur or fluorine during the previous calendar year.

- Declarations must be received by the Technical Secretariat not later than 90 days after the end of the previous calendar year.

Annual Declarations of Anticipated Activities

- Applicable to Schedule 1, 2, and 3 facilities.
    - **Schedule 1 Annual Declaration of Projected Activities and Anticipated Production** entails information on each facility that anticipates producing of Schedule 1 chemicals above the applicable threshold quantity during the next calendar year.
    - **Schedule 2 Annual Declaration of Anticipated Activities** entails information on plant sites with one or more plants that anticipate producing, processing, or consuming more than the applicable quantity threshold of a Schedule 2 chemical during the next calendar year.
    - **Schedule 3 Annual Declaration of Anticipated Activities** entails information on plant sites with one or more plants that anticipate producing more than 30 tonnes of a Schedule 3 chemical during the next calendar year.

- Schedule 1 declarations must be received by the Technical Secretariat not later than 90 days before the beginning of the next calendar year.

- Schedule 2 and Schedule 3 declarations must be received not later than 60 days before the beginning of the next calendar year.

Declaration of Additionally Planned Activities

- Applicable to Schedule 2 and 3 plant sites.
  - Schedule 2 Declaration of Additionally Planned Activities entails submission of information on new activities planned by the plant site after the Annual Declaration of Anticipated Activities was submitted (e.g., addition of a new plant, increase in quantity of production, etc.).
  - Schedule 3 Declaration of Additionally Planned Activities entails submission of information on new activities planned by the plant site after the Annual Declaration of Anticipated Activities was submitted (e.g., addition of a new plant, change in production range production, etc.).
- Declarations must be received by the Technical Secretariat at least 5 days before the new activity is scheduled to begin.

Amended Declarations

- Amended declarations are modifications to previously submitted declarations.
- Applicable to Schedule 1, 2, and 3 facilities, and Other Chemical Production Facilities (OCPFs).
- Submit amended declarations to the Technical Secretariat as soon as possible after the change or addition to information has been identified.
- Amended declarations may include replacement page(s) or addition of new pages to be added to the declaration.
  - Use a cover-sheet to identify each specific declaration type/chemical regime that is being amended.
  - Identify the original page number on the replacement page in the upper right hand corner of the page.
  - Number the total pages in the declaration package in the lower right-hand corner of the page (e.g., 1 of 15).

Table on Declaration Types and Due Dates

This table outlines the different types of declarations required under the Convention and the respective dates the declarations are due to the Technical Secretariat.

Type of Declaration	Due Date	Schedule 1	Schedule 2	Schedule 3	OCPF
Initial Declaration[1]	30 days after EIF	X	X	X	X
Planned Changes to Initial Declaration	180 days before change occurs	X			
Schedule 1 New Facility Declaration	180 days before facility begins operation	X			
Declaration of Schedule 1 Transfers to/from the State Party	90 days of year after activity occurred	X			
Past Production of Chemicals for Chemical Weapons	30 days after EIF		X	X	

[1]Also includes Aggregate National Data (AND) declaration for Schedule 2 and Schedule 3 chemicals only. For Schedule 2, the AND declaration is required only for the year preceding entry into force for a State Party.

Aggregate National Data (AND) Declaration • Production, Processing, Consumption[2] • Export & Import by Chemical and Country	Not later than 90 days after the end of the previous calendar year	X	X	X	
Annual Declaration on Past Activities	Not later than 90 days after the end of the previous calendar year	X	X	X	X
Annual Declaration on Anticipated Activities	90/60 days[3] before the beginning of the following calendar year	X	X	X	
Additionally Planned Activities	5 days before the new activity occurs		X	X	
Amendment to Declaration	As soon as possible	X	X	X	X

[2]Schedule 2 AND declaration includes data on production, processing, consumption, export, and import of each chemical. Schedule 3 AND declaration includes only production, export and import of each Schedule 3 chemical. AND for Schedule 3 production may be declared in ranges.

[3]Schedule 1 Anticipated Declarations are due 60 days before the beginning of the following calendar year. Schedule 2 and Schedule 3 Anticipated Declarations are due 90 days before the beginning of the following calendar year.

DECLARATION REQUIREMENTS

Schedule 1 Facilities

General Prohibitions

- No production, acquisition, retention or use of Schedule 1 chemicals outside a State Party's territories.
- No transfer of Schedule 1 chemicals outside a State Party's territory, except to another State Party.
- No production, acquisition, retention, transfer or use of Schedule 1 chemicals unless:
  - the chemicals are applied to research, medical, pharmaceutical or protective purposes;
  - the types and quantities of chemicals are strictly limited to those which can be justified for such purposes;
  - the aggregate amount of such chemicals at any given time for such purposes is equal to or less than 1 tonne; and
  - the aggregate amount for such purposes acquired by a State Party in any year through production, withdrawal from chemical weapons stocks and transfer is equal to or less than 1 tonne.
- No retransfer of Schedule 1 chemicals from one State Party to another State Party.

Schedule 1 Types of Facilities Impacted

Single Small-Scale Facility (SSSF):

- A facility that produces Schedule 1 chemicals for research, medical, pharmaceutical or protective purposes.

Other facilities:

- Protective Purposes:
  - Facility outside the SSSF that produces Schedule 1 chemicals for protective purposes.
- Research, Medical, and Pharmaeutical (RMP):
  - Facilities limited to producing chemicals for research, medical, and pharmaceutical purposes.

Facilities, trading companies, and persons:

- An entity involved in exporting or importing Scheduled chemicals, and which may or may not produce the chemicals.

Schedule 1 Facility Prohibitions

- Single Small-Scale Facility (SSSF)

  - Production only for research, medical, pharmaceutical, or protective purposes at one facility in a State Party.
  - Production in reaction vessels in production lines may not be configured or continuous operation.
  - Volume of a reaction vessel shall not exceed 100 litres.
  - Total volume of all reaction vessels with a volume exceeding 5 litres shall not be more than 500 litres.
  - Facility must be approved by the State Party.

- Other facilities:
  - Production for protective purposes limited to one facility outside of the SSSF.
    - Production of Schedule 1 chemicals in aggregate quantities may not exceed 10 kilograms per year.
    - Facility must be approved by the State Party.
  - Production in all other facilities limited to research, medical, or pharmaceutical (RMP) purposes.
    - Production of Schedule 1 chemicals in aggregate quantities may not exceed 10 kilograms per year.
    - Facilities must be approved by the State Party to produce Schedule 1 chemicals in aggregate quantities exceeding 100 grams per year.

      Note: *RMP facilities that produce less than 100 grams aggregate of Schedule 1 chemicals are not required to be approved and are not subject to data monitoring or on-site verification.*

Activities that Trigger a Declaration

Single Small-Scale Facility (SSSF):

- Production of any amount of a Schedule 1 chemical.

Other Protective Purposes Facility:

- Production of any amount of a Schedule 1 chemical.

Other RMP Facilities:

- Production of 100 grams aggregate of all Schedule 1 chemicals.

Facilities, trading companies, and persons:

- Export or import of <u>any</u> amount of Schedule 1 chemicals.

Note: *All Schedule 1 facilities declared for production are subject to inspection.*

Declaration Types

- Initial Declaration for Existing and New Facilities.
- Advance Notification of Planned Changes to the Initial Declaration.
- Annual Declaration of Past Activities.
  - Single Small-Scale Facility.
  - Protective Purposes Facility.
  - Research, Medical, and Pharmaceutical (RMP) Facilities.
- Notification of a Planned Transfer to/from the Notifying State Party.
- Annual Declaration Regarding Transfers.
  - Detailed Annual Declaration on Transfers to/from the State Party During the Pervious Calendar Year.
  - Detailed Annual Declaration of Each Transfer of Schedule 1 Chemical.
- Annual Declaration on Projected Activities and Anticipated Production.
  - Single Small-Scale Facility.
  - Protective Purposes Facility.
  - RMP Facilities.
- Amended Declarations.

Initial Declaration Requirements

- Initial Declaration for Existing Facilities:
  - Entails submission to the Technical Secretariat of the following information for each facility type:
    - name of the facility;
    - unique code for the facility;
    - precise location of the facility; and
    - detailed technical description of the facility (including an inventory of equipment and detailed diagrams for SSSF purposes only).
  - Must be received by the Technical Secretariat not later than 30 days after the CWC enters into force for a State Party.
- Initial Declaration for New Facilities (declared after entry into force):
  - Declaration entails submission to the Technical Secretariat of the following information for each facility type:
    - name of the facility;
    - unique code for the facility;

- precise location of the facility; and
- detailed technical description of the facility (including an inventory of equipment and detailed diagrams for SSSF purposes only).

– Declarations must be received by the Technical Secretariat not later than 180 days before operations at the new facility(ies) begin.

Advance Notification of Planned Changes to Initial Declaration

- Planned Changes to Initial Declaration:
  – Entails submission of an advance notification for <u>any</u> planned changes related to the initial declaration.
  – Must be received by the Technical Secretariat not less than 180 days before the changes are to take place.

Annual Declaration of Past Activities (ADPA)

Single Small-Scale Facility (SSSF)

- Required regardless of the quantity of Schedule 1 chemicals produced during the previous calendar year.

- Entails submission to the Technical Secretariat of detailed information regarding the facility's activities that occurred during the previous calendar year, including:
  – Identification of the facility:
    - Unique name and unique facility code (e.g., Red Mountain Arsenal Facility, ABC00123).

  – For each Schedule 1 chemical produced, acquired, consumed or stored at the facility, the following information must be declared:
    - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
    - Methods employed and quantity produced;
    - Name and quantity of precursors listed in Schedules 1, 2, or 3, used for production of Schedule 1 chemicals;
    - Quantity consumed at the facility and the purpose(s) of the consumption;
    - Quantity received from or shipped to other facilities in the State Party. For each shipment the quantity, recipient and purpose should be included;
    - Maximum quantity stored at any time during the year; and
    - Quantity stored at the end of the year.
  – Information on any changes at the facility during the year compared to

previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

Other Facility - Protective Purposes

- Required regardless of the quantity of Schedule 1 chemicals produced during the previous calendar year.

- Entails submission to the Technical Secretariat of detailed information regarding the facility's activities during the previous calendar year, including:
  - Identification of the facility:
    - Unique name and unique facility code (e.g., Blue Moon Facility, ABC00123).
  - For each Schedule 1 chemical produced, acquired, consumed or stored at the facility, the following information must be declared:
    - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
    - Methods employed and quantity produced;
    - Name and quantity of precursors listed in Schedules 1, 2, or 3, used for production of Schedule 1 chemicals;
    - Quantity consumed at the facility and the purpose(s) of the consumption;
    - Quantity transferred (shipped) to other facilities in the State Party. For each shipment, the quantity, recipient and purpose should be included;
    - Maximum quantity stored at any time during the year; and
    - Quantity stored at the end of the year.
  - Information on any changes at the facility during the year compared to previously submitted detailed technical description of the facility.

Other Facility - Research, Medical or Pharmaceutical (RMP) Purposes

- Required <u>only</u> if the aggregate quantity of Schedule 1 production at a RMP Facility exceeded 100 grams during the previous calendar year.

- Entails submission to the Technical Secretariat of detailed information regarding the facility's activities during the previous calendar year, including:
  - Identification of the facility:
    - Unique name and unique facility code (e.g., Ajax Technologies Inc., ABC00456).
  - For each Schedule 1 chemical produced, acquired, consumed or stored at the facility, the following information must be declared:

- Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
- Quantity produced;
- Name(s) and quantity of precursors listed in Schedules 1, 2, or 3, used for production of Schedule 1 chemicals;
- Quantity consumed and the purpose(s) of the consumption;
- Quantity transferred (shipped) to other facilities in the State Party. For each shipment, the quantity, recipient and purpose should be included;
- Maximum quantity stored at any time during the year; and
- Quantity stored at the end of the year.

– Information on any changes at the facility during the year compared to previously submitted detailed technical description of the facility.

Notification of Planned Transfer to/from the Notifying State Party

- Each State Party that will be involved in a transfer of a Schedule 1 chemical must submit a Notification to the Technical Secretariat.
  – Supplying State Party and Receiving State Party must submit.
- The Technical Secretariat compares the Notifications submitted by both States Parities to verify the consistency of the planned transfer, including:
  – Verifying the same chemical is reported;
  – Verifying the same quantity of the chemical is reported; and
  – Verifying the same supplier and recipient parties to the transaction are reported.
- It is suggested, though not required, that National Authorities of the States Parties involved in a planned transfer exchange Notifications prior to submitting them to the Technical Secretariat.
  – This step would ensure coordination, accuracy and consistency of the information before the Technical Secretariat is involved.
- It is also suggested that National Authorities assign a unique number to each Notification that should be cross-referenced in the Detailed Annual Declaration of Each Transfer of Schedule 1 Chemicals.
- Notifications are due to the Technical Secretariat at least 30 days before the transfer occurs, except:
  – Notifications of transfers of 5 milligrams or less of saxitoxin for medical/diagnostic purposes may be made at the time of transfer.

- Notifications must contain the following information:
  - State Party submitting the Notification (use Country Code designation);
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
  - Quantity of Schedule 1 chemical involved in the transfer;
  - Planned date of the transfer;
  - Purpose of the transfer:
    - Research (C01);
    - Medical (C02);
    - Pharmaceutical (C03);
    - Protective Purposes (C04);
    - Waste Disposal (C05); or
    - Production of other Schedule 1 chemicals (C06).
  - Source (exporter) of the chemical, including:
    - Source country name and country code;
    - Name of the supplier; and
    - Address.
  - Recipient (importer) of the chemical, including:
    - Recipient country name and country code;
    - Name of the recipient; and
    - Address.

  Note: *It is not necessary to assign or use unique designation codes for the supplier or recipient parties.*

Annual Declaration Regarding Transfers

- An "Annual Declaration Regarding Transfers" must be submitted to the Technical Secretariat <u>if</u> a State Party was involved in a transfer (export or import) of <u>any</u> amount of a Schedule 1 chemical during the previous calendar year.
  - Supplying State Party and Receiving State Party must submit.
- If a State Party previously submitted a Notification of Planned Transfer of a Schedule 1 Chemical to the Technical Secretariat, it will be expected to submit an "Annual Declaration Regarding Transfers" to declare specific information on the actual transfer.

Note: *If the actual transfer of the Schedule 1 chemical <u>did not occur</u>, it is recommended that the State Party inform the Technical Secretariat of this fact. This action may alleviate the Technical Secretariat from issuing a clarification request to reconcile the Notification with the annual declaration.*

- The Schedule 1 "Annual Declaration Regarding Transfers" consists of two individual declarations, as follows:
  - Detailed Annual Declaration of Transfers to/from the Declaring State Party During the Previous Calendar Year.
    - Entails Aggregate National Data on the total quantity exported or imported of each Schedule 1 Chemical. (For rounding requirements, see EC-XIX/DEC.5).
  - Detailed Annual Declaration of Each Transfer of a Schedule 1 Chemical.
    - Entails specific information on the actual transfer of the chemical.

Detailed Annual Declaration of Transfers to/from the Declaring State Party During the Previous Calendar Year

- This declaration must be submitted to the Technical Secretariat for <u>each</u> Schedule 1 chemical that was transferred (exported or imported) to or from a State Party in the previous calendar year.

- The declaration includes Aggregate National Data for each Schedule 1 chemical on a country-by-country basis on the total amount supplied (exported) or received (imported) by the Declaring State Party.

- The declaration includes the following information:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 chemical is not listed in the Handbook on Chemicals;
  - Country Code for the supplying or receiving State Party;
  - Aggregate quantity of chemical supplied; and
  - Aggregate quantity of chemical received.

Detailed Annual Declaration of Each Transfer of a Schedule 1 Chemical

- In addition to a "Detailed Annual Declaration of Transfers to/from the Declaring State Party During the Previous Calendar Year," a declaration must also be submitted to the Technical Secretariat for <u>each individual transfer</u> of a Schedule 1 chemical that the State Party supplied (exported) or received (imported) during the previous calendar year.

- A State Party must declare detailed information regarding each individual transfer (export or import), including:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
  - Country Code for the supplying or receiving State Party;
  - Name of the recipient or source (e.g., name of company, organization or

person) that received the chemical from the declaring State Party or exported the chemical to the declaring State Party;

- Street address of the recipient or source;
- Purpose of the transfer:
  - Research (C01);
  - Medical (C02);
  - Pharmaceutical (C03);
  - Protective Purposes (C04);
  - Waste Disposal (C05); or
  - Production of other Schedule 1 chemicals (C06).
- Quantity of Schedule 1 chemical transferred; and
- Date of the transfer.

Note: *The date of export declared by the supplying State Party may be different than the date of import declared by the receiving State Party because of the time involved in transporting the chemical. It is recommended to use the date on the shipping documents.*

Annual Declaration of Projected Activities and Anticipated Production

Single Small-Scale Facility (SSSF)

- The anticipated declaration for the SSSF entails submission to the Technical Secretariat of detailed information regarding the facility's projected activities and anticipated production in the next calendar year, including:
  - Identification of the facility:
    - Unique name and unique facility code (e.g., New Chemicals, Inc., ABC00123).
  - For each Schedule 1 chemical anticipated to be produced, consumed or stored at the facility:
    - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
    - Quantity anticipated to be produced; and
    - Purposes of production.
  - Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

Other Facility - Protective Purposes

- The anticipated declaration for the Protective Purposes Facility entails submission to the Technical Secretariat of detailed information regarding the facility's projected activities and anticipated production in the next calendar year, including:
  - Identification of the facility:
    - Unique name and unique facility code (e.g., New Technologies, Inc., ABC00123).
  - For each Schedule 1 chemical anticipated to be produced at the facility:
    - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
    - Quantity anticipated to be produced;
    - Time period(s) when the anticipated production will occur during the next calendar year; and
    - Purposes of the production.
  - Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility.

Other Facility - Research, Medical or Pharmaceutical (RMP) Purposes

- If the aggregate quantity of Schedule 1 production at the RMP Facility is anticipated to exceed 100 grams during the next calendar year, an anticipated declaration specifying the following is required:
  - Identification of the facility:
    - Unique name and unique facility code (e.g., Ajax Technologies Inc., ABC00456).
  - For each Schedule 1 chemical anticipated to be produced at the facility:
    - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
    - Quantity anticipated to be produced;
    - Time period(s) when the anticipated production will occur during the next calendar year; and
    - Purposes of the production.
  - Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility.

Amended Declarations

- Amended declarations may be required to be submitted to the Technical Secretariat for all types of Schedule 1 declarations.

- Amended declarations are modifications to previously submitted declarations (e.g., Annual Declarations regarding Transfers, Annual Declarations of Past Activities).

- Amendments to previously submitted declarations may be required as the result of various types of circumstances, including:
  - Internal company audits conducted on a facility, trading company or person to verify compliance with the Convention's requirements or for other reasons such as financial or export control;
  - Findings that resulted from an on-site inspection at the Schedule 1 facility that was conducted by the Technical Secretariat and noted in the Final Inspection Report;
  - Clarification requests from the Technical Secretariat on missing or incomplete information; and
  - Clarification requests from other States Parties regarding a facility's declaration or a discrepancy in aggregate national data reported by two States Parties.

- Submit amended declarations to the Technical Secretariat as soon as possible after the change or addition to information has been identified.

- Amended declarations may include replacement page(s) or addition of new pages to be added to the declaration.
  - Use a cover-sheet to identify each specific declaration type/chemical regime that is being amended.
  - Identify the original page number on the replacement page in the upper right hand corner of the page.
  - Number the total pages in the declaration package in the lower right-hand corner of the page (e.g., 1 of 15).

Forms Required for Schedule 1 Declarations

- The following is a list of the specific forms for each type of Schedule 1 declaration requirement that must be contained in each declaration package that is transmitted to the Technical Secretariat. Note that certain declaration packages may be combined (e.g., Annual Declarations of Past Activities and Transfers).
  - Initial Declaration for Existing Facilities
  - Initial Declaration for New Facilities
  - Planned Changes to Initial Declaration

- Annual Declaration of Past Activities
  - Single Small-Scale Facility
  - Protective Purposes Facility
  - Research, Medical, and Pharmaceutical (RMP) Facilities
- Annual Declaration Regarding Transfers
- Annual Declaration of Projected and Anticipated Production
  - Single Small-Scale Facility
  - Protective Purposes Facility
  - Research, Medical, and Pharmaceutical (RMP) Facilities
- Notification of Planned Transfer to/from the Notifying State Party

- The following is a list of forms, including the declaration identification forms and each specific Schedule 1 declaration form, by form number and name:

– Form C-1	Initial Declaration of Existing Schedule 1 Facilities
– Form C-2	Initial Declaration of New Schedule 1 Facilities
– Form C-3	Annual Declaration of Schedule 1 Chemicals and Activities at Schedule 1 Facilities During the Previous Year
– Form C-4	Annual Declaration of Projected Activities and Anticipated Production
– Attachment I	Declaration of the Single Small-Scale Facility to C Forms
– Attachment II	Declaration of Other Schedule 1 Facilities to C Forms
– Form CN-1	Primary Notification of Schedule 1 Chemicals and Facilities: Advance Notification of Planned Changes to the Initial Declaration of Declared Facilities
– Form CN-2	Notifications for Transfers of Schedule 1 Chemicals Notification of a Planned Transfer to or from the Notifying State Party
– Attachment I	Detailed Notification of a Planned Transfer of a Schedule 1 to Form CN-2 Chemical to or from the Notifying State Party
– Form 1.1	Annual Declaration of Schedule 1 Chemicals at the SSSF as well as at Other Schedule 1 Facilities During the Previous Year

- Form 1.1.1 — Annual Declaration of Schedule 1 Chemicals at the SSSF and Other Schedule 1 Facilities: Name and Quantity of Precursors Listed in Schedule 1, 2 or 3 Used for the Production of Schedule 1 Chemicals
- Form 1.1.2 — Annual Declaration of Schedule 1 Chemicals at the SSSF: Transfer of Schedule 1 Chemical to or from Other Facilities Within the State Party
- Form 1.1.3 — Annual Declaration of Other Schedule 1 Facilities: Supply of Schedule 1 Chemical to Other Facilities Within the State Party
- Form 1.2 — Detailed Annual Declaration of Transfers to or from the Declaring State Party During the Previous Year
- Form 1.2.1 — Detailed Annual Declaration of Each Transfer of Schedule 1 Chemicals
- Form 1.3 — Declaration of Projected Activities and Anticipated Production of Schedule 1 Chemicals at the SSSF
- Form 1.4 — Declaration of Projected Activities and Anticipated Production of Schedule 1 Chemicals at Other Schedule 1 Facilities

Certification of a Non-Declaration Requirement (Optional)

- The Convention does not require a State Party to submit a "Non-Declaration" to the Technical Secretariat if it has no declarable activities.
- It is recommended, however, that each State Party without a Schedule 1 facility declaration obligation inform the Technical Secretariat of this fact.
- The suggested methods to inform the Technical Secretariat, include:
  - Transmittal Letter:
    - Include an affirmative statement in the State Party's letter that transmitted its declaration pursuant to Part VI-IX of the CWC's Verification Annex (e.g., Annual Declaration of Past Activities, Annual Declaration of Anticipated Activities) to the Technical Secretariat.
    - If the State Party does not have a declaration obligation under Parts VI-IX of the CWC's Verification Annex, it is recommended that a letter be transmitted to the Technical Secretariat stating this fact.
  - For the Annual Declaration of Past Activities, complete Form C-3 by checking "NO" for each of the facility types.

- For the Annual Declaration of Projected Activities and Anticipated Production, complete Form C-4 by checking "NO" for each of the Schedule 1 facility types.

Schedule 2 Plant Sites

General Prohibitions

- No exports to or imports from States not Party to the Convention of Schedule 2 chemicals, except:
  - Mixtures containing 1 percent or less of Schedule 2A and 2A* chemicals;
  - Mixtures containing 10 percent or less of Schedule 2B chemicals; or
  - Consumer goods packaged for retail sale for personal use, or packaged for individual use.

Types of Facilities/Persons Impacted

- Plant sites with one or more plants that produced, processed, or consumed more than the applicable threshold quantity of a Schedule 2 chemical, as follows:
  - 1 kg: Schedule 2A* chemical;
  - 100 kg: Schedule 2A chemicals; and
  - 1 tonne: Schedule 2B chemicals.

  Note 1: *The OPCW has not established a mixture rule for declaring Schedule 2A/2A* chemicals. Absent such a decision, a State Party may establish its own low concentration exemption for declaring Schedule 2A/2A* chemicals, except in cases where the ease of recovery from the mixture of the Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention.*

  Note 2: *Mixtures containing 30% or less of a Schedule 2B chemical are not subject to declaration.*

  Note 3: *Some States Parties have chosen to use a quantity threshold that is lower than the above listed thresholds to "trigger" a declaration requirement for its plants/plant sites. Some States Parties collect all production, processing or consumption information, but only submit declarations to the Technical Secretariat for plants/plant sites that have exceeded the above thresholds. States Parties use the remaining information from other plant sites/trading companies/persons for compiling the Aggregate National Data (AND) Declaration.*

  A State Party must decide whether to use the specific quantity thresholds in the Convention or lower thresholds to trigger a declaration for production, processing, consumption, as well as export and import, from its plant sites, trading companies, and persons. This decision may be made at national discretion.

- Plant sites, trading companies or persons that exported or imported a Schedule 2 chemical.

  Note 1: *There is no consensus on the applicable threshold quantity "trigger" for exports and imports of Schedule 2 chemicals. States Parties have implemented thresholds ranging from "0" to the applicable threshold quantity for production, processing, consumption. Consequently, use of these varying quantity thresholds has led to considerable discrepancies in AND declared by States Parties.*

  A State Party should establish the applicable threshold quantity for which it will require export/import information to be declared and make this known to the Technical Secretariat and other States Parties.

Activities that Trigger a Declaration Requirement

Activities that occur by a plant site, trading company or a person

- The following activities "trigger" a declaration requirement for a plant site, trading company or a person, if more than the *applicable quantity threshold* of the Schedule 2 chemical has been exceeded:
  - Import; and
  - Export.

Activities that occur by a plant on a plant site

- The following activities "trigger" a plant site declaration requirement, if one or more plants on the plant site exceeds the applicable quantity threshold for the Schedule 2 chemical:
  - Production;
  - Processing; and
  - Consumption.

- Once a Schedule 2 declaration requirement has been triggered for production, processing or consumption, information regarding other activities for the declared plant site, plant or chemical are required, including for example:
  - Product Group Codes that describe the main activities of the declared plant(s) or which describe the purposes for which the chemical was/will be processed or consumed;
  - Whether the declared plant(s) is/are dedicated to the declared activities or are multipurpose;
  - Whether the declared plant(s) is/are used for storage, repackaging, distribution, research and development;
  - Production capacity for declared plant(s) that produced/will produce a Schedule 2 chemical;
  - Whether the chemical was/will be transferred off the plant site, exported or imported; and

- What were/are the final types of products derived from the Schedule 2 chemical by plant sites/facilities within the State Party.

  Note: *Plant sites that produced, processed or consumed or anticipate to produce, process or consume more than ten times the applicable quantity threshold of a Schedule 2 chemical are subject to inspection (e.g., 10 tonnes of a Schedule 2B chemical).*

Declaration Types

- Initial Declaration:
  - Aggregate National Data (AND) Declaration for the year prior to entry into force on the quantities produced, processed, consumed, exported, and imported of each Schedule 2 chemical, and a specification of exports and imports of the Schedule 2 chemical by country; and
  - Plant site production, processing, and consumption activities for the three (3) previous calendar years prior to entry into force.
- Declaration on Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes.
- Annual AND Declaration:
  - Declaration of Schedule 2 Chemical (production, processing, consumption, export, and import); and
  - Specification of Imports and Exports of the Schedule 2 Chemical by Country.
- Annual Declaration of Past Activities.
- Annual Declaration of Anticipated Activities.
- Declaration of Additionally Planned Activities.
- Amended Declarations.

Initial Declaration on Aggregate National Data (for the year prior to entry into force)

- Each State Party is required to submit an Initial Declaration to the Technical Secretariat on Aggregate National Data (AND) for the year prior to entry into force on the quantities produced, processed, consumed, exported, and imported of each Schedule 2 chemical, as well as the aggregate quantity of exports and imports of each Schedule 2 chemical by country.
- The Initial AND Declaration consists of two individual declarations, as follows:
  - Declaration of Schedule 2 Chemical; and
  - Declaration of Specification of Imports or Exports of the Schedule 2 Chemical by Country.

- The Initial AND Declaration must be submitted to the Technical Secretariat not later than 30 days after the Convention enters into force for the State Party.

Initial Aggregate National Data Declaration

Initial Declaration on a Schedule 2 Chemical

- Entails the aggregate quantity of each Schedule 2 chemical from all plant sites, trading companies, and persons within the State Party.

- Includes data on the following types of activities above the applicable threshold quantity:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 Chemical is not listed in the Handbook on Chemicals;
  - Production aggregate quantity;
  - Processing aggregate quantity;
  - Consumption aggregate quantity;
  - Import aggregate quantity; and
  - Export aggregate quantity.

- If the State Party collects information from plant sites, trading companies or persons on quantities of Schedule 2 chemicals that are below *the applicable threshold quantity* and the aggregate quantity for the chemical from all plant sites, trading companies or persons within the State Party is also below *the applicable threshold quantity*, it does not have to declare such quantities in this declaration. If, however, the State Party chooses to include such quantities in its declaration, it should declare the quantities as below applicable threshold quantity (< (relevant threshold quantity)).

  Example:

  CAS 111-48-8 – Thiodiglycol: BIS(2-hydroxyethyl)sulfide:

Production:	3.5 tonnes
Processing:	
Consumption:	<1 tonne
Export:	<1 tonne
Import:	

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

Initial Declaration on Specification of Imports or Exports of the Schedule 2 Chemical by Country

- Declaration must be submitted to the Technical Secretariat for each Schedule 2 chemical that was exported from or imported by the State Party based on aggregate data received from all plant sites, trading companies, and persons within the State Party.

- Declaration includes the following information:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 Chemical is not listed in the Handbook on Chemicals;
  - Country Code for the exporting or importing State Party;
  - Aggregate quantity of chemical exported to other States Parties; and
  - Aggregate quantity of chemical imported from other States Parties.

- If the aggregate quantity of all exports or imports of a Schedule 2 chemical exported to or imported from a State Party is below *the applicable threshold quantity,* the quantity or amount of chemical should be declared as below the applicable threshold quantity (< (relevant threshold quantity)).

  Example:

  Thiodiglycol: BIS(2-hydroxyethyl)sulfide, CAS 111-48-8

Country Code:	ROM
Quantity imported:	2.1 tonnes
Quantity exported:	

Country Code:	FIN
Quantity imported:	
Quantity exported:	< 1 tonne

Country Code:	IND
Quantity imported:	3.4 tonnes
Quantity exported:	

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

Initial Declaration on a Plant Site Activities for the Three (3) Previous Calendar Years Prior to Entry Into Force

- Each State Party is required to submit an Initial Declaration to the Technical Secretariat on plant sites with one or more plants that produced, processed or consumed more than the applicable threshold quantity of a Schedule 2

chemical(s) during any of the three (3) previous calendar years prior to entry into force.

- The Initial Declaration on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 3 plants within the plant site pursuant to Part VIII of the Verification Annex.
  - Identification of each declared plant which is located within the plant site and exceeds the *applicable quantity thresholds* for a Schedule 2 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any;
    - Main activities of the plant in terms of product group codes;
    - Whether the plant:
      - Produces, processes, or consumes the declared Schedule 2 chemical(s);
      - Is dedicated to such activities or multi-purpose; and
      - Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that other activity (i.e., storage, repackaging/distribution, research and development).
    - Production capacity of the plant for each declared Schedule 2 chemical that was produced (not required for chemicals that were only processed or consumed).
  - Identification of each Schedule 2 Chemical that was produced, processed or consumed above the *applicable threshold quantity* during any of the three (3) previous calendar years prior to entry into force:
    - Chemical name, common or trade name used by the plant site, structural formula, and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 chemical is not listed in the Handbook on Chemicals;

- Total amount produced, processed, consumed, exported and imported by the plant site in each of the three previous calendar years; (for rounding requirements, see EC-XIX/DEC.5); and
- Purposes for which the chemical was produced, processed or consumed:
  - Processing and consumption (only) of the chemical on site with a specification of the types of product by product group codes;
  - Sale or transfer of the chemical within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types by product group codes;
  - Direct export, with a specification of the States involved; or
  - Other purposes (i.e., storage, repackaging distribution, and research and development).

Note: *Each Schedule 2 chemical must be separately declared for the three years prior to entry into force, even if the quantity for one of these years was below the applicable threshold quantity – in which case, declare "< relevant quantity threshold" or "0".*

Example:

The Convention entered into force for the State Party on June 30, 2004.

- A plant site within the State Party produced Thiodiglycol, CAS 111-88-11, during the three years prior to entry into force, as listed below. A separate Form 2.4 must be completed for each of these three years as part of the plant site's Initial Declaration.
  - 2003 - production: 3.9 tonnes;
  - 2002 - production: 0; and
  - 2001 - production: 2.3 tonnes.

  Note: *On the Form 2.4 for the activities processing and consumption, mark N/A or leave blank. Do not mark "0" because the use of "0" should connotes that the chemical is being declared for the activity and that there was either below threshold activity or no activity for the reporting year.*

- The Initial Declaration must be submitted to the Technical Secretariat not later than 30 days after the Convention enters into force for the State Party.

Declaration on Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes

- Each State Party shall declare all plant sites comprising plants that produced at

any time since 1 January 1946 a Schedule 2 chemical for chemical weapons purposes.

- Each State Party shall provide the following information to the Technical Secretariat.
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site; and
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available).
  - Identification of each declared plant which was located within the plant site that produced a Schedule 2 chemical for chemical weapons purposes, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any;
    - Main activities of the plant in terms of product group codes;
    - Whether the plant:
      - Produces, processes, or consumes the declared Schedule 2 chemical(s);
      - Is dedicated to such activities or multi-purpose; and
      - Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that other activity (i.e., storage, repackaging/distribution, research and development.
    - Production capacity of the plant for each declared Schedule 2 chemical that was produced (not required for chemicals that were only processed or consumed).
  - Identification of each Schedule 2 Chemical which was produced for chemical weapons purposes:
    - Chemical name, common or trade name used by the plant site, structural formula, and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 chemical is not listed in the Handbook on Chemicals;
    - Dates when the chemical was produced;
    - Total amount produced (for rounding requirements, see EC-XIX/DEC.5); and

- Location to which the chemical was delivered and the final product produce at this location, if known.

- The declaration must be submitted to the Technical Secretariat within 30 days of entry of force for the State Party.

Annual Declaration on Aggregate National Data

- Each State Party is required to submit an Annual Declaration on Aggregate National Data (AND) to the Technical Secretariat for activities that occurred within the State Party during the previous calendar year on the quantities produced, processed, consumed, exported, and imported of each Schedule 2 chemical, as well as the aggregate quantity of exports and imports of each Schedule 2 chemical by country.

- The Annual AND Declaration consists of two individual declarations, as follows:
  - Declaration of Schedule 2 Chemical; and
  - Declaration of Specification of Imports or Exports of the Schedule 2 Chemical by Country.
- The AND Declaration must be submitted to the Technical Secretariat not later than 90 days after the end of the previous calendar year.

Aggregate National Data Declaration

Declaration on Schedule 2 Chemical

- Declaration entails the aggregate quantity of each Schedule 2 chemical from all plant sites, trading companies, and persons within the State Party during the previous calendar year.

- Declaration includes data on the following types of activities <u>above</u> the *applicable threshold quantity:*
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. Structural formula is required only if the Schedule 2 Chemical is not listed in the Handbook on Chemicals;
  - Production aggregate quantity;
  - Processing aggregate quantity;
  - Consumption aggregate quantity;
  - Import aggregate quantity; and
  - Export aggregate quantity.

- If the State Party collects information from plant sites, trading companies or persons on quantities of Schedule 2 chemical that are <u>below</u> the *applicable threshold quantity* <u>and</u> the aggregate quantity for the chemical from all plant sites, trading companies or persons within the State Party is also below the *applicable*

threshold quantity, it does not have to declare such quantities in this declaration. If, however, the State Party chooses to include such quantities in its declaration, it should declare the quantities as below applicable threshold quantity (< (relevant threshold quantity)).

Example:

CAS 111-48-8 – Thiodiglycol: BIS(2-hydroxyethyl)sulfide:

Production:	3.5 tonnes
Processing:	
Consumption:	<1 tonne
Export:	<1 tonne
Import:	

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

Declaration on Specification of Imports or Exports of the Schedule 2 Chemical by Country

- Declaration must be submitted to the Technical Secretariat for each Schedule 2 chemical that was exported from or imported by the State Party based on aggregate data received from <u>all</u> plant sites, trading companies, and persons within the State Party.

- The declaration includes the following information:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 Chemical is not listed in the Handbook on Chemicals;
  - Country Code for the exporting or importing State Party;
  - Aggregate quantity of chemical exported to other States Parties; and
  - Aggregate quantity of chemical imported from other States Parties.

- If the aggregate quantity of <u>all</u> exports or imports of a Schedule 2 chemical exported or imported is <u>below</u> the *applicable threshold quantity,* the quantity or amount of chemical should be declared as below the applicable threshold quantity (< (relevant threshold quantity)).

  Example:

  Thiodiglycol: BIS(2-hydroxyethyl)sulfide, CAS 111-48-8

Country Code:	ROM
Quantity imported:	2.1 tonnes
Quantity exported:	
Country Code:	FIN

Quantity imported:	
Quantity exported:	< 1 tonne
Country Code:	IND
Quantity imported:	3.4 tonnes
Quantity exported:	

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

Annual Declaration of Past Activities

- Each State Party is required to submit an Annual Declaration of Past Activities (ADPA) to the Technical Secretariat on plant sites with one or more plants that produced, processed or consumed more than the *applicable threshold quantity* of Schedule 2 chemical(s) during <u>any</u> of the three (3) previous calendar years.

- The ADPA on a plant site entails detailed information, including:
  - <u>Identification of the plant site</u>:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 3 plants within the plant site pursuant to Part VIII of the Verification Annex.

  - <u>Identification of each declared plant</u> which is located within the plant site and exceeds the *applicable quantity thresholds* for a Schedule 2 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any;
    - Main activities of the plant in terms of product group codes;
    - Whether the plant:
      - Produces, processes, or consumes the declared Schedule 2 chemical(s);
      - Is dedicated to such activities or multi-purpose; and
      - Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that

other activity (i.e., storage, repackaging/distribution, research and development).

- Production capacity of the plant for each declared Schedule 2 chemical that was produced (not required for chemicals that were only processed or consumed).

– Identification of each Schedule 2 Chemical that was produced, processed or consumed above the *applicable threshold quantity* during any of the three (3) previous calendar years:

- Chemical name, common or trade name used by the plant site, structural formula, and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 chemical is not listed in the Handbook on Chemicals;
- Total amount produced, processed, consumed, exported, and imported by the plant site in each of the three previous calendar years (for rounding requirements, see EC-XIX/DEC.5); and
- Purposes for which the chemical was produced, processed or consumed:
  - Processing and consumption (only) of the chemical on site with a specification of the types of product by product group codes;
  - Sale or transfer of the chemical within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types by product group codes;
  - Direct exports, with a specification of the States involved; or
  - Other purposes (i.e., storage, repackaging/distribution, and research and development).

Example: The reporting year for the ADPA is 2004:

– A plant site with one plant processed Arsenic Trichloride, CAS 7784-34-1, above the applicable threshold quantity during the three previous calendar years, as listed below. A Form 2.4 must be completed for the chemical as part of the plant site's ADPA for calendar year 2004.

Arsenic Trichloride, CAS 7784-34-1

2004 - processing: 3.9 tonnes;
2003 - processing: 1.5 tonnes; and
2002 - processing: 3.3 tonnes.

Note 1: *Unlike an Initial Schedule 2 Declaration, only one Form 2.4 is required for the ADPA for reporting year 2004 for processing 3.9 tonnes of Arsenic Trichloride.*

Note 2: *If the Schedule 2 chemical was produced, processed or consumed*

above the applicable quantity threshold during <u>*any*</u> *of the three previous calendar years, an ADPA is required, even if the quantity involved for the previous calendar year (reporting year) was below the threshold quantity – in which case, declare "< relevant quantity threshold" or "0".*

- An ADPA for a Schedule 2 plant site is no longer required when no plants on the plant site had declarable activities above the applicable threshold in <u>any</u> of the three previous calendar years.

  Example:

  2007 - No declaration required because no plants on the plant site were involved in a declarable activity in any of the three previous years (i.e., 2007, 2006 or 2005)
  2006 - processing: "0" – declared
  2005 - processing: "0" – declared
  2004 - processing: 3.9 tonnes
  2003 - processing: 1.5 tonnes
  2002 - processing: 3.3 tonnes

- The ADPA must be submitted to the Technical Secretariat not later than 90 days after the end of the previous calendar year.

Annual Declaration of Anticipated Activities

- Each State Party is required to submit an Annual Declaration of Anticipated Activities (ADAA) to the Technical Secretariat on plant sites with one or more plants that anticipate to produce, process or consume more than the *applicable threshold quantity* of Schedule 2 chemical(s) during the next calendar year.

- The ADAA for a plant site entails detailed information, including:
  - <u>Identification of the plant site</u>:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 3 plants within the plant site pursuant to Part VIII of the Verification Annex.

  - <u>Identification of each declared plant</u> which is located within the plant site and exceeds the *applicable quantity threshold* for a Schedule 2 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the

specific building or structure number, if any;

- Main activities of the plant in terms of product group codes; and
- Whether the plant:
  - Produces, processes, or consumes the declared Schedule 2 chemical(s);
  - Is dedicated to such activities or multi-purpose; and
  - Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that other activity (i.e., storage, repackaging/distribution, research and development).
- Production capacity of the plant for each declared Schedule 2 chemical that will be produced (not required for chemical that will only be processed or consumed).

– Identification of each Schedule 2 Chemical that is anticipated to be produced, processed or consumed above the applicable threshold quantity during the next calendar year:
  - Chemical name, common or trade name used by the plant site, structural formula, and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 chemical is not listed in the Handbook on Chemicals;
  - Total amount anticipated to be produced, processed, and consumed by the plant site during the next calendar year (for rounding requirements, see EC-XIX/DEC.5);
  - Time periods for which the chemical is anticipated to be produced, processed, or consumed; and
  - Purposes for which the chemical will be produced, processed or consumed:
    - Processing and consumption (only) of the chemical on site with a specification of the types of product by product group codes;
    - Sale or transfer of the chemical within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types by product group codes;
    - Direct exports, with a specification of the States involved; or
    - Other purposes (i.e., storage, repackaging/distribution, and research and development).

Note: *There is no requirement to submit an ADAA if the plant site does not anticipate producing, processing or consuming the Schedule 2 chemical above the applicable threshold quantity during the next calendar year.*

- The ADAA must be submitted to the Technical Secretariat not later than 60 days before the beginning of the following calendar year.

Declaration of Additionally Planned Activities

- After submission of the Annual Declaration of Anticipated Activities (ADAA), a State Party must declare to the Technical Secretariat additionally planned activities.

- The Declaration of Additionally Planned Activities includes:
  - Any additionally planned activity during the year which is covered by the ADAA that involves:
    - addition of a Schedule 2 plant;
    - addition of a Schedule 2 chemical;
    - addition of a new type of activity related to a declared Schedule 2 chemical (production, processing, consumption, direct export, or sale or transfer); and
    - any other non-quantitative change in relation to the ADAA, except for those to which paragraph 9 of PC-V/B/WP.15 applies (e.g., change to owner name or plant site).
  - Any quantitative upward change that changes the status of a plant (crossing of the declaration or verification threshold);
  - Any additional time period when a declarable activity in relation to a Schedule 2 chemical takes place (should be accurate to within a 3 month period); and
  - Any increase in the declared anticipated production, processing, or consumption figure for a Schedule 2 chemical.

- The Declaration of Additionally Planned Activities should be submitted to the Technical Secretariat at least 5 days before the new activities occur.

Amended Declarations

- Amended declarations may be required to be submitted to the Technical Secretariat for all types of Schedule 2 declarations.

- Amended declarations are modifications to previously submitted declarations (e.g., Aggregate National Data declarations, Annual Declarations of Past Activities).

- Amendments to previously submitted declarations may be required as the result of various types of circumstances, including:
  - Internal company audits conducted on a plant site, trading company or person to verify compliance with the Convention's requirements or for other reasons such as financial or export control;
  - Findings that resulted from an on-site inspection at the Schedule 2 plant

site that was conducted by the Technical Secretariat and noted in the Final Inspection Report;

- Clarification requests from the Technical Secretariat on missing or incomplete information; and
- Clarification requests from other States Parties regarding a plant site's declaration or a discrepancy in aggregate national data reported by two States Parties.

- Submit amended declarations to the Technical Secretariat as soon as possible after the change or addition to information has been identified.
- Amended declarations may include replacement page(s) or addition of new pages to be added to the declaration.
  - Use a cover-sheet to identify each specific declaration type/chemical regime that is being amended.
  - Identify the original page number on the replacement page in the upper right hand corner of the page.
  - Number the total pages in the declaration package in the lower right hand corner of the page (e.g., 1 of 15).

Forms Required for Schedule 2 Declarations

- The following is a list of the specific forms for each type of Schedule 2 declaration requirement that must be contained in each declaration package that is transmitted to the Technical Secretariat. Note that certain declaration packages may be combined (e.g., Annual Declarations of Past Activities and Aggregate National Data).
  - Initial Declaration
  - Initial Aggregate National Data Declaration
  - Declaration of Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes
  - Annual Declaration of Past Activities
  - Annual Aggregate National Data Declaration
  - Annual Declaration of Anticipated Activities
  - Declaration of Additionally Planned Activities
- The following is a list of forms, including the declaration identification forms and each specific Schedule 2 declaration form, by form number and name:

- Form B Primary Declaration Identification for Section B: Initial Declaration
- Form B-1 Primary Declaration Identification for Section B: Annual Declaration of Past Activities
- Form B-2 Primary Declaration Identification for Section B: Annual Declaration of Anticipated Activities
- Form B-3 Primary Declaration Identification for Section B: Declaration of Additionally Planned Activities
- Form 2.1 Aggregate National Data: Declaration of Schedule 2 Chemicals
- Form 2.1.1 Aggregate National Data: Specification of Imports or Exports of the Schedule 2 Chemical by Country
- Form 2.2 Declaration of Schedule 2 Plant Sites
- Form 2.3 Declaration of Schedule 2 Plant(s)
- Form 2.3.1 Plant Activities in Relation to Declared Scheduled 2 Chemicals
- Form 2.3.2 Production Capacity of the Plant for Each Declared Schedule 2 Chemical
- Form 2.4 Information on Each Schedule 2 Chemical Above the Declaration Threshold at the Plant Site
- Form 2.5 Anticipated Activities Related to Schedule 2 Chemicals Above the Declaration Threshold at the Plant Site
- Form 2.6 Declaration of Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes
- Form 2.7 Declaration of Plants that Produced Schedule 2 Chemicals for Chemical Weapons Purposes
- Form 2.7.1 Present Schedule 2 Plant Activities at a Facility Used for the Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes
- Form 2.7.2 Present Production Capacity of the Plant Used for Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes
- Form 2.8 Declaration on Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes

- Form 2.8.1 Locations to Which Schedule 2 Chemicals Produced at the Plant Site for Chemical Weapons Purposes Were Delivered

Certification of a Non-Declaration Requirement (Optional)

- The Convention does not require a State Party to submit a "Non-Declaration" to the Technical Secretariat if it has no declarable activity.
- It is recommended, however, that each State Party without a Schedule 2 declaration obligation inform the Technical Secretariat of this fact.
- The State Party should notify the Technical Secretariat regarding each declaration requirement for each year.
- The suggested methods to inform the Technical Secretariat, include:
  - Transmittal Letter:
    - Include an affirmative statement in the State Party's letter transmitting declarations pursuant to Parts VI-IX of the Convention's Verification Annex (e.g., Initial Declaration, Annual Declaration of Past Activities, Annual Declaration of Anticipated Activities) to the Technical Secretariat.
    - If the State Party does not have a declaration obligation under Parts VI-IX of the Convention's Verification Annex, it is recommended that a letter be transmitted to the Technical Secretariat affirmatively stating this fact.
  - For the Initial Declaration, complete Form B by checking "NO" for each type of Schedule 2 declaration for which the State Party does not have an obligation.
  - For the Annual Declaration of Pact Activities, complete Form B-1 by checking "NO" for each type of Schedule 2 declaration for which the State Party does not have an obligation.
  - For the Annual Declaration of Anticipated Activities, complete Form B-2 by checking "NO" to indicate the State Party does not have an obligation.

Schedule 3 Plant Sites

General Prohibitions

- Exports to States not Party to the Convention are prohibited, unless an End-Use Certificate is obtained from a competent government authority of the State not Party to the Convention.
  - Any quantity of export of a Schedule 3 chemical requires an End-Use Certificate;
    - The OPCW has not established a mixture rule for exports of low

concentrations of Schedule 3 chemicals to non-States Parties. Absent such a decision, a State Party may establish its own low concentration exemption.

- Consumer goods packaged for retail sale for personal use, or packaged for individual use.

Note: *See the IAP Element entitled "Export and Import Obligations" for additional information regarding Schedule 3 End-Use Certificate requirements.*

Types of Plant Sites, Trading Companies, and Persons Impacted

- Plant sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical.

- Plant sites, trading companies, and persons that exported or imported a Schedule 3 chemical above a State Party's applicable quantity threshold.

- Mixtures containing 30 percent or less of a Schedule 3 chemical are exempt.

Note: *Plant sites with one or more plants that produced or anticipate to produce more than 200 tonnes of a Schedule 3 chemical are subject to inspection.*

Activities and Quantities of Schedule 3 Chemical that Trigger a Declaration Requirement

- The following activities "trigger" a declaration requirement for a plant site, trading company or a person, if more than the *applicable quantity threshold* of a Schedule 3 chemical has been exceeded:
  - Export; and
  - Import.

Note: *There is no consensus on the applicable quantity threshold that triggers an export/import declaration requirement for plant sites, trading companies or persons. Examples of quantity thresholds used by States Parties to collect data, include:*

- Any amount of a Schedule 3 chemical exported or imported (i.e., "0" threshold);
- Ten percent of the production threshold (i.e., 3 tonnes); or
- The production threshold (i.e., 30 tonnes).

- A Schedule 3 declaration is required if one or more plants on the plant site produced more than 30 tonnes of a Schedule 3 chemical.
  - Once a Schedule 3 declaration requirement has been triggered for production, information regarding other activities for the declared plant site are required, including:
    - Product group codes that describe the main activities of the declared plant(s); and
    - Purposes for which the chemical was/will be produced.

Declaration Types

- Initial Declaration:
  - Aggregate National Data (AND) Declaration for the year prior to entry into force on the quantities produced, exported, and imported of each Schedule 3 chemical, and a specification of exports and imports of the Schedule 3 chemical by country; and
  - Plant site production for the year prior to entry into force.
- Declaration of Past Production of Schedule 3 Chemicals for Chemical Weapons Purposes.
- Annual AND Declaration.
  - Declaration of Schedule 3 Chemical (production, export, and import); and
  - Specification of Imports and Exports of the Schedule 3 Chemical by Country.
- Annual Declaration of Past Activities.
- Annual Declaration of Anticipated Activities.
- Declaration of Additionally Planned Activities.
- Amended Declarations.

Initial Declaration on Aggregate National Data (for the year prior to entry into force)

- Each State Party is required to submit an Initial Declaration to the Technical Secretariat on Aggregate National Data (AND) for the year prior to entry into force on the quantities produced, exported, and imported of each Schedule 3 chemical, as well as the aggregate quantity of exports and imports of each Schedule 3 chemical by country.
- The Initial AND Declaration consists of two individual declarations, as follows:
  - Initial Declaration of Schedule 3 Chemical; and
  - Initial Declaration of Specification of Imports or Exports of the Schedule 3 Chemical by Country.
- The Initial AND Declaration must be submitted to the Technical Secretariat not later than 30 days after the Convention enters into force for the State Party.

Initial Aggregate National Data Declaration

Initial Declaration on a Schedule 3 Chemical

- Entails the aggregate quantity of each Schedule 3 chemical from all plant sites, trading companies, and persons within the State Party.

- Includes data on the following types of activities for each Schedule 3 chemical:
  - Chemical name and Chemical Abstracts Service registry number;
  - Production aggregate quantity;
  - Import aggregate quantity; and
  - Export aggregate quantity.

Note: *The method for declaring aggregate data for production has not been decided. Examples of methods used by States Parties to declare aggregate production, include:*

- Declaring the number of plant sites whose production was within each of the ranges listed in Paragraph 8(b) of Part VIII of the Convention's Verification Annex, as follows:
  - 30 to 200 tonnes (B21);
  - above 200 to 1,000 tonnes (B22);
  - above 1,000 to 10,000 tonnes (B23);
  - above 10,000 to 100,000 tonnes (B24); and
  - above 100,000 tonnes (B25).

- Declaring aggregate data of production based upon actual production quantities collected from plants sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical; and

- Declaring aggregate data of production based upon data collected from plants sites that produced <u>any</u> amount of a Schedule 3 chemical.

If the State Party collects information from plant sites, trading companies or persons on quantities involving less than 30 tonnes of a Schedule 3 chemical <u>and</u> the aggregate quantity for the chemical from all plant sites, trading companies or persons within the State Party is also less than 30 tonnes, declare such quantities as less than 30 tonnes (< 30 tonnes).

Example:

Phosphorus oxychloride, CAS 10025-87-3

Production:	1200 tonnes
Export:	250 tonnes
Import:	<30 tonnes

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does

not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

Initial Declaration on Specification of Exports and Imports of the Schedule 3 Chemical by Country

- A declaration must be submitted to the Technical Secretariat for each Schedule 3 chemical that was exported from or imported by the State Party based on aggregate data received from all plant sites, trading companies, and persons within the State Party.

- The declaration must include the following information:
  - Chemical name and Chemical Abstracts Service registry number;
  - Country Code for the exporting or importing countries;
  - Aggregate quantity of chemical exported to other countries; and
  - Aggregate quantity of chemical imported from other countries.

- If the aggregate quantity of all exports or imports of a Schedule 3 chemical to or from a country is less than 30 tonnes, declare the quantity as less than 30 tonnes (< 30 tonnes).

Example:

Triethanolamine, CAS 102-71-6

Country Code:	ARG
Quantity imported:	49.2 tonnes
Quantity exported:	< 30 tonnes
Country Code:	CMR
Quantity imported:	
Quantity exported:	< 30 tonnes
Country Code:	ROM
Quantity imported:	32.4 tonnes
Quantity exported:	

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

Initial Declaration on a Plant Site Activities (for the year prior to entry into force)

- Each State Party is required to submit an Initial Declaration to the Technical Secretariat on plant sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical(s) during the year prior to entry into force.

- The Initial Declaration on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 2 plants within the plant site pursuant to Part VII of the Verification Annex.
  - Identification of each declared plant which is located within the plant site and produced more than 30 tonnes of a Schedule 3 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any; and
    - Main activities of the plant in terms of product group codes.
  - Identification of each Schedule 3 Chemical that was produced above 30 tonnes, including:
    - Chemical name, common or trade name used by the plant site, and Chemical Abstracts Service registry number;
    - The appropriate range of production for the plant site. To calculate the production range of a Schedule 3 chemical on the plant site, take the following steps:
      - Add the production amounts from all plants that produced more than 30 tonnes of the Schedule 3 chemical; and
      - Determine the appropriate production range for the plant site:
        - 30 to 200 tonnes (B21);
        - above 200 to 1,000 tonnes (B22);
        - above 1,000 to 10,000 tonnes (B23);
        - above 10,000 to 100,000 tonnes (B24); and
        - above 100,000 tonnes (B25).
    - Purposes for which the chemical was produced:
      - In line consumption as produced (captive use) (B11);
      - Synthetic intermediate stored and/or used on the site (B12); and/or
      - Transfer to other industry (B13).
- The Initial Declaration must be submitted to the Technical Secretariat not later than 30 days after the Convention enters into force for the State Party.

Declaration on Past Production of Schedule 3 Chemicals for Chemical Weapons Purposes

- Each State Party shall declare all plant sites comprising plants that produced at any time since 1 January 1946 a Schedule 3 chemical for chemical weapons purposes.

- Each State Party shall provide the following information to the Technical Secretariat:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site; and
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available).
  - Identification of each declared plant which is located within the plant site that produced a Schedule 3 chemical for chemical weapons purposes, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any; and
    - Main activities of the plant in terms of product group codes.
  - Identification of each Schedule 3 Chemical which was produced for chemical weapons purposes:
    - Chemical name, common or trade name used by the plant site, and Chemical Abstracts Service registry number;
    - Dates when the chemical was produced;
    - Total amount produced (for rounding requirements, see EC-XIX/DEC.5);
    - Location to which the chemical was delivered; and
    - Final product produced at this location, if known.
- The declaration must be submitted to the Technical Secretariat within 30 days of entry of force for the State Party.

Annual Declaration on Aggregate National Data

- Each State Party is required to submit an Annual Declaration on Aggregate National Data (AND) to the Technical Secretariat on the quantities produced, exported, and imported of each Schedule 3 chemical, as well as the aggregate quantity of exports and imports of each Schedule 3 chemical by country.

- The Annual AND Declaration consists of two individual declarations, as follows:

- Annual Declaration of Schedule 3 Chemical; and
- Annual Declaration of Specification of Imports or Exports of the Schedule 3 Chemical by Country.

- The Annual AND Declaration must be submitted to the Technical Secretariat not later than 90 days after the end of the previous calendar year.

Annual Aggregate National Data Declaration

Annual Declaration on a Schedule 3 Chemical

- Declaration entails the aggregate quantity of each Schedule 3 chemical from all plant sites, trading companies, and persons within the State Party.

- Declaration includes data on the following types of activities for each Schedule 3 chemical:
  - Chemical name and Chemical Abstracts Service registry number;
  - Production aggregate quantity;
  - Import aggregate quantity; and
  - Export aggregate quantity.

Note: *The method for declaring aggregate data for production has not been decided. Examples of methods used by States Parties to declare aggregate production include:*

- Declare the number of plant sites whose production was within each of the ranges listed in Paragraph 8(b) of Part VIII of the Convention's Verification Annex, as follows:
  - 30 to 200 tonnes (B21);
  - above 200 to 1,000 tonnes (B22);
  - above 1,000 to 10,000 tonnes (B23);
  - above 10,000 to 100,000 tonnes (B24); and
  - above 100,000 tonnes (B25).
- Declare aggregate data of production based upon actual production quantities collected from plants sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical; or

- Declare aggregate data of production based upon data collected from plants sites that produced <u>any</u> amount of a Schedule 3 chemical.

If the State Party collects information from plant sites, trading companies or persons on quantities involving less than 30 tonnes of a Schedule 3 chemical <u>and</u> the aggregate quantity for the chemical from all plant sites, trading companies or persons within the State Party is also less than 30 tonnes, declare the quantities as less than 30 tonnes (< 30 tonnes).

Example:

Phosphorus oxychloride, CAS 10025-87-3

Production:	1200 tonnes
Export:	250 tonnes
Import:	<30 tonnes

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

Annual Declaration on Specification of Exports or Imports of the Schedule 3 Chemical by Country

- Declaration must be submitted to the Technical Secretariat for each Schedule 3 chemical that was exported from or imported by the State Party based on aggregate data received from <u>all</u> plant sites, trading companies, and persons within the State Party.

- Declaration includes the following information:
  - Chemical name and Chemical Abstracts Service registry number;
  - Country Code for the exporting or importing country;
  - Aggregate quantity of chemical exported to other countries; and
  - Aggregate quantity of chemical imported from other countries.

- If the aggregate quantity of <u>all</u> exports or imports of a Schedule 3 chemical to a country is less than 30 tonnes, declare the quantity as less than 30 tonnes (< 30 tonnes).

Example:

Triethanolamine, CAS 102-71-6

Country Code:	ARG
Quantity imported:	49.2 tonnes
Quantity exported:	< 30 tonnes
Country Code:	CMR
Quantity imported:	
Quantity exported:	< 30 tonnes
Country Code:	ROM
Quantity imported:	32.4 tonnes
Quantity exported:	

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does

not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

Annual Declaration of Past Activities

- Each State Party is required to submit an Annual Declaration of Past Activities (ADPA) to the Technical Secretariat on plant sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical(s) during the previous calendar year.

- The ADPA on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 2 plants within the plant site pursuant to Part VII of the Verification Annex.

  - Identification of each declared plant which is located within the plant site and produced more than 30 tonnes of a Schedule 3 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any; and
    - Main activities of the plant in terms of product group codes.

  - Identification of each Schedule 3 Chemical that was produced above 30 tonnes, including:
    - Chemical name, common or trade name used by the plant site, and Chemical Abstracts Service registry number;
    - The appropriate production range for the plant site. To calculate the production range of a Schedule 3 chemical on the plant site, take the following steps:
      - Add the production amounts from all plants that produced more than 30 tonnes of the Schedule 3 chemical; and
      - Determine the appropriate production range for the plant site:
        - 30 to 200 tonnes (B21);
        - above 200 to 1,000 tonnes (B22);
        - above 1,000 to 10,000 tonnes (B23);
        - above 10,000 to 100,000 tonnes (B24); and
        - above 100,000 tonnes (B25).

- Purposes for which the chemical was produced:
  - In line consumption as produced (captive use) (B11);
  - Synthetic intermediate stored and/or used on the site (B12); and/or
  - Transfer to other industry (B13).

- The ADPA must be submitted to the Technical Secretariat not later than 90 days after the end of the previous calendar year.

Annual Declaration of Anticipated Activities

- Each State Party is required to submit an Annual Declaration of Anticipated Activities (ADAA) to the Technical Secretariat on plant sites with one or more plants that are anticipated to produce more than 30 tonnes of a Schedule 3 chemical(s) during the next calendar year.

- The ADAA on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 2 plants within the plant site pursuant to Part VII of the Verification Annex.

  - Identification of each declared plant which is located within the plant site and produced more than 30 tonnes of a Schedule 3 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any; and
    - Main activities of the plant in terms of product group codes.

  - Identification of each Schedule 3 Chemical that will be produced above 30 tonnes, including:
    - Chemical name, common or trade name used by the plant site, and Chemical Abstracts Service registry number;
    - Identify the appropriate production range for the plant site. To calculate the anticipated production range of a Schedule 3 chemical on the plant site, take the following steps:
      - Add the amounts of Schedule 3 chemical from all plants that are anticipating to produce more than 30 tonnes of the Schedule 3 chemical; and

- Determine the appropriate anticipated production range for the plant site:
  - 30 to 200 tonnes (B21);
  - above 200 to 1,000 tonnes (B22);
  - above 1,000 to 10,000 tonnes (B23);
  - above 10,000 to 100,000 tonnes (B24); and
  - above 100,000 tonnes (B25).
- Purposes for which the chemical was produced:
  - In line consumption as produced (captive use) (B11);
  - Synthetic intermediate stored and/or used on the site (B12); and/or
  - Transfer to other industry (B13).

- The ADAA must be submitted to the Technical Secretariat not later than 60 days before the beginning of the next calendar year.

Declaration of Additionally Planned Activities

- After submission of the Annual Declaration of Anticipated Activities (ADAA), a State Party must declare to the Technical Secretariat additionally planned activities.

- The Declaration of Additionally Planned Activities includes:
  - Any additionally planned activity during the year which is covered by the ADAA that involves:
    - addition of a Schedule 3 plant;
    - addition of a Schedule 3 chemical;
    - increasing the production range of a declared Schedule 3 chemical; and
    - any other non-quantitative change in relation to the anticipatory declarations, except for those to which paragraph 9 of PC-V/B/WP.15 applies (e.g., change to owner name or plant site).
  - Any quantitative upward change that changes the status of a plant (crossing of the declaration or verification threshold).

- The Declaration of Additionally Planned Activities must be submitted to the Technical Secretariat at least 5 days before the new activities occur.

Amended Declarations

- Amended declarations may be required to be submitted to the Technical Secretariat for all types of Schedule 3 declarations.

- Amended declarations are modifications to previously submitted declarations (e.g., Aggregate National Data declarations, Annual Declarations of Past Activities).

- Amendments to previously submitted declarations may be required as the result of various types of circumstances, including:
  - Internal company audits conducted on a plant site, trading company or person to verify compliance with the Convention's requirements or for other reasons such as financial or export control;
  - Findings that resulted from an on-site inspection at the Schedule 3 plant site that was conducted by the Technical Secretariat and noted in the Final Inspection Report;
  - Clarification requests from the Technical Secretariat on missing or incomplete information; and
  - Clarification requests from other States Parties regarding a plant site's declaration or a discrepancy in aggregate national data.
- Submit amended declarations to the Technical Secretariat as soon as possible after the change or addition to information has been identified.
- Amended declarations may include replacement page(s) or addition of new pages to be added to the declaration.
  - Use a cover-sheet to identify each specific declaration type/chemical regime that is being amended.
  - Identify the original page number on the replacement page in the upper-right hand corner of the page.
  - Number the total pages in the declaration package in the lower right-hand corner of the page (e.g., 1 of 15).

Forms Required for Schedule 3 Declarations

- The following is a list of the specific forms for each type of Schedule 3 declaration requirement that must be contained in each declaration package that is transmitted to the Technical Secretariat. Note that certain declaration packages may be combined (e.g., Annual Declarations of Past Activities and Aggregate National Data).
  - Initial Declaration
  - Initial Aggregate National Data Declaration
  - Declaration of Past Production of Schedule 3 Chemicals for Chemical Weapons Purposes
  - Annual Aggregate National Data Declaration
  - Annual Declaration of Past Activities

- Annual Declaration of Anticipated Activities
- Declaration of Additionally Planned Activities

- The following is a list of forms, including the declaration identification forms and each specific Schedule 3 declaration form, by form number and name:
  - Form B Primary Declaration Identification for Section B: Initial Declaration
  - Form B-1 Primary Declaration Identification for Section B: Annual Declaration of Past Activities
  - Form B-2 Primary Declaration Identification for Section B: Annual Declaration of Anticipated Activities
  - Form B-3 Primary Declaration Identification for Section B: Declaration of Additionally Planned Activities
  - Form 3.1 Aggregate National Data: Declaration of Schedule 3 Chemicals
  - Form 3.1.1 Aggregate National Data: Specification of Imports or Exports of the Schedule 3 Chemical by Country
  - Form 3.2 Declaration of Schedule 3 Plant Sites
  - Form 3.3 Declaration of Schedule 3 Plant(s)
  - Form 3.4 Information on Each Schedule 3 Chemical Above the Declaration Threshold at the Plant Site
  - Form 3.5 Declaration of Past Production Schedule 3 Chemicals for Chemical Weapons Purposes
  - Form 3.6 Declaration of Plants that Produced Schedule 3 Chemicals for Chemical Weapons Purposes
  - Form 3.7 Declaration of Past Production of Schedule 3 Chemicals for Chemical Weapons Purposes
  - Form 3.7.1 Locations to Which Schedule 3 Chemicals Produced at the Plant Site for Chemical Weapons Purposes Were Delivered

Certification of a Non-Declaration Requirement (Optional)

- The Convention does not require a State Party to submit a “Non-Declaration” to the Technical Secretariat if it has no declarable activities.

- It is recommended, however, that each State Party without a Schedule 3 declaration obligation inform the Technical Secretariat of this fact.

- The suggested methods to inform the Technical Secretariat that the State Party does not have a declaration obligation, include:
  - Transmittal Letter:
    - Include an affirmative statement in the State Party's letter transmitting any declarations pursuant to Parts VI-IX of the Convention's Verification Annex (e.g., Initial Declaration, Annual Declaration of Past Activities, Annual Declaration of Anticipated Activities) to the Technical Secretariat;
    - If the State Party does not have a declaration obligation under Parts VI-IX of the Convention's Verification Annex, it is recommended that a letter be transmitted to the Technical Secretariat affirmatively stating this fact.
  - For the Initial Declaration, complete Form B by checking "NO" for each type of Schedule 3 declaration for which the State Party does not have an obligation;
  - For the Annual Declaration of Past Activities, complete Form B-1 by checking "NO" for each type of Schedule 3 declaration for which the State Party does not have an obligation; and
  - For the Annual Declaration of Anticipated Activities, complete Form B-2 by checking "NO" to indicate the State Party does not have an obligation.

Other Chemical Production Facilities

General Prohibitions

- The Convention does not include any specific prohibitions regarding the production by synthesis of unscheduled discrete organic chemicals (DOCs) except that a State Party should ensure that "Other Chemical Production Facilities" produce DOCs only for non-prohibited purposes.
- There are no export or import prohibitions for DOCs (or related declaration requirements).

Types of Facilities/Persons Impacted

- "Other Chemical Production Facilities" (herein referred to as OCPFs) that produced by synthesis unscheduled discrete organic chemicals (DOCs).
  - DOC means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulfides, and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstract Service registry number, if assigned.
- OCPFs that comprise one or more plants which produced by synthesis DOCs containing the elements phosphorus, sulfur or fluorine (hereinafter referred to as "PSF-plants" and "PSF-chemical").

- OCPFs are exempt if they:
  - EXCLUSIVELY produced hydrocarbons (i.e., chemicals containing only carbon and hydrogen, irrespective of the number of carbon atoms in the compound); or
  - EXCLUSIVELY produced explosives.

Activities and Quantities of DOCs that Trigger a Declaration Requirement

- The following activity "triggers" a declaration requirement for an OCPF plant site:
  - production by synthesis.
- OCPF plant sites that produced by synthesis more than 200 tonnes of DOCs, including any amount of PSF chemicals in a calendar year; or
- OCPF plant sites that comprise one or more plants which produced by synthesis more than 30 tonnes of an individual DOC containing the elements phosphorus, sulfur or fluorine in a calendar year.

  Note: *Plant sites that produced more than 200 tonnes of DOCs are subject to inspection.*
- The following types of chemicals and plants are exempt from declaration:
  - Oxides and sulfides of carbon and metal carbonates;
  - Oligomers and polymers;
  - Compounds containing only carbon and metal;
  - Compounding/processing plants (e.g., polymer compounding plants or formulating plants); and
  - Extraction or purification activities where no chemical change occurs to the chemical in question during the activity.

Declaration Types

Initial Declaration

- Each State Party is required to submit an Initial Declaration to the Technical Secretariat for the year prior to entry into force on the following:
  - Plant sites that produced by synthesis more than 200 tonnes of unscheduled discrete organic chemicals (DOCs) (including any amount of PSF chemicals); and/or
  - Plants on a plant site that produced by synthesis more than 30 tonnes of an individual PSF chemical.
- The Initial Declaration on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical

Synthesis Ltd., Somewherea Plant Site, ABC00123);

- Name of the owner, company, or enterprise operating the plant site;
- Precise location of the plant site, including the address and the geographical coordinates/latitude and longitude, if available); and
- Main activities of the plant site in terms of product group codes.

– For plant sites producing more than 200 tonnes of DOCs:

- Provide the aggregate amount of production by synthesis of DOCs at the plant site in the previous calendar year, expressed in the ranges:
  - 200 tonnes to 1,000 tonnes (B31);
  - above 1,000 to 10,000 tonnes (B32); and
  - above 10,000 tonnes (B33) .

- Provide the "*approximate number*" of plants on the plant site that produced by synthesis any amount of DOCs, including PSF chemicals.

– For plant sites with one or more plants that produced an individual PSF chemical:

- Provide the "exact number" of plants at the plant site that produced by synthesis an "individual" PSF chemical over 30 tonnes in the previous calendar year; and

- Provide the number of PSF plants whose aggregate production by synthesis of all PSF chemicals falls within each of the below listed production ranges:
  - 30 tonnes to 200 tonnes;
  - above 200 tonnes to 1,000 tonnes;
  - above 1,000 to 10,000 tonnes; and
  - above 10,000 tonnes.

Note: *The identification or name of DOCs or PSF chemicals is not included in the declaration. However, when classifying a chemical to determine if it is an unscheduled DOC, the State Party must have the name of the chemical and relevant other information (e.g., CAS registry number, structural formula) to make this determination.*

- The Initial Declaration must be submitted to the Technical Secretariat not later than 30 days after the Convention enters into force for the State Party.

Annual Declaration of Past Activities

- Each State Party is required to submit an Annual Declaration of Past Activities (ADPA) or an Annual Update Declaration to the Initial Declaration or previously submitted ADPA to the Technical Secretariat for activities that occurred during the previous calendar year.

- Paragraph 3 of Part IX of the Convention's Verification Annex states that a State Party shall "provide annually the information necessary to update the list [of declarations on declared facilities]."

- There is no consensus on the best method for a State Party to meet its annual obligation to declare OCPFs to the Technical Secretariat. States Parties generally use one of the following procedures:
  - **Annual Update Declaration:** This declaration provides information necessary to update the list of declared OCPFs in the initial declaration or the previous calendar year's declaration by adding new ADPAs for previously undeclared OCPFs (new OCPFs), changing declarations for previously declared OCPFs, or removing OCPFs from the declaration because they are no longer declarable.
    - Easily processed by the Technical Secretariat.
  - **Annual Declaration of Past Activities:** The complete ADPA for all declared OCPFs is submitted to the Technical Secretariat. This declaration replaces the most recently submitted declaration in its entirety.
    - Time consuming to process by the Technical Secretariat.

- The Annual Update Declaration or the ADPA must be submitted to the Technical Secretariat not later than 90 days after the end of the previous calendar year.

Annual Update Declaration

- Each State Party is required to submit an Annual Update Declaration to the Technical Secretariat for Other Chemical Production Facilities (OCPFs) on the following:
  - Plant sites that produced by synthesis more than 200 tonnes of unscheduled discrete organic chemicals (DOCs) (including any amount of PSF chemicals); and
  - Plants on a plant site that produced by synthesis more than 30 tonnes of an individual PSF chemical.

- The Annual Update Declaration should include detailed information in order to alleviate any possible question regarding a plant site, including:
  - List of plant sites, by unique plant site code and plant site name, for which the most recently submitted declaration has not changed;
  - List of plant sites, by unique plant site code and plant site name, that are no longer declared and which are being removed from a State Party's list of OCPFs;
  - List of plants sites, by unique plant site code and plant site name, for which a "Full" Annual Declaration of Past Activities (ADPA) is being

submitted to replace the declaration currently on file with the Technical Secretariat; and

- List of "new" plant sites, by unique plant site code and plant site name, for which an ADPA is being submitted for the first time.

  Note: *Detailed information required for an ADPA is provided separately under the declaration type called "Annual Declaration of Past Activities."*

"Full" Annual Declaration of Past Activities

- Each State Party is required to submit a "Full" Annual Declaration of Past Activities (ADPA) to the Technical Secretariat on Other Chemical Production Facilities (OCPFs) on the following:
  - Plant sites that produced by synthesis more than 200 tonnes of unscheduled discrete organic chemicals (DOCs) (including any amount of PSF chemicals); and
  - Plants on a plant site that produced by synthesis more than 30 tonnes of an individual PSF chemical.
- The ADPA on a plant site entails detailed information, including:
  - <u>Identification of the plant site</u>:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Main activities of the plant site in terms of product group codes.
  - <u>For plant sites producing more than 200 tonnes of DOCs</u>:
    - Provide the aggregate amount of production by synthesis of DOCs at the plant site in the previous calendar year, expressed in the ranges:
      - 200 tonnes to 1,000 tonnes (B31);
      - above 1,000 to 10,000 tonnes (B32); and
      - above 10,000 tonnes (B33).
    - Provide the "*approximate number*" of plants on the plant site that produced by synthesis any amount of DOCs, including PSF chemicals.
  - <u>For plant sites with one or more plants that produced an individual PSF chemical</u>:
    - Provide the "exact number" of plants at the plant site that produced by synthesis an "individual" PSF chemical over 30 tonnes in the previous calendar year; and

- Provide the number of PSF plants whose aggregate production by synthesis of all PSF chemicals falls within each of the below listed production ranges:
  - 30 tonnes to 200 tonnes;
  - above 200 tonnes to 1,000 tonnes;
  - above 1,000 to 10,000 tonnes; and
  - above 10,000 tonnes.

  Note: *The identification or name of DOCs or PSF chemicals are not included in the declaration. However, when classifying a chemical to determine if it is an unscheduled DOC, the State Party must have the name of the chemical and relevant other information (e.g., CAS registry number, structural formula) to make this determination.*

Amended Declarations

- Amended declarations may be required to be submitted to the Technical Secretariat to correct Other Chemical Production Facility (OCPF) Initial Declarations or Annual Declarations of Past Activities.

- Amended declarations are modifications to previously submitted declarations.

- Amendments to previously submitted declarations may be required as the result of various types of circumstances, including:
  - Internal company audits conducted on a plant site or plant to verify compliance with the Convention's requirements or for other reasons such as product assessments financial audits;

  - Findings that resulted from an on-site inspection at the OCPF that was conducted by the Technical Secretariat and noted in the Final Inspection Report; and

  - Clarification requests from the Technical Secretariat on missing or incomplete information.
- Submit amended declarations to the Technical Secretariat as soon as possible after the change or addition to information has been identified.

- Amended declarations may include replacement page(s) or addition of new pages to be added to the declaration.
  - Use a cover-sheet to identify each specific declaration type/chemical regime that is being amended.
  - Identify the original page number on the replacement page in the upper-right hand corner of the page.
  - Number the total pages in the declaration package in the lower right-hand corner of the page (e.g., 1 of 15).

Forms Required for "Other Chemical Production Facilities"

- The following is a list of the specific forms for each type of "Other Chemical Production Facilities" declaration requirement that must be contained in each declaration package that is transmitted to the Technical Secretariat.
  - Initial Declaration
  - Annual Declaration of Past Activities
- The following is a list of forms, including the declaration identification forms and the "Other Chemical Production Facilities" form, by form number and name:
  - Form B Primary Declaration Identification for Section B: Initial Declaration
  - Form B-1 Primary Declaration Identification for Section B: Annual Declaration of Past Activities
  - Form 4.1 Declaration of "Other Chemical Production Facilities"

Certification of a Non-Declaration Requirement (Optional)

- The Convention does not require a State Party to submit a "Non-Declaration" to the Technical Secretariat if it has no declarable activities.
- It is recommended, however, that each State Party without an Other Chemical Production Facility (OCPF) declaration obligation inform the Technical Secretariat of this fact.
- The suggested methods to inform the Technical Secretariat that the State Party does not have a declaration obligation, include:
  - Transmittal Letter:
    - Include an affirmative statement in the State Party's letter transmitting any declarations pursuant to Parts VI-VIII of the Convention's Verification Annex (e.g., Initial Declaration, Annual Declaration of Past Activities, Annual Declaration of Anticipated Activities) to the Technical Secretariat.
    - If the State Party does not have a declaration obligation under Parts VI-IX of the Convention's Verification Annex, it is recommended that a letter be transmitted to the Technical Secretariat affirmatively stating this fact.
  - For the Initial Declaration, complete Form B by checking "NO" for Other Chemical Production Facilities (DOC/PSF) to indicate the State Party does not have an obligation; and
  - For the Annual Declaration of Past Activities, complete Form B-1 by checking "NO" for Other Chemical Production Facilities (DOC/PSF) to indicate the State Party does not have an obligation.

DETERMINING PRODUCT GROUP CODES FOR DECLARATIONS

- Product Group Codes (PGCs), see Appendix 4 of the OPCW Declaration Handbook, are used within declarations for the following reasons:

  Note: *PGCs are also known as Standard Industry Trade Classification (SITC) codes.*

  - Schedule 2 and 3 Plant Sites and Plant:
    - To describe the main activities of a plant site or a plant.
  - Schedule 2 Chemicals:
    - To describe the final types of products that were/will be processed or consumed by a plant site; and
    - To describe the final types of products that were received by another plant site, trading company or person within the State Party.
  - Other Chemical Production Facilities:
    - To describe the types of end-product that was produced by a plant site.

- It is important that a plant site use the correct PGCs within its declaration because the Technical Secretariat uses them as a weighting factor for determining the risk a plant site poses to the object and purpose of the Convention. PCGs are one of several factors used in selection of Schedule 3 plant sites and "Other Chemical Production Facilities" for inspection.

- Selecting the appropriate PGCs to describe products can be a difficult choice. See the paper entitled "Produce Group Codes – Industry Descriptions" which provides a generic description of the types of industries to which PCGs may apply, thereby making them more relevant to a declaration.

ESTABLISHING A DECLARATION REGIME FOR INDUSTRY

- Each State Party should establish a declaration regime for facilities (including plant sites), trading companies, and persons to declare Scheduled chemicals and unscheduled discrete organic chemicals (DOCs), as required by the Convention.

- A first step that a State Party can take for establishing a declaration regime is to publish and distribute the following types of documents, which will assist your industry to comply with its obligations under the Convention:
  - List of Scheduled chemicals and the definition of unscheduled DOCs that are subject to declaration;
  - Directives or other informational documents that clearly establish and describe declaration requirements, including:
    - Threshold requirements;

    - Exemptions;
    - Due dates for submission to the National Authority (different than due date for the Technical Secretariat); and
    - Inspection threshold requirements.

  - Declaration forms or other means to collect information from industry, including:
    - The use of OPCW forms with instructions on how to complete them and definitions of unique Convention terms;
    - Alternatively, a State Party could create its own forms with instructions on how to complete them and definitions of unique Convention terms; and
    - Requirement that industry provide information on declaration points of contact (D-POC), such as telephone and fax numbers, e-mail address, and mailing address to answer any follow-up questions.

  - General informational materials to educate industry on the requirements of the Convention.

    Note: *See the IAP Element entitled "Industry Tools" for general educational publications that can be distributed to your industry, including:*

    - Obligations for Non-Prohibited Activities under the Convention (IAP-001);
    - A Guide to the Chemical Weapons Convention (IAP-002);
    - The Organisation for the Prohibition of Chemical Weapons (IAP-003); and
    - Introduction to Article VI Implementation (IAP-004).

- In many cases, a State Party may need to assist its industry in determining whether a chemical is subject to declaration under the Convention. The following information should be collected from industry and considered when making a classification on determining whether a chemical is declarable:
  - Chemical
  - Activity
  - Threshold level
  - Exemptions

  Note: *See the IAP Element entitled "Chemicals" (How to Determine if a Chemical is Subject to Declaration) for more detailed information on classifying chemicals.*

- A useful tool for distributing information is through a website or another method for industry to easily locate treaty-related information. For example, publish information that identifies which government organization is responsible for CWC implementation, including contact information, such as address and telephone and facsimile numbers.

  - The list of CWC Member States on the OPCW website includes links to States Parties' websites at: http://www.opcw.org/html/db/members_frameset html.

- Finally, a critical piece to implementing any regulatory regime is to provide training programs or seminars for industry to ensure they adequately understand the requirements of the Convention.

  Note: *See the IAP Element entitled "Industry Outreach" (Overview) for additional information on training industry to comply with its declaration obligations.*

STATE PARTY PROCEDURES FOR RECEIVING AND PROCESSING DECLARATIONS

- Once a State Party has established a declaration regime for its industry to comply with declaration obligations under the Convention, the State Party also should establish internal procedures for processing declarations received from industry.

- A first step that a State Party can take for establishing internal procedures is to decide whether the process will be a "manual" operation or an electronic system (software application). In some cases, the procedure may be a hybrid of both manual and computer processing depending on the sophistication of the computer software.

- If a State Party does not have available a specially designed software application for processing declarations, it may choose to use one of the "free" software applications that is included in the IAP compact disc:

  - Common Transmission File Structure (CTFS) Read/Write Tool; and
  - Swiss Declaration Database.

  These applications allow a State Party to input information received from industry, generate an official declaration for submission to the Technical Secretariat, and store data.

  Note: *See the IAP element entitled "Tools" for information about these software applications.*

- An important first step in processing declarations on a consistent basis is to assign a unique code to each facility (plant site), trading company or person that has submitted information. It is suggested that this code include the country code for the State Party and a unique number. These codes should be used on all future declarations submitted to the Technical Secretariat to ensure consistency in the monitoring of the data. Also, the State Party should inform each declarant in writing of its respective code(s).

- Example:

ROM00010	Romanian Starch Ltd.
ROM00011	Ajax Inc.
ROM00012	International Chemicals Inc.

- Each declaration submitted by a facility (plant site), trading company or person should be reviewed for completeness and accuracy. If there is incomplete information or a discrepancy, the State Party should contact the Declaration Point of Contact (D-POC) to clarify the information.

- The declaration package should be compiled using the applicable declaration identification form (e.g., B-1 for the Annual Declaration of Past Activities) and the correct declaration forms for each type of declaration. It is also suggested that a State Party include a transmittal letter with its declaration package.

Note 1: *See the IAP Element entitled "Declaration Requirements" (Forms Required for Schedule 1, 2, 3 Declarations and unscheduled Discrete Organic Chemicals) for the specific forms required for each declaration type.*

Note 2: *See Section A, Part 4 of the OPCW's Declaration Handbook for further instructions on how to prepare declarations (e.g., page numbering) and where to transmit the declaration.*

COMPILING THE DECLARATION FOR SUBMISSION TO THE OPCW

After you have reviewed and verified the information contained in each declaration submitted by industry, compile your State Party's official declaration for submission to the Technical Secretariat. The following is a suggested method for accomplishing this task:

First Step:

- Organize declarations by declaration regime (i.e., Schedule 1, Schedule 2, Schedule 3, and Other Chemical Production Facilities (OCPFs)); and

- Organize declarations by Plant Site Code in ascending order (e.g., Schedule 3: Plant Site Code ROM00009, ROM00014, ROM00022; OCPFs: Plant Site Code ROM00002, ROM00008, ROM00024) or by whatever numbering nomenclature you have chosen to implement.

Second Step (Applies only to Initial Declarations and Annual Declarations of Past Activities):

- For the Aggregate National Data Declarations for Schedule 1, 2, and 3 chemicals that are included in the Initial Declaration and the Annual Declaration of Past Activities, compile the data as follows:
  - Schedule 1
    - Detailed Annual Declaration of Transfers to/from the Declaring State Party During the Previous Calendar Year.
      - Add the total quantity exported or imported of each

Schedule 1 Chemical (for rounding requirements, see EC-XIX/DEC.5).

- Detailed Annual Declaration of Each Transfer of a Schedule 1 Chemical.
  - Provide detailed information on each actual transfer of the chemical.

- Schedule 2
  - Declaration of Schedule 2 Chemicals.
    - Add the total quantity produced, processed, consumed, exported or imported of each Schedule 2 chemical from all plant sites, trading companies, and persons within the State Party during the previous calendar year (for rounding requirements, see EC-XIX/DEC.5).
  - Declaration of Specification of Imports or Exports of the Schedule 2 Chemical by Country.
    - Add the total quantity of each Schedule 2 chemical "by country" that was exported from or imported by the State Party based on aggregate data received from all plant sites, trading companies, and persons within the State Party (for rounding requirements, see EC-XIX/DEC.5).
- Schedule 3
  - Declaration of Schedule 3 Chemicals.
    - Add the total quantity produced, exported or imported of each Schedule 3 chemical from all plant sites, trading companies, and persons within the State Party during the previous calendar year (for rounding requirements, see EC-XIX/DEC.5).
  - Declaration of Specification of Imports or Exports of the Schedule 3 Chemical by Country.
    - Add the total quantity of each Schedule 3 chemical "by country" that was exported from or imported by the State Party based on aggregate data received from all plant sites, trading companies, and persons within the State Party (for rounding requirements, see EC-XIX/DEC.5).

Third Step:

- Prepare the applicable declaration identification form (e.g., Form B-1 for Annual Declaration of Past Activities for Schedules 2 and 3 and "Other Chemical Production Facilities"), which identifies the specific types of declarations that are included in a package. This form is extremely useful to the Technical Secretariat for assisting them in managing the numerous declaration packages received from States Parties.

Fourth Step:

- Compile the declaration package, including the specific forms that are required for the type of declaration that is being transmitted to the Technical Secretariat.

  Note 1: *See the IAP Element entitled "Declaration Requirements" (identify the applicable chemical regime(s) for which you are compiling a declaration(s), and then select "Forms Required for Declarations").*

  Note 2: *See Section A, Part 4 of the OPCW's Declaration Handbook for further instructions on how to prepare declarations (e.g., page numbering) and where to transmit the declaration.*

Fifth Step:

- Create a list of facilities and plant sites, by chemical regime, that were declared to the Technical Secretariat in previously submitted declarations, but which are not being declared in the current declaration package. This step may alleviate the Technical Secretariat from issuing a clarification request to verify the status of a facility or plant site.

Sixth Step:

- Classify the declaration and review the package to ensure it is complete and accurate, including page numbering, before sending it to the Technical Secretariat.

Seventh Step:

- Prepare a cover letter to transmit the declaration package to the Technical Secretariat, bearing in mind the applicable declaration due dates.

CLASSIFYING THE STATE PARTY DECLARATION

- A State Party should clearly mark the confidentiality classification on its declarations to ensure that the Technical Secretariat (and any other States Parties that may receive copies of the declarations) properly handle the declarations.

- The confidential classification marking is generally placed on the "header line" of each page within a declaration package, including on the declaration identification form.

- There are currently three levels of confidentiality classification that are used by States Parties to mark declarations, as follows:
  - OPCW RESTRICTED
  - OPCW PROTECTED
  - OPCW HIGHLY PROTECTED
- Conference of States Parties Decision C-I/DEC.13 (and corrigenda thereto) provides information on criteria that a State Party can use for determining the appropriate confidentiality classification for it its declarations. This decision also includes guidelines for procedures on the release of classified information by the Technical Secretariat.

Product Group Codes – Industry Descriptions

Product Group Codes (PGCs) (also known as Standard Industry Trade Classification (SITC) Codes) are required for completing declarations. The following is a generic description of certain PGCs that may be used as a reference when selecting appropriate ones to describe products relating to a plant site, plant or chemical when completing declarations. These descriptions are an attempt to clarify the PGCs identified in the OPCW's Declaration Handbook (Product Group Codes – Appendix 4) by making them more relevant to the types of industries that may be involved in a particular category of products. No description is provided for those PGCs that are self-explanatory. These descriptions are based on coordinating two classification systems: the North American Industry Classification System (NAICS, 1997 version) and the Standard Industry Classification System (SIC, 1987 version).

511 Hydrocarbons, N.E.S.*, and their halogenated, sulphonated, nitrated or nitrosated derivatives

This industry comprises establishments primarily engaged in manufacturing chemicals using basic processes, such as thermal cracking and distillation. The chemicals manufactured in this industry group are usually separate chemical elements or separate chemically-defined compounds and include:

(1) acyclic (i.e., aliphatic) hydrocarbons such as ethylene, propylene, and butylene made from refined petroleum or liquid hydrocarbon; and/or

(2) cyclic aromatic hydrocarbons such as benzene, toluene, styrene, xylene, ethyl benzene, and cumene made from refined petroleum or liquid hydrocarbons.

512 Alcohols, phenols, phenol-alcohols, and their halogenated, sulphonated, nitrated or nitrosated derivatives

This industry comprises establishments primarily engaged in distilling coal tars and/or manufacturing cyclic crudes, or cyclic intermediates from refined petroleum or natural gas.

513 Carboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives

This industry comprises establishments primarily engaged in manufacturing basic organic chemical products (except aromatic petrochemicals, industrial gases, synthetic organic dyes and pigments, cyclic crudes and intermediates, and ethyl alcohol).

514 Nitrogen-function compounds

This industry comprises establishments primarily engaged in manufacturing acyclic and cyclic nitrogen-containing organic compounds, including nitrates, amides, amino acids.

515 Organo-inorganic compounds, heterocyclic compounds, nucleic acids and their salts, and

sulphonamides

This industry comprises establishments primarily engaged in manufacturing acyclic and heterocyclic organic-inorganic chemical products.

516 Other organic chemicals

This industry comprises establishments engaged in manufacturing organic chemicals that do not fit into any of the other categories.

522 Inorganic chemical elements, oxides and halogen salts

523 Metal salts and peroxysalts of inorganic acids

524 Other inorganic chemicals; organic and inorganic compounds of precious metals

525 Radioactive and associated materials

Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products.

531 Synthetic organic coloring matter and color lakes, and preparations based thereon

This industry comprises establishments primarily engaged in manufacturing synthetic organic and inorganic dyes and pigments, such as color lakes and toners (except electrostatic and photographic).

532 Dyeing and tanning extracts and synthetic tanning materials

This industry comprises establishments primarily engaged in natural dyestuffs, and natural tanning extracts, as well as synthetic organic tanning materials.

533 Pigments, paints, varnishes and related materials

This industry comprises establishments primarily engaged in manufacturing paints (in paste and ready-mixes form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products.

541 Medicinal and pharmaceutical products, other than medicaments of Group 542

This industry comprises establishments primarily engaged in one or more of the following:

(1) manufacturing uncompounded biological and medicinal chemicals and their derivatives

(e.g., generally for use by pharmaceutical preparation manufacturers); and/or
(2) processing (e.g., grading, grinding, and milling) uncompounded botanical herbs.

542 Medicaments (including veterinary medicaments)

This industry comprises establishments primarily engaged in manufacturing, processing and packaging medicinal chemicals and pharmaceutical products intended for human and animal internal and external use.

551 Essential oils, perfume and flavor materials

This industry comprises establishments engaged in manufacturing perfumes and flavor materials (natural and synthetic), cosmetics, and other toilet preparations.

553 Perfumery, cosmetic or toilet preparations (excluding soaps)

This industry comprises establishments primarily engaged in blending and compounding perfume bases and cosmetics; and those manufacturing toilet preparations, shampoos and shaving products.

554 Soap, cleansing and polishing preparations

This industry comprises establishments primarily engaged in manufacturing and packaging soap and other cleaning compounds, surface active agents, laundry detergents, dishwashing detergents, natural glycerin, and agents used to reduce tension or speed the drying process.

562 Fertilizers (other than those in Group 272)

This industry comprises establishments primarily engaged in one or more of the following:

(1) manufacturing nitrogenous or phosphatic fertilizer materials;
(2) manufacturing fertilizers from sewage or animal waste;
(3) manufacturing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; and
(4) mixing ingredients made elsewhere into fertilizers.

571 Polymers of ethylene, in primary forms

572 Polymers of styrene, in primary forms

573 Polymers of vinyl chloride or of other halogenated olefins in primary forms

574 Polyacetals, other polyethers and epoxide resins, in primary forms; polycarbonates, alkyd resins, polyallyl esters and other polyesters

579 Waste, parings and scrap, of plastics

581 Tubes, pipes and hoses, and fittings therefor, of plastics

582 Plates, sheets, film, foil, and strip of plastics

583 Monofilament of which any cross-sectional dimension exceeds 1mm, rods, sticks, and profile shapes, whether or not surface-worked but not otherwise worked, of plastics

591 Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (e.g., sulphur-treated bands, wicks and candles, and fly-papers)

This industry comprises establishments primarily engaged in the formulation and preparation of agricultural and household pest control chemicals.

592 Starches, inulin and wheat gluten; albumenoidal substances; glues

This industry is primarily engaged in wet milling corn and other vegetables.

593 Explosives and pyrotechnic products

597 Prepared additives for mineral oils and the like; prepared liquids for hydraulic transmission; anti-freezing preparations and prepared de-icing fluids; lubricating preparations

This industry comprises establishments primarily engaged in blending or compounding refined petroleum to make lubricating oils and greases and/or re-refining used petroleum-lubricating oils.

598 Miscellaneous chemicals products, N.E.S.*

This industry includes miscellaneous inorganic-organic chemical products that do not fit into any of the other categories.

599 Others

* N.E.S. = not elsewhere specified

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NOTE BY THE TECHNICAL SECRETARIAT

SECOND REPORT ON THE PROJECT TO ASSIST STATES PARTIES IN IDENTIFYING NEW DECLARABLE FACILITIES UNDER ARTICLE VI OF THE CHEMICAL WEAPONS CONVENTION

1. Introduction

1.1 This report provides an update on the efforts undertaken by the Technical Secretariat (hereinafter "the Secretariat") to assist States Parties in their efforts to identify activities and facilities that might be subject to declaration under Article VI of the Chemical Weapons Convention (hereinafter "the Convention"), and is a follow-on to the previous report on a project, known as "the Article VI project", that was presented to the Executive Council (hereinafter "the Council") at its Twenty-Ninth Session (EC-29/S/6, dated 13 June 2002).

1.2 The Article VI project was initiated by the Secretariat in June 2001. Its goal is to provide technical assistance to States Parties through the identification of new potentially declarable plant sites under Article VI and Parts VII, VIII, and IX of the Verification Annex to the Convention.

1.3 The First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention encouraged the Secretariat to continue these efforts, in close consultation with the States Parties and their National Authorities.

2. Methodology adopted

2.1 The Secretariat viewed it as important to carry out the project in as transparent and even-handed a fashion as possible. Therefore, the methodology it adopted in developing the project included the following steps:

(a) identifying, from open sources and for all Member States, facilities likely to be engaged in activities related to discrete organic, Schedule 2, and Schedule 3 chemicals;

(b) checking the total number of declared facilities (if any) against the number of potentially declarable facilities identified by the Secretariat, for the purpose of deciding the order in which the various States Parties would be approached;

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(c) transmitting relevant information to the National Authority of the State Party concerned for its consideration so that it can take any appropriate action in relation to its Article VI industry declarations. At this stage, the States Parties were informed that the names of the companies gleaned from public sources had not been checked against the names of already-declared plant sites. This statement was meant as a clear indication that the objective of the Article VI project was not to challenge the completeness of the declarations that had already been submitted by the States Parties, but to identify potentially new declarable facilities.

2.2 The project has been pursued in two parts:

(a) In part 1, which was initiated in 2001, the Secretariat assisted those States Parties that had not submitted any Article VI industry declarations as at May 2001 in identifying new declarable facilities.

(b) In part 2, which was initiated in 2002, the Secretariat started to include in the Article VI project those States Parties that had previously submitted Article VI declarations.

2.3 Both parts of the project are currently ongoing. Paragraph 3 below provides a chronology of events related to its development.

3. Part 1: assistance to States Parties that had not yet made Article VI declarations[1]

3.1 In July and August 2001, information about the chemical industry in those States Parties that had not made any Article VI declarations was collected from open sources available to the Secretariat. Two States Parties that had made some Article VI declarations were also included in part 1, because, in the Secretariat's view, they would benefit from the additional assistance provided under the auspices of the Article VI project. A review of the available information on the chemical industries of 145 States Parties at that time suggested that 52 probably did not have any potentially declarable facilities. Of the remaining 93, 51 had already submitted Article VI declarations, and the other 42 seemed likely to have some declarable facilities.

3.2 From September 2001 to February 2002, representatives from the above-mentioned 44 States Parties (42 plus 2) were contacted by the Secretariat, and bilateral meetings were arranged at which the Article VI project was explained and packets containing the information that had been collected from public sources about the chemical industry in these States Parties were passed on to them. Representatives of these States Parties were requested to provide the information to their respective National Authorities, given that, according to the Convention, the National Authority is the entity that is assigned to identify declarable activities and facilities and that compiles the appropriate declarations, if necessary.

[1] As at May 2001, when the information was assessed

4. Part 2: assistance to States Parties that had previously made Article VI declarations

4.1 In March 2002, part 2 of the Article VI project was initiated as an extension of part 1. It covered States Parties that had already made Article VI declarations, but that might, according to the information gleaned from open sources, have some additional declarable facilities. This assumption was based on the difference between the total number of facilities that had been declared by a given State Party and the number of facilities that, according to the Secretariat's analysis of the information acquired from public sources, might have declarable activities under Article VI. If the latter figure was greater than the former by more than 25%, the Secretariat considered it worthwhile to contact the State Party in question and provide it with an information packet. A number of States Parties to which the 25% criterion did not apply also requested the information packets.

4.2 Since July 2002, the project team has identified information in public sources for 55 out of the current 60 States Parties that have submitted Article VI declarations. No public-source information was available for 5 States Parties. For 3 others, the number of potentially declarable facilities for which information was available was smaller than the number of facilities actually declared. It was thought that these States Parties would not benefit from the information acquired by the Secretariat. Of the remaining 52 States Parties, 41 have so far been provided with information about potentially declarable facilities. The assessment of publicly available information for 2 States Parties is ready and will be delivered in close consultation with, and with the agreement of, their National Authorities in the near future. An assessment of the remaining 9 States Parties is in progress.

4.3 The objective of the project has been and remains close and productive cooperation with the States Parties. In the majority of cases, States Parties have responded with appreciation to the Secretariat's effort. Some of these 41 States Parties were found to have at least 25% more potentially declarable facilities than they had actually declared. The Secretariat consults States Parties concerned on how best to proceed.

4.4 During the meeting of National Authorities held in The Hague in October 2002, some States Parties with less than a 25% difference between declared and potentially declarable plant sites indicated that they would appreciate receiving the information packets, and four of these have since been provided with them.

5. Assessment of the results of the Article VI project

5.1 This section summarises the results of both parts of the Article VI project.

5.2 Of the 151 States Parties to the Convention as at 30 May 2003, the survey of open sources available to the Secretariat suggests that 55 are not likely to have any potentially declarable facilities under Article VI.

5.3 Currently, 19 State Parties have not been approached. The Secretariat is of the view that there is little or no information to justify approaching 8 of these. The Secretariat, will, upon agreement, contact the remaining 11 as soon as the project team has finalised its assessments.

5.4 Of the remaining 77 States Parties approached so far, 16 have not yet responded. The responses received from the remaining 61 States Parties can be categorised as follows:

(a) Ten States Parties—Azerbaijan, Cuba, Georgia, Greece, Indonesia, Kuwait, Pakistan, Peru, Uzbekistan, and Viet Nam—have submitted their first declarations of Article VI-related facilities.

(b) Seven declaring States Parties have provided declarations in addition to those they had already submitted prior to the Article VI project.

(c) Thirty-two States Parties have either provided partial information or have reported that they are working on providing information.

(d) Twelve States Parties have reaffirmed that no additional declarations are required.

5.5 Since the project began, there has been a significant increase in the number of declaring States Parties which is a welcomed indication that the project has been worth the effort and is achieving its purpose. When the project began in June 2001, there were 51 declaring States Parties. By the time of the first report to the Council in June 2002, there were 55; and that number had risen to 61 by the time of writing of the present report—an increase of 19.6% over the June 2001 figure.

5.6 These figures suggest that the Article VI project is helping to increase the number of newly declaring States Parties—an assessment confirmed both by the correspondence received from, and by informal discussions with, the overwhelming majority of States Parties concerned.

6. Observations on States Parties' responses to the Article VI project

6.1 As indicated above, most States Parties involved in the Article VI project have reacted positively to it and understood the goal behind it: to provide information available to the Secretariat that might be useful to the States Parties in their efforts to implement the Convention. Nevertheless, a small number of States Parties have voiced some concerns about the project. These are detailed below:

(a) Two States Parties have expressed concerns about the methodology used by the Secretariat to identify potentially declarable facilities and would favour a more proactive approach by the Secretariat.

(b) One State Party has indicated that it does not believe that the Convention authorises the Secretariat to undertake the initiative and thus finds it unacceptable.

(c) One State Party has expressed concerns about the possible dissemination of confidential information to other States Parties.

6.2 Over the course of the Article VI project, representatives of some States Parties have conveyed to the Secretariat certain difficulties they have faced in making Article VI declarations. These include:

(a) a lack of implementing legislation in their countries;

(b) a lack of funding for implementation; and

(c) limitations on the human resources available to National Authorities, which would make it difficult for them to liase with the representatives of facilities and with other local authorities, even if the Secretariat were to provide technical assistance.

7. Follow-up actions on the Article VI project

7.1 The Secretariat intends to continue evaluating public-source industry information on the remaining 11 States Parties and on any newly ratifying States Parties, and to provide information packs with the mutual consent of these States Parties.

7.2 The Secretariat will continue to use all available opportunities, such as National Authority courses, seminars and workshops, to organise bilateral meetings with representatives of States Parties to update the progress of the Article VI project.

7.3 When officially requested to do so by a State Party, the Secretariat will put at its disposal qualified staff to assist it in identifying declarable activities and facilities. Any such assistance will be provided in the form of a technical visit whose agenda and duration the Secretariat and the State Party concerned will agree on.

7.4 The Secretariat would like to take this opportunity to thank States Parties for their cooperation on the project and to encourage those States Parties that have the technical expertise and/or the funds, to consider providing voluntary assistance, on a regional or other basis to be decided, to those States Parties that currently do not posses such resources.

7.4 The Secretariat will submit to the Council, at its Thirty-Fifth Session, further updated information on the progress of the Article VI project.

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OPCW

Executive Council

Thirty-Sixth Session
23 - 26 March 2004

EC-36/DEC.7
26 March 2004
Original: ENGLISH

DECISION

CLARIFICATION OF DECLARATIONS

The Executive Council,

Considering that clarification requests help the Technical Secretariat (hereinafter "the Secretariat") to effectively carry out its functions under the Chemical Weapons Convention (hereinafter "the Convention");

Further considering that timely responses by States Parties to such requests for clarification promote the effective and efficient implementation of the verification regime of the Convention;

Affirming the need for States Parties to improve implementation by pledging to respond to such requests as fully and as expeditiously as possible;

Specifying that nothing in this decision prejudices existing obligations under the Convention or creates additional ones;

Recalling the requirements under Article VIII, paragraph 40 of the Convention; and

Recognising the need to continue work on this issue, in particular on the issue of clarification of transfer discrepancies, and on the need for the Secretariat to continue to explore how it can best exchange confidential information with States Parties in accordance with the confidentiality procedures of the Convention;

Hereby:

Urges all States Parties to expedite responses to requests for clarification of their declarations, when these declarations do not involve other States Parties (i.e. transfer discrepancies), as follows: to send an initial response within 90 days after the official transmittal of the Secretariat's request which either responds fully to the request or indicates what steps they are taking to develop and communicate a full response; and

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Recommends that, when the Secretariat issues a clarification request regarding possible errors or missing information in a submitted declaration that preclude the Secretariat from determining the facility's inspectability and receives no response from the State Party concerned within 90 days after the official transmittal of the Secretariat's request, the Secretariat inform the Council about the specific request in advance of its next regular session. The Secretariat will provide, 60 days following the issuance of the clarification request, a reminder to the State Party concerned.

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SECTION 6

Export/ Import Requirements

In this Section:

Topics / **page**

Treaty Requirements/ **161**
State Party Requirements / **165**
Administrative Measures / **166**
Compliance / **168**
Outreach **/ 170**

TREATY REQUIREMENTS

Prohibitions

General

- Each State Party must enact measures to ensure <u>any</u> toxic chemical or precursor is only developed, produced, otherwise acquired, retained, <u>transferred</u>, or used in any place under its jurisdiction for purposes not prohibited (emphasis added).
  - This requirement is not limited to Scheduled or unscheduled discrete organic chemicals (DOCs).
  - Implements Article I prohibitions.

Prohibitions-Schedule 1 Chemicals

- A State Party shall not produce, acquire, retain or use Schedule 1 chemicals outside its territory.
- Exports and imports of Schedule 1 chemicals to or from States not Party to the Convention are prohibited.
- Schedule 1 chemicals received from another State Party are prohibited from retransfer to a second State Party.
- Schedule 1 chemicals exported or imported may only be used for research, medical, pharmaceutical or protective purposes. Other end-uses are prohibited (e.g., industrial, agricultural).
- The total aggregate amount of Schedule 1 chemicals that may be possessed by a State Party at any given time may not exceed 1 tonne.

Schedule 2 Chemicals

Exports and imports of Schedule 2 chemicals to or from States not Party to the Convention are prohibited, except:

- products containing one percent or less of a Schedule 2A or 2A* chemical;
- products containing 10 percent or less of a Schedule 2B chemical; and
- products identified as consumer goods packaged for retail sale for personal use or packaged for individual use.

Schedule 3 Chemicals

- Exports of chemicals to States not Party to the Convention are prohibited unless the exporting State Party has received an End-Use Certificate from the recipient state attesting that the Schedule 3 chemical will not be used for prohibited purposes.
- The OPCW has not established a mixture rule for exports of low concentrations of Schedule 3 chemicals to non-States Parties. Absent such a decision, a State Party may establish its own low concentration exemption.

Unscheduled DOCs

There are no prohibitions on the export or import of unscheduled DOCs for purposes not prohibited.

Quantity Thresholds for Declaring Exports and Imports

Schedule 1 Chemicals

- Paragraphs 5 and 6 of Part VI of the Verification Annex state that States Parties shall submit notifications and annual declarations regarding any transfers made during the previous calendar year.

- No exemptions:
  - There is a "0" threshold quantity for declaring exports and imports.
  - Any Schedule 1 chemical contained in a mixture is subject to declaration.

- The quantities of Schedule 1 chemicals that may be exported or imported are strictly limited to those that can be justified for such purposes.

Schedule 2 and 3 Chemicals

- Paragraph 1 of Parts VII and VIII of the Verification Annex states that States Parties must submit an annual declaration on Aggregate National Data (AND) for exports and imports of Scheduled chemicals to the Technical Secretariat. These provisions do not include a specific threshold quantity for declaring.
  - AND declarations are separate from plant site declarations for production, processing and consumption.
  - Note that Schedule 2 declarations on past activities for production, processing and consumption from a Schedule 2 plant site require information on "direct exports" from the plant site, including the total quantity of all exports of the chemical and identity of the countries to which the chemical was exported.

    See Section 5, "Declaration Regime" for detailed information on AND requirements.

- Exemptions
  - The OPCW has not established a mixture rule for Schedule 2A/2A* chemicals. Absent such a decision, a State Party may establish its own low concentration exemption for declaring Schedule 2A/2A* chemicals except in cases where the ease of recovery from the mixture of the Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention.
  - Mixtures containing 30% or less of a Schedule 2B chemical are not required to be declared.
  - Mixtures containing 30% or less of a Schedule 3 chemical are not required to be declared.

Export and Import Requirements

General

The export and import provisions of the treaty apply to persons, facilities and plant sites (declared and undeclared), and trading companies within a State Party.

Schedule 1 Notifications

- Prior to the export to or import from a State Party of any amount of a Schedule 1 chemical, both States Parties involved in the transfer must submit to the Technical Secretariat a notification of transfer at least 30 days before the transfer occurs.
  - Notifications for exports and imports of 5 milligrams or less of Saxitoxin for medical/diagnostic purposes may be transmitted to the Technical Secretariat at the time exported/imported.
- National Authorities generally exchange notifications between each other to ensure the facts of proposed transactions are consistent.
- States Parties should build in additional time to receive notifications from industry to meet the CWC's timeline for submission to the Technical Secretariat (i.e., 30 days or by the time of transfer).
- Notifications submitted by each National Authority to the Technical Secretariat should include the same information, as follows:
  - Chemical name;
  - Structural;
  - CAS registry number;
  - Quantity involved;
  - Planned date of transfer;
  - Purpose for which the Schedule 1 chemical will be used;
  - Source country name (exporting country);
  - Name and address of exporter;
  - Recipient country name (importing country); and
  - Name and address of importer.

Annual Declaration Regarding Transfers for Schedule 1 Chemicals

On an annual basis (not later than 90 days after the year in which the exports or imports occurred), a State Party must submit to the Technical Secretariat an annual declaration regarding transfers during the previous year. This declaration must include the following information for each chemical exported and imported:

- Chemical name;
- CAS registry number;
- Recipient or source country;

- Name of recipient or source (always identify the entity in the other country);
- Street address;
- End-use; and
- Date of transfer (date exported or date received).

Note: *If a Schedule 1 notification was submitted to the Technical Secretariat and the transfer did not occur, inform the Technical Secretariat and do not include the transfer in your annual declaration.*

AND Declaration for Schedule 1 Chemicals

Identify the chemical exported or imported by:

- Chemical name;
- CAS registry number;
- Recipient or source country;
- Name of recipient or source (always identify the entity in the other country);
- Street address;
- End-use; and
- Date of Transfer (date exported or date received).

Note: *If a Schedule 1 Notification was submitted to the Technical Secretariat and the transfer did not occur, inform the Technical Secretariat of this fact in a transmittal letter. Do not include an entry for the transaction if it did not occur.*

Declaration for Schedule 2 Chemicals

On an annual basis (not later than 90 days after the end of the previous calendar year), identify each Schedule 2 chemical exported or imported during the previous calendar year by:

- Chemical name;
- CAS registry number (identify unit of weight, e.g., tonne/kilogram);
- Total quantity produced;
- Total quantity processed;
- Total quantity consumed;
- Total quantity exported and imported by all persons, trading companies or plant sites within the State Party; and
- Total quantity exported to and imported from each State Party.

AND Declaration for Schedule 3 Chemicals

On an annual basis (not later than 90 days after the end of the previous calendar year), identify each Schedule 3 chemical exported or imported during the previous calendar year by:

- Chemical name;
- CAS registry number (identify unit of weight, e.g., tonne/kilogram);
- Total quantity produced;
- Total quantity exported and imported made by all persons, trading companies or plant sites within the State Party; and
- Total quantity exported to and imported from each State Party and non-State Party.

End-Use Certificates for Schedule 3 Exports to States not Party to the Convention

For any export of a Schedule 3 chemical to a State not Party to the Convention, a State Party must obtain from its exporter an End-Use Certificate issued by a competent government authority within the recipient state attesting that the Schedule 3 chemical will not be used for prohibited purposes as follows:

- The chemical will only be used for purposes not prohibited under the Convention;
- The chemical will not be re-transferred;
- The types and quantities of the chemicals involved in the transfer;
- The end-use(s) of the chemical; and
- The name(s) and address(es) of the end-user(s).

STATE PARTY REQUIREMENTS

- Article VII requires each State Party to establish legislative and administrative measures to implement its CWC obligations, including:
  - Restrictions on exports, imports, and retransfers with regard to:
    - Any chemical when intended for activities prohibited by Article I;
    - States not Party to the Convention for exports and imports of Schedule 1 and 2 chemicals;
    - Any retransfers of Schedule 1 chemicals;
    - Schedule 1 chemicals except for research, medical, pharmaceutical, or protective purposes; and
    - Schedule 3 chemicals exported to States not Party to the Convention without an End-Use Certificate (EUC).
  - Paperwork requirements related to exports and imports, including EUCs, notifications, and aggregate national data declarations (AND) (see "Declaration Regime" for AND requirements).
  - Penalties for failure to comply by natural and legal persons anywhere on its territory or in any other place under its jurisdiction.

- Regardless of whether a State Party produces Scheduled chemicals, the establishment of export and import requirements is necessary to:
  - Collect data on exports and imports of scheduled chemicals;
  - Prevent unauthorized use of scheduled chemicals; and
  - Prevent unauthorized transhipments.

  Ensures compliance with United Nations Security Council Resolution 1540.

ADMINISTRATIVE MEASURES

- In order to implement the export and import requirements of the CWC, each State Party must establish the legal authority to prohibit certain activities and compel the submission of data from persons on its territory or under its jurisdiction.

- A State Party should develop and publish administrative rules (e.g., regulations, directives) that:
  - Describe the persons subject to such rules, to include:
    - Facilities (including plant sites and plants);
    - Trading companies; and
    - Natural and legal persons anywhere on its territory or in any other place under a State Party's jurisdiction.
  - List the chemicals subject to CWC export/import controls.
  - Establish the export, import, and retransfer requirements of the CWC.
    - Prohibitions:
      - exports and imports of any chemical when intended for activities prohibited by Article I;
      - exports to and imports from States not Party to the Convention for Schedule 1 and 2 chemicals;
      - any retransfers of Schedule 1 chemicals;
      - exports or imports of Schedule 1 chemicals except for research, medical, pharmaceutical or protective purposes; and
      - exports of Schedule 3 chemicals to States not Party to the Convention without an End-Use Certificate (EUC).
    - Notification requirement for exports and imports of Schedule 1 chemicals (see "Declaration Regime").
    - EUC requirement for exports of Schedule 3 chemicals to non-States Parties.
    - Permission to import and reexport OPCW inspection equipment used during on-site verification.

- Establish the mechanisms for implementing these requirements.
  - Have the exporter or importer obtain the National Authority's authorization prior to export, import, or retransfer of Scheduled chemicals subject to the aforementioned prohibitions.
    - The National Authority should make clear that such activities are prohibited and will not be authorized.
  - Receive notifications and possibly authorize Schedule 1 exports or imports based on their receipt as follows:
    - Establish deadlines for persons to submit notifications to the National Authority in time to permit their transmittal to the Technical Secretariat not less than 30 days before any transfer.
      - Exception: transfers of 5 milligrams or less of saxitoxin require a National Authority to notify the Technical Secretariat at the time of the transfer.
    - Possibly establish a procedure to provide written authorization to the exporter or importer prior to the export or import of Schedule 1 chemicals.
  - Collect EUCs and possibly authorize exports based on their receipt.
    - For example, the exporter must submit an EUC to the National Authority prior to export or within a date certain after export.
    - Upon receipt of an EUC, the National Authority may authorize that such export occur.
- List the States Parties and/or States not Party to the CWC.
  - For non-States Parties, identify the ministries responsible for issuing EUCs and the addresses for obtaining them to the extent available.
- Establish low concentration exemptions related to authorized transfers (which may differ from the low concentration exemptions for declarations involving production, processing, consumption, exports, and imports)
  - Schedule 1: None.
  - Schedule 2A/2A*: 1% or less for exports to and imports from non-States Parties unless the chemical is contained in products identified as consumer goods packaged for retail sale for personal use or packaged for individual use.
  - Schedule 2B: 10% or less for exports to and imports from non-States Parties unless the chemical is contained in products identified as consumer goods packaged for retail sale for personal use or packaged for individual use.

- Schedule 3: The OPCW has not established a mixture rule for exports of low concentrations of Schedule 3 chemicals to non States Parties. Absent such a decision, a State Party may establish its own low concentration exemption.

- Establish an enforcement authority for violations and penalties.
  - Specify and implement penalties for non-compliance with the CWC pursuant to the State Party's penal legislation.
- Establish recordkeeping requirements for documents related to export and import transactions, to include:
  - Specific documents that need to be maintained (e.g., EUCs, notifications, annual declarations of export and imports, authorizations); and
  - Retention policy (e.g., 3 years) of such documents.

COMPLIANCE

- Upon establishing the legal authority to implement the export and import requirements of the CWC, each State Party must develop procedures for monitoring compliance.

- Suggested methods for monitoring compliance include:
  - Verifying declarations, notifications, and EUCs are received on time and are accurate and complete.
    - Establish internal deadlines for use by persons to submit information to the National Authority prior to the CWC's deadlines in order to conduct verification before submitting export and import information to the Technical Secretariat.
    - Cross-check Schedule 1 notifications with the detailed annual declaration regarding transfers of Schedule 1 chemicals.
      - Where a notification for a Schedule 1 transfer is received but the transfer did not occur, do not declare it to the Technical Secretariat. However, it is suggested that the Technical Secretariat be informed (e.g., via cover letter with the declaration regarding transfers) to clarify a perceived inconsistency.
      - A State Party may want to establish an internal tracking system to ensure consistency between notifications and the annual declaration regarding transfers.
    - Share Schedule 1 notifications with States Parties involved in transfers to ensure accurate and consistent submissions to the Technical Secretariat.

    - Cross-check Schedule 3 EUCs with the AND declaration.
  - Using export authorization data, if available, to verify submitted information.
    - While the CWC does not require a State Party to license or authorize the export or import of chemicals, many States Parties have established such mechanisms for national security reasons.
  - Using Customs data on exports and imports to verify submitted information.
    - Every chemical has been assigned a 6-digit Harmonized Tariff System (HTS) code and review of Customs records can provide information on what chemicals were exported or imported (see Annex on Chemicals located in Section 4).
    - While the World Customs Organisation has not established unique HTS codes for each Scheduled chemical, a State Party can choose to do so.
    - A State Party could require exporters or importers to specify on domestic Customs documents whether a chemical is subject to the CWC to facilitate compliance checks.
    - A State Party could require exporters or importers to specify on documents such as shipping or sales invoices whether a chemical is subject to the CWC to alert a State Party recipient of a need to declare to their National Authority.
  - Implementing an End-Use Certificate verification programme.
    - Ensure that the government agency issuing the EUC is the competent authority.
    - Consider establishing a mechanism to monitor and verify the bona fides of the end-user in the non-State Party via verification of business licenses or other means such as in-country verification activities.

- Identify persons, facilities, and trading companies that may be subject to CWC requirements for export and import controls by:
  - Developing a working relationship with industry by participating in company or association meetings;
  - Reviewing Customs data to identify exporters and importers of chemicals;
  - Reviewing publicly available information, such as chemical and trade association directories, regarding producers, users, and traders of chemicals;
  - Conducting a survey of all companies that may possibly deal with chemicals subject to export or import;

- Publishing notices of CWC export/import declaration requirements in newspapers, chemical magazines or other appropriate venues; and
- Seeking assistance from the OPCW Technical Secretariat or other States Parties.

OUTREACH

- Conduct seminars or town hall meetings to provide general information and/or "hands-on" instructions to industry on its requirements for declaring exports and imports.
- Publish information pamphlets or brochures that provide guidance on declaring exports and imports.
- Send e-mails or mailings to industry to explain the requirements on declaring exports or imports.
- Establish a "walk-in" office for industry to provide general counseling.
- Establish a CWC-dedicated website or CWC-related link on the National Authority's website, to include linking to the OPCW's website.

SECTION 7

Compliance Activities

In this Section:

Topics / **page**

General Overview / **173**

Technical Secretariat Compliance Activities / **173**

State Party Compliance Activities / **173**

Reference / **page**

Product Group Codes – Industry Descriptions / **178**

Technical Secretariat Report - " The Project To Assist States Parties In Identifying New Declarable Facilities Under Article VI of the Chemical Weapons Convention" / **182**

Clarifications of Declarations / **187**

GENERAL OVERVIEW

- A State Party is obligated to ensure its entities (whether governmental or industrial) comply with the Article VI requirements of the CWC, thereby ensuring the State Party is also in compliance with its obligations as a member of the Convention.

- The State Party's legislation should include measures for administrative and criminal sanctions for violations with the Convention.

- Article VII requires a State Party to:
  - Enact legislation, including penal legislation, to enforce the prohibitions of the CWC;
  - Establish a National Authority to serve as the national focal point for effective liaison with the OPCW and other States Parties; and
  - Inform the OPCW of the legislative and administrative measures taken to implement the CWC.

TECHNICAL SECRETARIAT COMPLIANCE ACTIVITIES

- The Technical Secretariat's role in implementing the Convention is to monitor States Parties' compliance with their treaty obligations. The Technical Secretariat accomplishes this mandate through analyzing declarations for accuracy and completeness, and ensuring appropriate chemical facilities or plant sites have been declared by a State Party.

- If the Technical Secretariat identifies an incomplete declaration or is unclear on the information contained in a declaration, it will contact the State Party to request a "clarification."

- One measure the Technical Secretariat uses to ensure that appropriate chemical facilities have been declared is to monitor "publicly available information." The Technical Secretariat would request the State Party to "clarify" whether or not a particular facility should be declared.

  Note: *See attached Technical Secretariat Report entitled " The Project To Assist States Parties In Identifying New Declarable Facilities Under Article VI of the Chemical Weapons Convention" page 182 at the end of this section.*

STATE PARTY COMPLIANCE ACTIVITIES

General

- Once the State Party has established administrative measures to implement export and import requirements and compel declarations for facilities (plant

sites), trading companies, or persons, it can then more easily manage the process of verifying individual declarations and aggregating data.

- A State Party should compile its own list of potentially declarable facilities (plant sites), trading companies, or persons based on a methodology such as the one contained under the "Chemicals" element, "How to Identify Your Chemical Industry" page 59.

- Additional suggestions for identifying facilities (plant sites), trading companies, or persons that may be subject to Article VI requirements include:
  - Developing a working relationship with industry by participating in company or association meetings;
  - Reviewing Customs data to identify exporters and importers of chemicals;
  - Reviewing publicly available information, such as chemical and trade association directories, on producers, users, and traders of chemicals;
  - Conducting a survey of all companies that may possibly deal with chemicals subject to data monitoring; and
  - Publishing notices of CWC requirements in newspapers, chemical magazines or other appropriate venues.

Export and Import Compliance

- Suggested methods for monitoring compliance with the export and import requirements of the CWC include:
  - Verifying declarations, notifications, and End Use Certificates (EUCs) are received on time and are accurate and complete:
    - Establish internal deadlines for use by persons to submit information to the National Authority prior to the CWC's deadlines in order to conduct verification before submitting export and import information to the Technical Secretariat.
    - Cross-check Schedule 1 notifications with the detailed annual declaration regarding transfers of Schedule 1 chemicals.
      - Where a notification for a Schedule 1 transfer was received but did not occur, do not declare it to the Technical Secretariat. However, it is suggested that the Technical Secretariat be informed (e.g., via a cover letter with the declaration regarding transfers) to clarify a perceived inconsistency.
      - A State Party may want to establish an internal tracking system to ensure consistency between notifications and the annual declaration regarding transfers.
    - Share Schedule 1 notifications with States Parties involved in

transfers to ensure accurate and consistent submissions to the Technical Secretariat.

    - Cross-check Schedule 3 EUCs with the AND declaration.

- Using export authorization data, if available, to verify submitted information.
    - While the CWC does not require a State Party to license or authorize the export or import of chemicals, many States Parties have established such mechanisms for national security reasons.
- Using Customs data on exports and imports to verify submitted information.
    - Every scheduled chemical has been assigned a 6-digit Harmonized Tariff System (HTS) code (see Annex on Chemicals) and review of Customs records can provide information on what chemicals were exported or imported.
    - While the World Customs Organisation has not established unique HTS codes for each Scheduled chemical, a State Party can choose to do so.
    - A State Party could require exporters or importers to specify on domestic Customs documents whether a chemical is subject to the CWC to facilitate compliance checks.
    - A State Party could require exporters or importers to specify on documents such as shipping or sales invoices whether a chemical is subject to the CWC to alert a State Party recipient of a need to declare to their National Authority.
- Implementing an EUC verification programme.
    - Ensure that the government agency issuing the EUC is the competent authority.
    - Consider establishing a mechanism to monitor and verify the bona fides of the end-user in the non-State Party via verification of business licenses or other means such as in-country verification activities.

Declaration Compliance

- After receipt of the initial declaration, the State Party should create a "list" of facilities (plant sites), trading companies and persons to ensure appropriate declarations are submitted in the future.

- For each declaration cycle, the National Authority should ensure it has received a declaration from all facilities (plant sites), trading companies or persons based on its initial or updated "list."
    - If a declaration is not received from a facility or plant site, the State Party should contact the declaration point-of-contact (D-POC) and inquire about the status of the facility (plant site), trading company or person, bearing in mind the State Party's applicable quantity thresholds and exemptions that would/would not trigger a declaration requirement.

- The National Authority should review each declaration received for accuracy and compliance in accordance with the following:
  - Information required under Parts VI-XI of the Verification Annex of the Convention, as appropriate;
  - Information required by the OPCW's Declaration Handbook, as applicable; and
  - State Party's legislative and administrative requirements and procedures (e.g., applicable quantity thresholds, exemptions).

- Declarations should also be reviewed for completeness because any missing information may result in the State Party receiving a "clarification request" from the Technical Secretariat.

- Review of a declaration may entail the following:
  - Verification of any ownership and name changes of the facility, plant site or plants;
  - Verification of address or location change for the facility or plant site (this is a rare occurrence, but it may happen as local authorities streamline districts, street names, mailing codes, etc.), including latitude and longitude coordinates that may have been changed;
  - Verification of the addition or deletion of declared plants on the plant site;
  - Verification of addition or deletion of Scheduled chemicals and activities (e.g., production, processing, and consumption);
  - Verification of addition or deletion of other activities, such as storage and repackaging;
  - Verification of the types of product group codes *(found at the end of this section.)* that were declared by a plant site, which may indicate a fundamental change in the operations of a plant site, especially for Other Chemical Production Facilities; and
  - Verification of questionable quantities of chemicals exported or imported.

  Note: *Once a facility or plant site has submitted a declaration(s), the National Authority can use its declaration(s) as a baseline from which to review and/or compare the current declaration, with a focus on identifying major changes or trends for the facility or plant site.*

- If the National Authority has questions on a declaration or if information is missing, it should contact the D-POC.

- If a facility or plant site submitted a Declaration on Anticipated Activities (ADAA) for a particular year, it will likely have a requirement to submit an Annual Declaration on Past Activities (ADPA) for that same year (bearing in mind that these declarations are received 18 months apart).

- A State Party should verify that such submissions are made and are consistent.
    - If no ADPA is submitted, the State Party should confirm with the D-POC that actual activities were below the applicable quantity thresholds.
    - If the ADPA differs from the ADAA, the State Party should confirm that a declaration on additionally planned activities was not required to be submitted.

Product Group Codes – Industry Descriptions

Product Group Codes (PGCs) (also known as Standard Industry Trade Classification (SITC) Codes) are required for completing declarations. The following is a generic description of certain PGCs that may be used as a reference when selecting appropriate ones to describe products relating to a plant site, plant or chemical when completing declarations. These descriptions are an attempt to clarify the PGCs identified in the OPCW's Declaration Handbook (Product Group Codes – Appendix 4) by making them more relevant to the types of industries that may be involved in a particular category of products. No description is provided for those PGCs that are self-explanatory. These descriptions are based on coordinating two classification systems: the North American Industry Classification System (NAICS, 1997 version) and the Standard Industry Classification System (SIC, 1987 version).

511 Hydrocarbons, N.E.S.*, and their halogenated, sulphonated, nitrated or nitrosated derivatives

This industry comprises establishments primarily engaged in manufacturing chemicals using basic processes, such as thermal cracking and distillation. The chemicals manufactured in this industry group are usually separate chemical elements or separate chemically-defined compounds and include:

(1) acyclic (i.e., aliphatic) hydrocarbons such as ethylene, propylene, and butylene made from refined petroleum or liquid hydrocarbon; and/or

(2) cyclic aromatic hydrocarbons such as benzene, toluene, styrene, xylene, ethyl benzene, and cumene made from refined petroleum or liquid hydrocarbons.

512 Alcohols, phenols, phenol-alcohols, and their halogenated, sulphonated, nitrated or nitrosated derivatives

This industry comprises establishments primarily engaged in distilling coal tars and/or manufacturing cyclic crudes, or cyclic intermediates from refined petroleum or natural gas.

513 Carboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives

This industry comprises establishments primarily engaged in manufacturing basic organic chemical products (except aromatic petrochemicals, industrial gases, synthetic organic dyes and pigments, cyclic crudes and intermediates, and ethyl alcohol).

514 Nitrogen-function compounds

This industry comprises establishments primarily engaged in manufacturing acyclic and cyclic nitrogen-containing organic compounds, including nitrates, amides, amino acids.

515 Organo-inorganic compounds, heterocyclic compounds, nucleic acids and their salts, and

sulphonamides

This industry comprises establishments primarily engaged in manufacturing acyclic and heterocyclic organic-inorganic chemical products.

516 Other organic chemicals

This industry comprises establishments engaged in manufacturing organic chemicals that do not fit into any of the other categories.

522 Inorganic chemical elements, oxides and halogen salts

523 Metal salts and peroxysalts of inorganic acids

524 Other inorganic chemicals; organic and inorganic compounds of precious metals

525 Radioactive and associated materials

Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products.

531 Synthetic organic coloring matter and color lakes, and preparations based thereon

This industry comprises establishments primarily engaged in manufacturing synthetic organic and inorganic dyes and pigments, such as color lakes and toners (except electrostatic and photographic).

532 Dyeing and tanning extracts and synthetic tanning materials

This industry comprises establishments primarily engaged in natural dyestuffs, and natural tanning extracts, as well as synthetic organic tanning materials.

533 Pigments, paints, varnishes and related materials

This industry comprises establishments primarily engaged in manufacturing paints (in paste and ready-mixes form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products.

541 Medicinal and pharmaceutical products, other than medicaments of Group 542

This industry comprises establishments primarily engaged in one or more of the following:

(1) manufacturing uncompounded biological and medicinal chemicals and their derivatives

(e.g., generally for use by pharmaceutical preparation manufacturers); and/or
(2) processing (e.g., grading, grinding, and milling) uncompounded botanical herbs.

542 Medicaments (including veterinary medicaments)

This industry comprises establishments primarily engaged in manufacturing, processing and packaging medicinal chemicals and pharmaceutical products intended for human and animal internal and external use.

551 Essential oils, perfume and flavor materials

This industry comprises establishments engaged in manufacturing perfumes and flavor materials (natural and synthetic), cosmetics, and other toilet preparations.

553 Perfumery, cosmetic or toilet preparations (excluding soaps)

This industry comprises establishments primarily engaged in blending and compounding perfume bases and cosmetics; and those manufacturing toilet preparations, shampoos and shaving products.

554 Soap, cleansing and polishing preparations

This industry comprises establishments primarily engaged in manufacturing and packaging soap and other cleaning compounds, surface active agents, laundry detergents, dishwashing detergents, natural glycerin, and agents used to reduce tension or speed the drying process.

562 Fertilizers (other than those in Group 272)

This industry comprises establishments primarily engaged in one or more of the following:

(1) manufacturing nitrogenous or phosphatic fertilizer materials;
(2) manufacturing fertilizers from sewage or animal waste;
(3) manufacturing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; and
(4) mixing ingredients made elsewhere into fertilizers.

571 Polymers of ethylene, in primary forms

572 Polymers of styrene, in primary forms

573 Polymers of vinyl chloride or of other halogenated olefins in primary forms

574 Polyacetals, other polyethers and epoxide resins, in primary forms; polycarbonates, alkyd resins, polyallyl esters and other polyesters

579 Waste, parings and scrap, of plastics

581 Tubes, pipes and hoses, and fittings therefor, of plastics

582 Plates, sheets, film, foil, and strip of plastics

583 Monofilament of which any cross-sectional dimension exceeds 1mm, rods, sticks, and profile shapes, whether or not surface-worked but not otherwise worked, of plastics

591 Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (e.g., sulphur-treated bands, wicks and candles, and fly-papers)

This industry comprises establishments primarily engaged in the formulation and preparation of agricultural and household pest control chemicals.

592 Starches, inulin and wheat gluten; albumenoidal substances; glues

This industry is primarily engaged in wet milling corn and other vegetables.

593 Explosives and pyrotechnic products

597 Prepared additives for mineral oils and the like; prepared liquids for hydraulic transmission; anti-freezing preparations and prepared de-icing fluids; lubricating preparations

This industry comprises establishments primarily engaged in blending or compounding refined petroleum to make lubricating oils and greases and/or re-refining used petroleum-lubricating oils.

598 Miscellaneous chemicals products, N.E.S.*

This industry includes miscellaneous inorganic-organic chemical products that do not fit into any of the other categories.

599 Others

* N.E.S. = not elsewhere specified

OPCW **Executive Council**

Thirty-Third Session
24 – 27 June 2003

EC-33/S/4
19 June 2003
Original: ENGLISH

NOTE BY THE TECHNICAL SECRETARIAT

SECOND REPORT ON THE PROJECT TO ASSIST STATES PARTIES IN IDENTIFYING NEW DECLARABLE FACILITIES UNDER ARTICLE VI OF THE CHEMICAL WEAPONS CONVENTION

1. Introduction

1.1 This report provides an update on the efforts undertaken by the Technical Secretariat (hereinafter "the Secretariat") to assist States Parties in their efforts to identify activities and facilities that might be subject to declaration under Article VI of the Chemical Weapons Convention (hereinafter "the Convention"), and is a follow-on to the previous report on a project, known as "the Article VI project", that was presented to the Executive Council (hereinafter "the Council") at its Twenty-Ninth Session (EC-29/S/6, dated 13 June 2002).

1.2 The Article VI project was initiated by the Secretariat in June 2001. Its goal is to provide technical assistance to States Parties through the identification of new potentially declarable plant sites under Article VI and Parts VII, VIII, and IX of the Verification Annex to the Convention.

1.3 The First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention encouraged the Secretariat to continue these efforts, in close consultation with the States Parties and their National Authorities.

2. Methodology adopted

2.1 The Secretariat viewed it as important to carry out the project in as transparent and even-handed a fashion as possible. Therefore, the methodology it adopted in developing the project included the following steps:

(a) identifying, from open sources and for all Member States, facilities likely to be engaged in activities related to discrete organic, Schedule 2, and Schedule 3 chemicals;

(b) checking the total number of declared facilities (if any) against the number of potentially declarable facilities identified by the Secretariat, for the purpose of deciding the order in which the various States Parties would be approached;

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(c) transmitting relevant information to the National Authority of the State Party concerned for its consideration so that it can take any appropriate action in relation to its Article VI industry declarations. At this stage, the States Parties were informed that the names of the companies gleaned from public sources had not been checked against the names of already-declared plant sites. This statement was meant as a clear indication that the objective of the Article VI project was not to challenge the completeness of the declarations that had already been submitted by the States Parties, but to identify potentially new declarable facilities.

2.2 The project has been pursued in two parts:

(a) In part 1, which was initiated in 2001, the Secretariat assisted those States Parties that had not submitted any Article VI industry declarations as at May 2001 in identifying new declarable facilities.

(b) In part 2, which was initiated in 2002, the Secretariat started to include in the Article VI project those States Parties that had previously submitted Article VI declarations.

2.3 Both parts of the project are currently ongoing. Paragraph 3 below provides a chronology of events related to its development.

3. Part 1: assistance to States Parties that had not yet made Article VI declarations[1]

3.1 In July and August 2001, information about the chemical industry in those States Parties that had not made any Article VI declarations was collected from open sources available to the Secretariat. Two States Parties that had made some Article VI declarations were also included in part 1, because, in the Secretariat's view, they would benefit from the additional assistance provided under the auspices of the Article VI project. A review of the available information on the chemical industries of 145 States Parties at that time suggested that 52 probably did not have any potentially declarable facilities. Of the remaining 93, 51 had already submitted Article VI declarations, and the other 42 seemed likely to have some declarable facilities.

3.2 From September 2001 to February 2002, representatives from the above-mentioned 44 States Parties (42 plus 2) were contacted by the Secretariat, and bilateral meetings were arranged at which the Article VI project was explained and packets containing the information that had been collected from public sources about the chemical industry in these States Parties were passed on to them. Representatives of these States Parties were requested to provide the information to their respective National Authorities, given that, according to the Convention, the National Authority is the entity that is assigned to identify declarable activities and facilities and that compiles the appropriate declarations, if necessary.

[1] As at May 2001, when the information was assessed

4. Part 2: assistance to States Parties that had previously made Article VI declarations

4.1 In March 2002, part 2 of the Article VI project was initiated as an extension of part 1. It covered States Parties that had already made Article VI declarations, but that might, according to the information gleaned from open sources, have some additional declarable facilities. This assumption was based on the difference between the total number of facilities that had been declared by a given State Party and the number of facilities that, according to the Secretariat's analysis of the information acquired from public sources, might have declarable activities under Article VI. If the latter figure was greater than the former by more than 25%, the Secretariat considered it worthwhile to contact the State Party in question and provide it with an information packet. A number of States Parties to which the 25% criterion did not apply also requested the information packets.

4.2 Since July 2002, the project team has identified information in public sources for 55 out of the current 60 States Parties that have submitted Article VI declarations. No public-source information was available for 5 States Parties. For 3 others, the number of potentially declarable facilities for which information was available was smaller than the number of facilities actually declared. It was thought that these States Parties would not benefit from the information acquired by the Secretariat. Of the remaining 52 States Parties, 41 have so far been provided with information about potentially declarable facilities. The assessment of publicly available information for 2 States Parties is ready and will be delivered in close consultation with, and with the agreement of, their National Authorities in the near future. An assessment of the remaining 9 States Parties is in progress.

4.3 The objective of the project has been and remains close and productive cooperation with the States Parties. In the majority of cases, States Parties have responded with appreciation to the Secretariat's effort. Some of these 41 States Parties were found to have at least 25% more potentially declarable facilities than they had actually declared. The Secretariat consults States Parties concerned on how best to proceed.

4.4 During the meeting of National Authorities held in The Hague in October 2002, some States Parties with less than a 25% difference between declared and potentially declarable plant sites indicated that they would appreciate receiving the information packets, and four of these have since been provided with them.

5. Assessment of the results of the Article VI project

5.1 This section summarises the results of both parts of the Article VI project.

5.2 Of the 151 States Parties to the Convention as at 30 May 2003, the survey of open sources available to the Secretariat suggests that 55 are not likely to have any potentially declarable facilities under Article VI.

5.3 Currently, 19 State Parties have not been approached. The Secretariat is of the view that there is little or no information to justify approaching 8 of these. The Secretariat, will, upon agreement, contact the remaining 11 as soon as the project team has finalised its assessments.

5.4 Of the remaining 77 States Parties approached so far, 16 have not yet responded. The responses received from the remaining 61 States Parties can be categorised as follows:

(a) Ten States Parties—Azerbaijan, Cuba, Georgia, Greece, Indonesia, Kuwait, Pakistan, Peru, Uzbekistan, and Viet Nam—have submitted their first declarations of Article VI-related facilities.

(b) Seven declaring States Parties have provided declarations in addition to those they had already submitted prior to the Article VI project.

(c) Thirty-two States Parties have either provided partial information or have reported that they are working on providing information.

(d) Twelve States Parties have reaffirmed that no additional declarations are required.

5.5 Since the project began, there has been a significant increase in the number of declaring States Parties which is a welcomed indication that the project has been worth the effort and is achieving its purpose. When the project began in June 2001, there were 51 declaring States Parties. By the time of the first report to the Council in June 2002, there were 55; and that number had risen to 61 by the time of writing of the present report—an increase of 19.6% over the June 2001 figure.

5.6 These figures suggest that the Article VI project is helping to increase the number of newly declaring States Parties—an assessment confirmed both by the correspondence received from, and by informal discussions with, the overwhelming majority of States Parties concerned.

6. Observations on States Parties' responses to the Article VI project

6.1 As indicated above, most States Parties involved in the Article VI project have reacted positively to it and understood the goal behind it: to provide information available to the Secretariat that might be useful to the States Parties in their efforts to implement the Convention. Nevertheless, a small number of States Parties have voiced some concerns about the project. These are detailed below:

(a) Two States Parties have expressed concerns about the methodology used by the Secretariat to identify potentially declarable facilities and would favour a more proactive approach by the Secretariat.

(b) One State Party has indicated that it does not believe that the Convention authorises the Secretariat to undertake the initiative and thus finds it unacceptable.

(c) One State Party has expressed concerns about the possible dissemination of confidential information to other States Parties.

6.2 Over the course of the Article VI project, representatives of some States Parties have conveyed to the Secretariat certain difficulties they have faced in making Article VI declarations. These include:

(a) a lack of implementing legislation in their countries;

(b) a lack of funding for implementation; and

(c) limitations on the human resources available to National Authorities, which would make it difficult for them to liase with the representatives of facilities and with other local authorities, even if the Secretariat were to provide technical assistance.

7. Follow-up actions on the Article VI project

7.1 The Secretariat intends to continue evaluating public-source industry information on the remaining 11 States Parties and on any newly ratifying States Parties, and to provide information packs with the mutual consent of these States Parties.

7.2 The Secretariat will continue to use all available opportunities, such as National Authority courses, seminars and workshops, to organise bilateral meetings with representatives of States Parties to update the progress of the Article VI project.

7.3 When officially requested to do so by a State Party, the Secretariat will put at its disposal qualified staff to assist it in identifying declarable activities and facilities. Any such assistance will be provided in the form of a technical visit whose agenda and duration the Secretariat and the State Party concerned will agree on.

7.4 The Secretariat would like to take this opportunity to thank States Parties for their cooperation on the project and to encourage those States Parties that have the technical expertise and/or the funds, to consider providing voluntary assistance, on a regional or other basis to be decided, to those States Parties that currently do not posses such resources.

7.4 The Secretariat will submit to the Council, at its Thirty-Fifth Session, further updated information on the progress of the Article VI project.

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OPCW **Executive Council**

Thirty-Sixth Session
23 - 26 March 2004

EC-36/DEC.7
26 March 2004
Original: ENGLISH

DECISION

CLARIFICATION OF DECLARATIONS

The Executive Council,

Considering that clarification requests help the Technical Secretariat (hereinafter "the Secretariat") to effectively carry out its functions under the Chemical Weapons Convention (hereinafter "the Convention");

Further considering that timely responses by States Parties to such requests for clarification promote the effective and efficient implementation of the verification regime of the Convention;

Affirming the need for States Parties to improve implementation by pledging to respond to such requests as fully and as expeditiously as possible;

Specifying that nothing in this decision prejudices existing obligations under the Convention or creates additional ones;

Recalling the requirements under Article VIII, paragraph 40 of the Convention; and

Recognising the need to continue work on this issue, in particular on the issue of clarification of transfer discrepancies, and on the need for the Secretariat to continue to explore how it can best exchange confidential information with States Parties in accordance with the confidentiality procedures of the Convention;

Hereby:

Urges all States Parties to expedite responses to requests for clarification of their declarations, when these declarations do not involve other States Parties (i.e. transfer discrepancies), as follows: to send an initial response within 90 days after the official transmittal of the Secretariat's request which either responds fully to the request or indicates what steps they are taking to develop and communicate a full response; and

CS-2004-3846(E) distributed 13/04/2004

Recommends that, when the Secretariat issues a clarification request regarding possible errors or missing information in a submitted declaration that preclude the Secretariat from determining the facility's inspectability and receives no response from the State Party concerned within 90 days after the official transmittal of the Secretariat's request, the Secretariat inform the Council about the specific request in advance of its next regular session. The Secretariat will provide, 60 days following the issuance of the clarification request, a reminder to the State Party concerned.

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SECTION 8

Outreach

In this Section:

Topics / **page**

Overiew/ **191**

Information Pamphlets / **191**

Reference / **page**

Obligations for Non-Prohibited Activities under the Chemical Weapons Convention IAP-001/ **192**

A Guide to the Chemical Weapons Convention IAP-002 / **193**

The Organisation for the Prohibition of Chemical Weapons IAP-003 / **194**

Introduction to Article VI Implementation IAP-004 / **195**

OVERVIEW

- In order to successfully implement an Article VI compliance programme, it is essential for a State Party to conduct outreach to affected facilities, trading companies, and persons on the prohibitions, and data monitoring and on-site inspection provisions of the CWC.

- Suggested outreach approaches include:

  - Conducting seminars or town hall meetings to provide general information and/or "hands-on" instructions to industry;
  - Publishing information pamphlets or brochures;
  - Sending e-mails or mailings to industry to explain Article VI requirements;
  - Establishing a "walk-in" office for industry to provide general counseling (e.g., chemical classifications);
  - Establishing a CWC-dedicated website or CWC-related link on the National Authority's website, to include linking to the OPCW's website; and
  - Developing a working relationship with industry by participating in company or association meetings.

INFORMATION PAMPHLETS

- The IAP contains the following information pamphlets to explain the general obligations of Article VI and functions of the Organisation for the Prohibition of Chemical Weapons:

  - Obligations for Non-Prohibited Activities under the Chemical Weapons Convention, IAP-001 *(found on page 192 at the end of this section.)*

  - A Guide to the Chemical Weapons Convention, IAP-002 *(found on page 193* at the end of this section.)

  - The Organisation for the Prohibition of Chemical Weapons, IAP-003 *(found on page 194 at the end of this section.)*

  - Introduction to Article VI Implementation, IAP-004 *(found on page 195 at the end of this section.)*

- The pamphlets also are separately available on the IAP compact disc as Microsoft® Word documents to allow a State Party to tailor their contents to its legislative and administrative requirements.

OBLIGATIONS FOR ACTIVITIES NOT PROHIBITED UNDER THE CHEMICAL WEAPONS CONVENTION (CWC)

	Schedule 1 Chemicals	Schedule 2 Chemicals	Schedule 3 Chemicals	Unscheduled Discrete Organic Chemicals (DOCs)
Chemicals	CW agents; key final-stage CW precursors.	Potential CW agents; other CW key precursors; and certain dual-use chemicals.	Old CW agents; other CW precursors; and certain dual-use chemicals.	Unscheduled discrete organic chemicals, including those containing phosphorus, sulfur, or fluorine (PSF-chemicals) produced at Other Chemical Production Facilities (OPCFs). Facilities exclusively producing explosives or hydrocarbons are exempt.
Commercial uses	Low or none.	Low to moderate.	High.	High.
Annual activity threshold for declarations	100g aggregate of all Schedule 1 chemicals.	1 kg for BZ; 100kg for other Part A chemicals; 1 metric ton for Part B chemicals.	30 metric tons.	200 metric tons aggregate for OPCFs (including PSF-chemicals); 30 metric tons for each PSF-chemical.
Activities to be declared annually	Production (consumption, storage, transfer) export, and import data for the previous calendar year; production anticipated for the next calendar year.	Production, processing, consumption, export, and import data for the previous calendar year; production, processing, consumption anticipated for the next calendar year.	Production, export, and import data for the previous calendar year; production anticipated for the next calendar year.	Production by synthesis data for the previous calendar year.
Deadline for annual declarations - Anticipated activities (declarations only)	Not later than 90 days prior to the calendar year in which the anticipated activities will take place. (October 3)	Not later than 60 days prior to the calendar year in which the anticipated activities will take place. (November 2)		Not applicable.
Deadline for annual declarations - Past activities	Not later than 90 days after the end of the previous calendar year. (March 30 or March 31)			
Activity threshold for inspections	100g aggregate of all Schedule 1 chemicals.	10 kg for BZ; 1 metric ton for other Part A chemicals; 10 metric tons for Part B chemicals.	200 metric tons.	200 metric tons aggregate unscheduled DOCs, including PSF-chemicals.
Facility agreement for routine inspections	Mandatory.	Mandatory (unless inspected State Party and OPCW agree otherwise).	None required unless requested by the inspected State Party.	
Notice of initial and routine inspection	Not less than 72 hours (initial) or 24 hours (routine) before arrival of the inspection team at the point-of-entry.	Not less than 48 hours before arrival of the inspection team at the plant site.	Not less than 120 hours before arrival of the inspection team at the plant site.	
Duration of initial/routine inspections	Duration based on risk to object and purpose of the CWC.	96 hours unless extended by inspection team and inspected State Party.	24 hours unless extended by the inspection team and inspected State Party.	
Maximum number of inspections	Number based on risk to object and purpose of the CWC.	2 per year per plant site.	2 per year per plant site plus limit on the combined number of inspections of Schedule 3 and OPCF plant sites.	2 per year per plant site plus limit on the combined number of inspections of Schedule 3 and OPCF plant sites.
Restrictions on exports and imports	Exports to and imports from States Parties only for research, medical, pharmaceutical or protective purposes; no retransfers.	Exports to or imports from States Parties only.	Exports to States Parties, and to non-States Parties that provide End-Use Certificates only.	No restrictions.

Sources: Chemical Weapons Convention 1993

Publication IAP-001
Updated November 2004

Implementation Assistance Programme Bulletin

November 2004
Publication IAP-002

Implementation Assistance Programme— *A Guide to the Chemical Weapons Convention*

There are over 165 States Parties to the Chemical Weapons Convention (CWC), which prohibits the development, production, stockpiling, and use of chemical weapons (CW). This paper will provide an overview of the chemicals monitored by the CWC and certain components of the CWC verification regime. These components include declaration requirements, and on-site inspections that are triggered when quantitative threshold activity levels for CWC monitored chemicals are exceeded.

Overview of CWC Chemicals

The CWC monitors chemicals listed in three Schedules and certain unscheduled discrete organic chemicals (DOCs).

Schedule 1 Chemicals

- Toxic chemicals with few or no legitimate uses that are chemical weapons themselves or are very closely related to chemical weapons.
- Developed or used primarily for military purposes.
- Examples include nerve agents, such as Sarin, and blister agents, such as Mustard and Lewisite.

Schedule 2 Chemicals

- Chemicals that can be used for CW production, but can also have certain legitimate uses.
- Not produced in large commercial quantities.
- Examples include certain chemicals used to manufacture fertilizers and pesticides.

Schedule 3 Chemicals

- Chemicals that can be used for CW production, but can also have significant legitimate uses.
- Produced in large commercial quantities.
- Examples include chemicals used to manufacture paint thinners, cleaners, and lubricants.

Unscheduled Discrete Organic Chemicals (UDOCs)

- "Any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates." Plant sites that exclusively produce explosives and hydrocarbons are exempt.

Declarations

The CWC imposes declaration requirements upon States Parties when certain CWC monitored chemicals are transferred from one State Party to another, and upon industry in States Parties when production, processing, or consumption of CWC monitored chemicals exceeds certain thresholds. These requirements include:

- Initial declarations.
- Annual declarations of the past year's activities.
- Annual declarations of the next year's anticipated activities.
- Declaration amendments or updates for changes to previously submitted data or additionally planned activities.

Inspections

The CWC mandates on-site inspections when certain activity thresholds for CWC monitored chemicals are exceeded.

Initial Inspections

- Verify accuracy of declarations and ensure activities are consistent with the object and purpose of the CWC.
- Assess risk to determine frequency and intrusiveness of future inspections.
- Prepare facility agreements (mandatory for Schedule 1 and 2 chemical facilities; optional for Schedule 3 plant sites and Other Chemical Production Facilities (OCPF).

Subsequent Inspections

- Purpose is to verify declarations, the absence of Schedule 1 chemicals (if not declared), and the non-diversion of scheduled chemicals.
- Schedule 1 facilities: number, intensity, duration, timing and mode of inspection based on risk.
- Schedule 2 plant sites: maximum 2 inspections per year, per plant site; inspections may last 96 hours.
- Schedule 3 plant sites: maximum 2 inspections per year, per plant site (national annual maximum of 20 Schedule 3 and OPCF inspections); inspections may last 24 hours.
- OCPFs: generally similar to Schedule 3.

To learn more about the CWC visit the OPCW website at www.opcw.org.

Publication IAP-002
November 2004

Implementation Assistance Programme Bulletin

November 2004
Publication IAP-003

The Organisation for the Prohibition of Chemical Weapons

The Organisation for the Prohibition of Chemical Weapons (OPCW) is the international body created to implement the Chemical Weapons Convention (CWC). The OPCW has an affiliated relationship with the United Nations and is located in The Hague, Netherlands. Qualified citizens of the more than 165 States Parties may serve on its staff.

Basic Organisation

Article VIII of the CWC establishes the OPCW and its major components. The Conference of States Parties (CSP) is the OPCW's principal organ, responsible for overseeing implementation and reviewing compliance issues. All States Parties are members of the CSP, which meets annually.

The Executive Council (EC) is the OPCW's executive body. It promotes the effective implementation of and compliance with the Convention. The EC meets approximately six times per year to supervise the activities of the Technical Secretariat (TS) and facilitate consultations and cooperation among States Parties. The EC's 41 members are selected by a formula that recognizes the importance of geographic diversity, representation by the most significant national chemical industries, and political and security interests.

The TS is responsible for day-to-day operations and verification activities. It is comprised of the OPCW permanent staff, and is led by a Director–General, who is elected by the CSP. The staff itself consists of technical, managerial, and administrative personnel.

Verification Division

The Verification Division of the TS receives and maintains data declarations and inspection reports, manages inspection planning, and analyzes and protects information related to CWC compliance and implementation.

- Declarations Branch: processes and validates declarations.
- Confidentiality Branch: monitors the handling of and controls access to confidential verification information.
- Industry Verification Branch: assesses declarations and plans inspections for declared facilities/plant sites.
- Policy and Review Branch: monitors and assesses verification activities, prepares proposals to enhance verification efficiency, and resolves inspection issues.

Inspectorate Division

The Inspectorate Division of the TS manages the inspectors, as well as the operational and logistical aspects of inspections.

- Inspectorate Management Branch: supplies the 200+ inspectors who conduct on-site verification activities.
- Operations and Planning Center Branch: staffs a 24-hour operations center for inspection notification and support to deployed inspection teams, and conducts short-range planning and inspection reporting.
- Inspection Review Branch: reviews logistical and operational aspects of inspections, and prepares procedural manuals and policy documents.

The Inspectors

The inspectors involved with industry verification are chemical production technologists, process specialists, analytical chemists and logisticians. They have 3-year, renewable contracts and possess the following qualifications:

- Bachelor of Science in chemical engineering or chemistry and 6 years practical in-plant experience.
- Fluency in one of the six official United Nations languages, plus working knowledge of English.

Inspectors, as well as other TS employees, must sign and comply with an OPCW Secrecy Agreement, which prohibits them from divulging any information obtained while employed at the OPCW. It is binding for the duration of their employment and 5 years thereafter. The Agreement supports the Confidentiality Annex of the CWC, which contains protections for confidential business information.

Introduction to Article VI Implementation

Chemical
Weapons
Convention

Publication IAP-004
November 2004

Chemical Weapons Convention Signing Ceremony, Paris, January 13, 1993

Table of Contents

Introduction	1
How to Use This Publication (chart)	2
The First Step	3
CWC Chemicals	5
Declarations	9
Inspections	14
Summary of Implementation Provisions (table)	17
Annex A: A Synopsis of the CWC Text	18
Annex B: Excerpts from Article II (Definitions and Criteria) of the CWC	22
Annex C: Guidelines for Schedules of Chemicals	24
Annex D: Exempted Unscheduled DOC Compounds	26

Introduction

More than 165 nations have ratified the Chemical Weapons Convention (CWC),[1] an international arms control and nonproliferation treaty whose aim is a comprehensive ban on chemical weapons. Unlike earlier attempts to ban chemical weapons, the CWC's scope extends beyond the actual use of chemical weapons. The Convention requires the destruction of existing chemical weapons and bans the use, development, production, acquisition, retention, and transfer of such weapons. In addition, the Convention prohibits assistance or inducement to others to engage in prohibited activity.

To accomplish the non-proliferation goals of the Convention, States Parties have agreed to a broad declaration and verification system for non-prohibited activities (e.g., industrial, agricultural, medical, pharmaceutical or research) involving certain toxic chemicals and precursors. It is chemical producers, processors, consumers, exporters and importers that carry out these legitimate, non-prohibited activities. The impact of the Convention upon these activities is the subject of this pamphlet.

The Convention explicitly mandates implementation in a manner that avoids hampering economic or technological development. States Parties to the Convention are also prohibited from using the pretext of CWC implementation as a means to inhibit trade and development. During the lengthy negotiating process leading to the adoption of the Convention, the participation of chemical industry representatives was key to the formulation of provisions that reflect the importance of the chemical sector in the international economy.

[1] Formally called the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Production.

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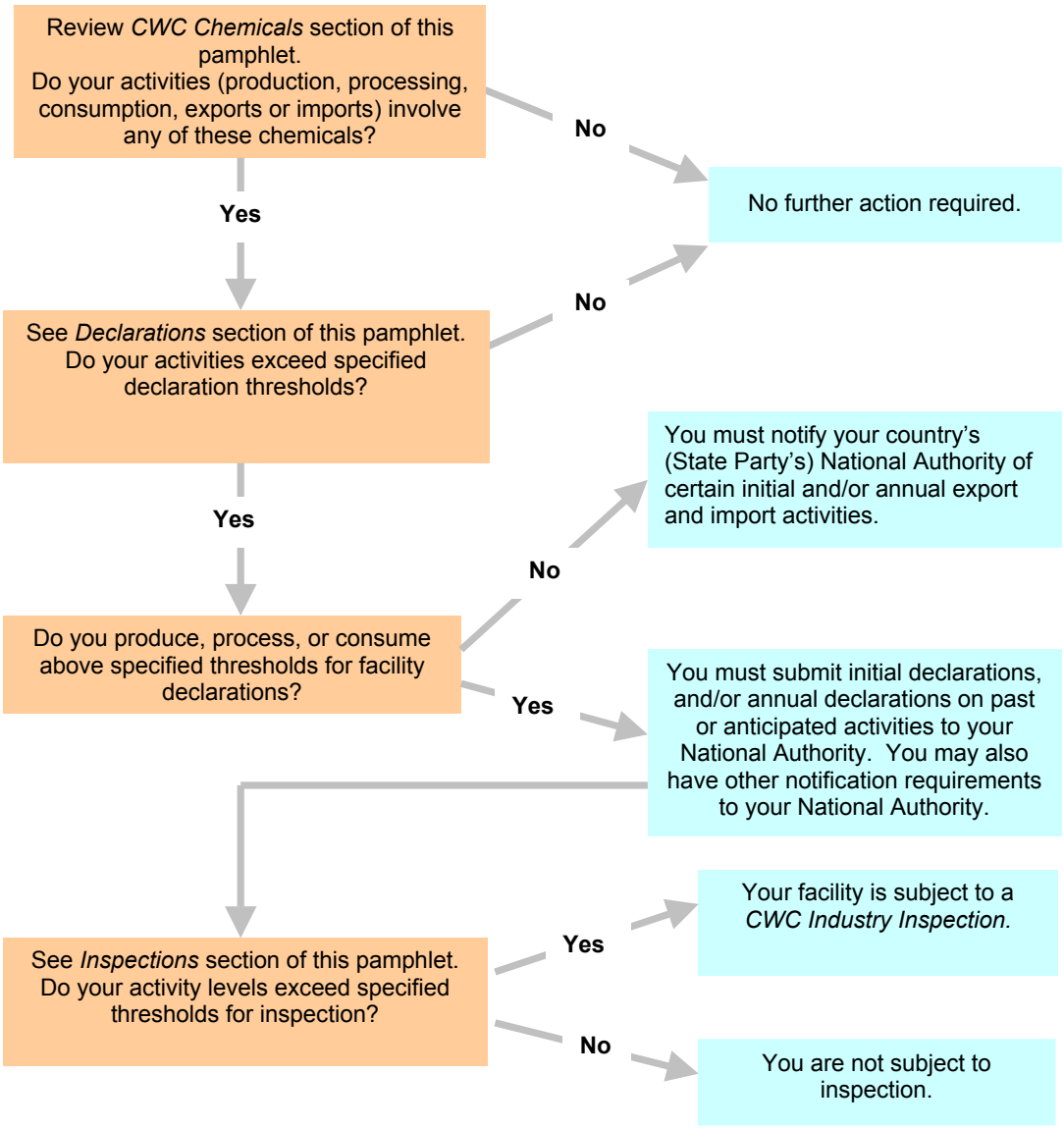

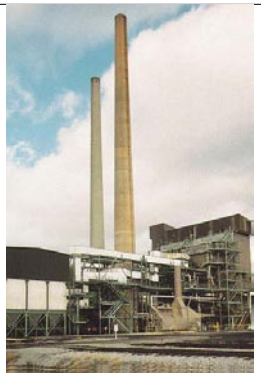

The First Step

The Chemical Weapons Convention aims to ban all activities associated with the use of toxic chemicals as a means of warfare. At the same time, no chemicals, even the most toxic, are banned because they also may have legitimate, peaceful purposes. This unique aspect of the Convention sets it apart from other arms control agreements and greatly influences its verification procedures. For this reason, certain activities involving these chemicals, while conducted for purposes not prohibited under the Convention, are nonetheless subject to declaration and on-site inspection provisions.

Purposes Not Prohibited Under the Convention

Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes

Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons

Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare

Law enforcement purposes, including domestic riot control

Facilities, plant sites, trading companies, and other persons must submit declarations and notifications about their activities that exceed certain quantity thresholds involving chemicals monitored by the CWC. A State Party is required to submit a national declaration to the Organization for the Prohibition of Chemical Weapons' (OPCW) Technical Secretariat, which administers the treaty. On the basis of these declarations, some of those facilities declared are subject to inspection by the Technical Secretariat.

The first step in this process is to understand which chemicals are monitored and the ramifications of various activities—production,[1] processing,[2] consumption,[3] export and import—for further obligations under the Convention. This information is presented in the next three sections of this pamphlet, *CWC Chemicals, Declarations,* and *Inspections*. If a facility,[4] trading company, or person finds that none of its operations involves specified chemicals, it has no further obligation. However, if a facility, trading company, or person does engage in activities involving these chemicals, further examination will place it, based on the types and levels of such activities, into one of the following categories:

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[1] Production of chemical means formation through chemical reaction.

[2] Processing means a physical process such as formulation, extraction and purification in which a chemical is not converted into another chemical.

[3] Consumption of a chemical means its conversion into another chemical via a chemical reaction.

[4] In this and succeeding sections "facility" is used as defined in the CWC to mean any plant site, plant or unit.

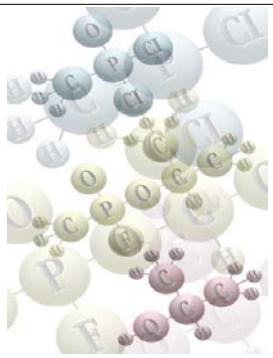
1. Facilities, trading companies, or persons that are engaged in certain types and quantitative levels of activities that do not trigger an obligation to declare certain activities, and are not subject to on-site inspection;

2. Facilities, trading companies, or persons that are engaged in certain types and quantitative levels of activities that trigger an obligation to submit information related to certain activities (production, processing, consumption, export, and import), in order to fulfill the aggregate national data declaration obligations under the CWC, but are not subject to on-site inspection;

3. Facilities that are engaged in certain types and quantitative levels of activities that trigger an obligation to declare certain activities, but are not subject to on-site inspection; or

4. Facilities that are engaged in certain types and quantitative levels of activities that trigger an obligation to declare certain activities and are subject to on-site inspection.

The concluding section of this pamphlet contains a brief discussion of implementation issues pertinent to industrial facilities. For a synopsis of the Convention itself, please see Annex A



CWC Chemicals

The CWC organizes certain toxic chemicals and precursors that have or could play a role in chemical weapons (CW) activity into three "schedules" and an additional basket category of chemicals, unscheduled discrete organic chemicals (DOCs). The CWC verification regime allows the Technical Secretariat to monitor specified levels of commercial activities—production, processing, consumption, export and import—involving scheduled chemicals and unscheduled DOCs as required by the Convention. The Schedules of Chemicals are ordered to reflect an assessment of the risk posed to the object and purpose of the Convention—the elimination of CW. It is important to understand that "scheduled chemicals" means specific chemicals listed, as well as families of chemicals, and any other chemicals meeting the criteria included in the Convention.[1]

Schedule 1 Chemicals

These chemicals pose the highest risk to the object and purpose of the Convention. They include nerve agents such as VX and blister agents such as Mustard, and also include final stage precursors. Schedule 1 chemicals have little use for purposes other than those prohibited under the CWC.

Schedule 2 Chemicals

These chemicals pose a significant risk to the object and purpose of the Convention. They include toxic chemicals and precursors possessing properties that would enable them to be used in CW activities. Schedule 2 chemicals may be produced in significant commercial quantities for purposes not prohibited under the CWC.

Schedule 3 Chemicals

These chemicals pose a risk to the object and purpose of the Convention. They include first generation CW and other toxic chemicals and precursors that might enable them to be used in CW activities. Schedule 3 chemicals are produced in significant commercial quantities for purposes not prohibited under the CWC.

DOCs

An unscheduled DOC means any unscheduled chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates,[2] identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number, if assigned. In addition, a subcategory of unscheduled DOCs has also been created. Those unscheduled DOCs containing the elements phosphorous, sulfur or fluorine are referred to as "PSF-chemicals."

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[1] The specific criteria included in the CWC are provided at Annex C.
[2] For further explanation of these exempted compounds, see Annex D.

Activities excluded from declaration requirements pursuant to the CWC.

Concentration Levels. Unless deemed a risk to the object and purpose of the Convention by virtue of the total weight and ease of recovery if the chemical, scheduled chemicals in the following concentrations (by volume or weight, whichever is lower) are exempt from declaration requirements:

- Schedule 1: none.
- Schedule 2A: The OPCW has not established a mixture rule for Schedule 2A/2A* chemicals. Absent such a decision, a State Party may establish its own low concentration exemption for declaring Schedule 2A/2A* chemicals except in cases where the ease of recovery from the mixture of the Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention.
- Schedule 2B chemicals: <30%.
- Schedule 3 chemicals: <30%.

Chemical activities

- Plant sites that exclusively produce hydrocarbons (i.e., chemicals containing only carbon and hydrogen, irrespective of the number of carbon atoms in the compound);
- Plant sites that exclusively produce explosives;
- Oxides and sulfides of carbon and metal carbonates;
- Compounds containing only carbon and metal;
- Oligomers and polymers;
- Compounds/processing plants except those that process Schedule 2 chemicals (e.g. polymer compounding plants or formulating plants); and
- Extraction or purification activities – except for Schedule 2 chemicals – where no chemicals change occurs to the chemical in question during the activity.

Classification Assistance

For assistance in determining whether your chemical is subject to declaration requirements, contact your country's CWC National Authority. It is helpful to provide the following information for each chemical: the chemical name, the structural formula, and the CAS Registry Number, if assigned.

CWC Schedules of Chemicals

(Whenever reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses are considered as listed in the respective Schedule as long as they are not explicitly exempted. A chemical marked "*" on Schedule 2, part A, is subject to special thresholds for declaration and verification.)

CAS registry number

Schedule 1

A. Toxic chemicals:

(1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates

e.g. Sarin:	O-Isopropyl methylphosphonofluoridate	(107-44-8)
Soman:	O-Pinacolyl methylphosphonofluoridate	(96-64-0)

(2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates

e.g. Tabun:	O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)

(3) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates andcorresponding alkylated or protonated salts

e.g. VX:	O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)

(4) Sulfur mustards:

2-Chloroethylchloromethylsulfide	(2625-76-5)
Mustard gas: Bis(2-chloroethyl)sulfide	(505-60-2)
Bis(2-chloroethylthio)methane	(63869-13-6)
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	(3563-36-8)
1,3-Bis(2-chloroethylthio)-n-propane	(63905-10-2)
1,4-Bis(2-chloroethylthio)-n-butane	(142868-93-7)
1,5-Bis(2-chloroethylthio)-n-pentane	(142868-94-8)
Bis(2-chloroethylthiomethyl)ether	(63918-90-1)
O-Mustard: Bis(2-chloroethylthioethyl)ether	(63918-89-8)

(5) Lewisites:

Lewisite 1: 2-Chlorovinyldichloroarsine	(541-25-3)
Lewisite 2: Bis(2-chlorovinyl)chloroarsine	(40334-69-8)
Lewisite 3: Tris(2-chlorovinyl)arsine	(40334-70-1)

(6) Nitrogen mustards:

HN1: Bis(2-chloroethyl)ethylamine	(538-07-8)
HN2: Bis(2-chloroethyl)methylamine	(51-75-2)
HN3: Tris(2-chloroethyl)amine	(555-77-1)

(7) Saxitoxin (35523-89-8)

(8) Ricin (9009-86-3)

B. Precursors:

(9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides

e.g. DF:	Methylphosphonyldifluoride	(676-99-3)

(10) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts

e.g. QL:	O-Ethyl O-2-diisopropylaminoethyl methylphosphonite	(57856-11-8)

(11) Chlorosarin: O-Isopropyl methylphosphonochloridate (1445-76-7)

(12) Chlorosoman: O-Pinacolyl methylphosphonochloridate (7040-57-5)

Schedule 2

A. Toxic chemicals:

(1) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts (75-53-5)

(2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8)

(3) BZ: 3-Quinuclidinyl benzilate (*) (6581-06-2)

B. Precursors:

(4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
e.g. Methylphosphonyl dichloride (676-97-1)
Dimethyl methylphosphonate (756-79-6)
Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate (944-22-9)

(5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides

(6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl Me, Et, n-Pr or i-Pr)-phosphoramidates

(7) Arsenic trichloride (7784-34-1)

(8) 2,2-Diphenyl-2-hydroxyacetic acid (76-93-7)

(9) Quinuclidin-3-ol (1619-34-7)

(10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts

(11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts (108-01-0)
N,N-Diethylaminoethanol andcorresponding protonated salts (100-37-8)

(12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts

(13) Thiodiglycol: Bis(2-hydroxyethyl)sulfide (111-48-8)

(14) Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol (464-07-3)

Schedule 3

A. Toxic chemicals:

(1) Phosgene: Carbonyl dichloride (75-44-5)

(2) Cyanogen chloride (506-77-4)

(3) Hydrogen cyanide (74-90-8)

(4) Chloropicrin: Trichloronitromethane (76-06-2)

B. Precursors:

(5) Phosphorus oxychloride (10025-87-3)

(6) Phosphorus trichloride (7719-12-2)

(7) Phosphorus pentachloride (10026-13-8)

(8) Trimethyl phosphite (121-45-9)

(9) Triethyl phosphite (122-52-1)

(10) Dimethyl phosphite (868-85-9)

(11) Diethyl phosphite (762-04-9)

(12) Sulfur monochloride (10025-67-9)

(13) Sulfur dichloride (10545-99-0)

(14) Thionyl chloride (7719-09-7)

(15) Ethyldiethanolamine (139-87-7)

(16) Methyldiethanolamine (105-59-9)

(17) Triethanolamine (102-71-6)

Declarations

The CWC requires the submission of declarations when specified criteria are met. Facilities, trading companies or other persons that export or import scheduled chemicals above designated threshold levels must declare them. This information is used to fulfill a State Party's national aggregate data declaration obligations. The National Authority will aggregate and remove facility-specific information from export and import declarations before submitting them to the Technical Secretariat. Facilities that produce, process or consume certain chemicals at levels exceeding designated thresholds also must submit declarations. Facility-specific declarations are forwarded to the Technical Secretariat, and may serve as a basis for possible on-site inspection. The National Authority will classify declarations transmitted to the Technical Secretariat to ensure that confidential information is handled by the Technical Secretariat according to prescribed rules.

With these objectives in mind, declaration requirements are organized around the Schedules of Chemicals and quantitative activity criteria. The principle is very simple. *The greater the risk posed by a chemical and the lower the utility for peaceful purposes, the lower the threshold for declaration requirements is set.* Likewise, the level of detail and amount of ancillary information required are greatest for Schedule 1 chemicals and progressively decrease with Schedule 2, Schedule 3 and especially unscheduled DOCs. Production, exports and imports are the activity criteria for Schedule 1 and Schedule 3 facilities. For Schedule 2 plant sites, production, processing, consumption, exports and imports serve as activity criteria. Production by synthesis of unscheduled DOCs is the activity criterion for Other Chemical Production Facilities (OPCFs).

SCHEDULE 1

Declarations

Facilities engaged in producing Schedule 1 chemicals are subject to the most stringent verification measures. Schedule 1 facilities subject to the CWC may engage in two categories of non-prohibited activities:

1. Production of Schedule 1 chemicals in aggregate quantities of less than 100 g per year carried out for research, medical or pharmaceutical purposes per facility. These facilities are not subject to a declaration obligation.

2. Production of Schedule 1 chemicals in aggregate quantities of more than 100 g per year carried out for research, medical or pharmaceutical purposes per facility. In addition, if a "new" facility begins production of Schedule 1 chemicals in aggregate quantities of more than 100 g per year, a State Party must notify the Technical Secretariat 180 days in advance of commencement of production.

Exports and Imports

The CWC requires States Parties to provide advance notification of an export or import of any amount of a Schedule 1 chemical and declare all Schedule 1 chemical exports and imports on an annual basis. A State Party must notify the Technical Secretariat 30 days before any export or import of a Schedule 1 chemical (except for transfers of 5 milligrams or less of saxitoxin for medical/diagnostic purposes for which notification shall be made by the time of the transfer). Annual declarations on exports and imports must be submitted to the Technical Secretariat and identify each chemical, the quantity acquired from or transferred to other States Parties, including the source or recipient, and the purpose of the transfer.

Export or import of Schedule 1 chemicals is only permissible to or from other CWC States Parties and only for permitted purposes. Retransfer is prohibited.

Declaration Schedule

A State Party must submit to the Technical Secretariat annual declarations on past activities and transfers not later than 90 days after the end of the previous calendar year, and annual declarations on anticipated activities not later than 90 days before the beginning of the following calendar year.

For initial declarations of Schedule 1 facilities, including "new" facilities, declarants must provide the name, location and a detailed technical description of the facility or its relevant parts.

Annual declarations on past activities must include:

1. Identification of the facility;
2. For each Schedule 1 chemical, information on the purpose of production, consumption, transfer and storage; and
3. Information on any changes at the facility or its relevant parts during the year compared to previously submitted detailed technical descriptions of the facility.

Detailed annual declarations on anticipated activities must include:

1. Identification of the facility;
2. For each Schedule 1 chemical, the quantity, timing and purpose of the anticipated production; and
3. Information on any anticipated changes at the facility or its relevant part during the year, compared to previously submitted detailed technical descriptions of the facility.

For further information on activity determinations, declaration requirements, and other issues related to activities involving Schedule 1 chemicals, contact your CWC National Authority.

SCHEDULE 2

Declarations

Declarations for activities involving Schedule 2 chemicals are made *by plant sites* to specify the activities *of each declared plant* within the plant site. Initial declarations are required from all plant sites that are comprised of one or more plant(s) that *produced, processed or consumed* a Schedule 2 chemical in any one of the past three years above the applicable threshold quantity. Annual declarations on past activities for a preceding calendar year are required from all plant sites that are comprised of one or more plant(s) that *produced, processed or consumed* a Schedule 2 chemical in any one of the past three years above the applicable threshold quantity. Annual declarations on anticipated activities are required from all plant sites that are comprised of one or more plant(s) that intend to *produce, process or consume* a Schedule 2 chemical in the next calendar year above the applicable threshold quantity.

The activity thresholds for Schedule 2 declarations are as follows:

1. 1 kg of a Schedule 2A toxic chemical designated "*" – currently only BZ;
2. 100 kg of any other Schedule 2A toxic chemical – currently only PFIB and

Amiton (and corresponding alkylated or protonated salts); or

3. 1 metric ton of a Schedule 2B precursor.

Mixtures containing a Schedule 2B chemical are exempt from declaration requirements if the quantity of the Schedule 2B chemical in the mixture is less than 30 percent by weight or volume (whichever is less). The OPCW has not established a mixture rule for Schedule 2A/2A* chemicals. Absent such a decision, a State Party may establish its own low concentration exemption for declaring Schedule 2A/2A* chemicals except in cases where the ease of recovery from the mixture of the Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention

Declarations must include information on the plant site and owner, a precise location of the plant site, and information on each declared plant on the plant site.

For each declared plant, the following information must be provided:

- Identification of the plant and its owner, the precise location within the plant site and its main activities;
- Whether the plant produces, processes or consumes the declared chemical(s); whether it is dedicated to such activities, multi-purpose, or other; and whether it performs other activities with regard to the declared Schedule 2 chemical(s); and
- The production capacity of the plant for each declared Schedule 2 chemical that is produced.

In addition, plant site declarations must identify and quantify each Schedule 2 chemical that meets the declaration threshold criteria:

Annual declaration on past activities: The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned; the total amount produced, processed, consumed, imported and exported by the plant site in the previous calendar year; and the purposes for which the chemical was or will be produced, processed or consumed:

- Processing and consumption on site with a specification of the product types;
- Sale or transfer within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types;
- Direct export, with a specification of the States involved; or
- Other, including a specification of these other purposes.

Annual declaration on anticipated activities: The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned; the total amount anticipated to be produced, processed or consumed by the plant site in the following calendar year, including the anticipated time periods for production, processing or consumption; and the purposes for which the chemical was or will be produced, processed or consumed:

- Processing and consumption on site with a specification of the product types;
- Sale or transfer within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types;
- Direct export, with a specification of the States involved; or
- Other, including a specification of these other purposes.

Exports and Imports

The CWC requires States Parties to declare to the Technical Secretariat the past year's activity of Schedule 2 chemicals exported from or imported into its territory. Export or import of Schedule 2 chemicals is only permissible to or from other CWC States Parties (except where the Schedule 2 chemical constitutes 30 percent or less of the weight of the mixture, or is a normal ingredient in consumer goods packaged for retail sale for personal use). Aggregate national data (AND) on exports and imports must be submitted to the Technical Secrtariat and identify each

chemical, and the quantity acquired from or transferred to and identification of the State Party.

Declaration Schedule

Each year, a State Party must submit to the Technical Secretariat annual declarations on past activities and AND not later than 90 days after the end of the previous calendar year, and annual declarations on anticipated activities not later than 60 days before the beginning of the following calendar year.

For further information on activity determinations, declaration requirements, and other issues related to activities involving Schedule 2 chemicals, contact your CWC National Authority.

SCHEDULE 3

Declarations

Schedule 3 declaration requirements are significantly simpler than those for Schedule 2. Annual declarations are required for all plant sites that are comprised of one or more plants that produced
more than 30 metric tons of a Schedule 3 chemical during the previous calendar year or are anticipated to produce over 30 metric tons in the next calendar year. Declarations of a plant site must include the name, owner and precise location of the plant site, as well as the number of declared plants within it.

Annual declarations on past activities and annual declarations on anticipated activities must include for each declared plant: the name, owner, precise location within the plant site and main activities of the plant. Declarations must also include for each Schedule 3 chemical produced in excess of 30 metric tons at one or more plants: identification of the chemical, the purposes for which it was or will be produced, and the approximate amount of production for the calendar year within the ranges:

- 30 to 200 metric tons
- Above 200 to 1,000 metric tons
- Above 1,000 to 10,000 metric tons
- Above 10,000 to 100,000 metric tons
- Above 100,000 metric tons

Mixtures containing a Schedule 3 chemical are exempt from declaration requirements if the quantity of the Schedule 3 chemical in the mixture is less than 30 percent by weight or volume (whichever is less).

Exports and Imports

The CWC requires States Parties to declare to the Technical Secretariat the past year's activity of Schedule 3 chemicals exported from or imported into its territory above 30 metric tons. Export or import of Schedule 3 chemicals to States not Party to the Convention require an end-use certificate (except where the Schedule 3 chemical constitutes 30 percent or less of the weight of the mixture, or is a normal ingredient in consumer goods packaged for retail sale for personal use). Aggregate national data (AND) on exports and imports must be submitted to the Technical Secretariat and identify each chemical, and the quantity acquired from or transferred to and identification of the State Party or State not Party to the Convention.

Declaration Schedule

Each year, a State Party must submit to the Technical Secretariat annual declarations on past activities and AND not later than 90 days after the end of the previous calendar year, and annual declarations on anticipated activities not later than 60 days before the beginning of the following calendar year.

For further information on activity determinations, declaration requirements, and other issues related to activities involving Schedule 3 chemicals, contact your CWC National Authority.

OCPFs

Declarations

Declarations involving unscheduled DOCs have the highest threshold levels and the simplest requirements. Annual declarations on past activities are required from OPCFs that:

1. Produced by synthesis during the previous calendar year more than 200 metric tons aggregate of unscheduled discrete organic chemicals (including all PSF-chemicals); or

2. Comprise one or more plants that produced by synthesis during the previous calendar year more than 30 metric tons of an individual PSF-chemical.

Declarations must include an identification of the OPCF, its owner, precise location, main activities, approximate number of plants producing unscheduled DOCs, and the exact number of plants producing PSF-chemicals.

For OPCFs included in (1) above, information on the approximate aggregate amount of unscheduled DOCs produced is declared in the ranges:

- 200 to 1,000 metric tons
- Above 1,000 to 10,000 metric tons
- Above 10,000 metric tons

For plant sites included in (2) above, information on the approximate aggregate amount of all PSF-chemicals produced is declared in the ranges:

- 30 to 200 metric tons
- Above 200 to 1,000 metric tons
- Above 1,000 to 10,000 metric tons
- Above 10,000 metric tons

Chemical activities specifically excluded from declaration include:

- Plant sites that exclusively produce hydrocarbons (i.e., chemicals containing only carbon and hydrogen, irrespective of the number of carbon atoms in the compound);
- Plant sites that exclusively produce explosives;
- Oxides and sulfides of carbon and metal carbonates;
- Compounds containing only carbon and metal;
- Oligomers and polymers;
- Compounds/processing plants except those that process Schedule 2 chemicals (e.g. polymer compounding plants or formulating plants); and
- Extraction or purification activities – except for Schedule 2 chemicals – where no chemicals change occurs to the chemical in question during the activity.

Declaration Schedule

Each year, a State Party must submit to the Technical Secretariat annual declarations on past activities not later than 90 days after the end of the previous calendar year.

For further information on declaration requirements and other issues related to activities involving unscheduled DOCs, contact your CWC National Authority.

Inspections

Only declared facilities are subject to initial or routine inspection under the CWC. As with declarations, the obligation to undergo on-site inspection is determined by specified threshold activity criteria. Prudent planning and preparation founded on knowledge is the surest way for a facility to fulfill its obligation to demonstrate compliance during on-site inspections. This is important to the facility because judgments about subsequent inspections will be based in large part on OPCW Technical Secretariat assessments made during initial inspections. During verification activities, the National Authority acts as escorts for inspection teams at industrial facilities subject to inspection. In preparing for these inspection activities, it is helpful to understand the relevant provisions of the Convention as they apply to the different categories of declarants.

Schedule 1 Facilities

The Technical Secretariat will inspect facilities producing Schedule 1 chemicals in quantities of more than 100g aggregate for research, medical, or pharmaceutical purposes. The aims of inspection activity at these facilities are to verify that:

1. The facility is not used to produce any Schedule 1 chemical, except for the declared chemicals;

2. The quantities of Schedule 1 chemicals produced, processed or consumed are correctly declared and consistent with needs for the declared purpose; and

3. The Schedule 1 chemical is not diverted or used for other purposes.

The number, intensity, duration, timing and mode of inspections for a particular facility are based on the risk to the object and purpose of the Convention posed by the quantities of chemicals produced, the characteristics of the facility and the nature of the activities carried out there. For initial Schedule 1 inspections, the Technical Secretariat must notify the State Party at least 72 hours before arrival of the inspection team at the national point of entry (POE). For subsequent inspections, the notification period is just 24 hours.

Facility Agreements

During an initial inspection of a Schedule 1 or 2 facility, the National Authority will negotiate a draft facility agreement with the inspection team. Facility agreements cover all aspects of inspection activity and lend an element of predictability to the inspection environment and scope (e.g., they will detail the areas, equipment, computers, records, data, and samples that are subject to inspection). A final facility agreement will be concluded between the OPCW Technical Secretariat and the State Party.

Facility agreements are mandatory for all Schedule 1 facilities. For Schedule 2 plant sites, a facility agreement must be drafted unless the inspected State Party and the Technical Secretariat agree that it is not needed.

Schedule 2 Plant Sites

The Technical Secretariat conducts initial inspections at each plant site that is comprised of at least one declared plant that produced, processed or consumed during any of the previous three calendar years or is anticipated to produce, process or consume in the next calendar year more than:

1. 10 kg of a Schedule 2 toxic chemical designated "*" – currently only BZ;
2. 1 metric ton of any other Schedule 2 toxic chemical – currently only PFIB and Amiton (and corresponding alkylated or protonated salts); or
3. 10 metric tons of a Schedule 2 precursor.

The general aim of inspections is to verify that activities are in accordance with obligations under the Convention and consistent with the information provided in declarations. Particular aims of inspections include verification of:

1. The absence of any Schedule 1 chemical, especially its production, except if in accordance with CWC provisions related to non-prohibited activities;
2. The consistency of levels of production, processing or consumption of Schedule 2 chemicals with declarations; and
3. Non-diversion of Schedule 2 chemicals for activities prohibited under the Convention.

During initial inspections, in addition to the negotiation of a draft facility agreement, the inspection team will assess the risk to the object and purpose of the Convention posed by the relevant chemicals, the characteristics of the plant site and the nature of the activities carried out there. The Convention states that these inspections are to be conducted as soon as possible.

Having received the initial inspection, each plant site is subject to subsequent inspections in accordance with the facility agreement, if applicable. In selecting particular plant sites for inspection and in deciding on the frequency and intensity of inspections, the Technical Secretariat gives consideration to the risk posed to the object and purpose of the Convention, the respective facility agreements and the results of the initial and subsequent inspections. However, no plant site will receive more than two inspections per calendar year. Schedule 2 inspections require at least 48 hours advance notification before arrival of the inspection team at the plant site. The inspection may not exceed 96 hours duration, unless extended by agreement.

Schedule 3 Plant Sites

The Technical Secretariat may conduct on-site inspections at each plant site where the declared plant(s) produced during the previous calendar year or is anticipated to produce in the next calendar year in excess of 200 metric tons aggregate of any Schedule 3 chemical. The Technical Secretariat selects plant sites for inspection on the basis of the following weighting factors:

1. Equitable geographical distribution of inspections; and
2. The information on the declared plant sites made available in declarations.

The aim of inspections is to verify that activities are consistent with the information provided in declarations and the absence of any Schedule 1 chemical, especially its production, except if in accordance with CWC provisions related to non-prohibited activities. No plant site will receive more than two inspections per year, and the total number of Schedule 3 and OPCF inspections in a State Party is limited to 20 per year. Schedule 3 inspections require 120 hours advance notification before arrival of the inspection team at the plant site. The inspection may not exceed 24 hours duration, unless extended by agreement.

OPCFs

The Technical Secretariat may conduct on-site inspections at each plant site that produced by synthesis during the previous calendar year more than 200 metric tons aggregate of unscheduled DOCs, including those containing phosphorus, sulfur or fluorine.

The Technical Secretariat will select plant sites for inspection on the basis of the following weighting factors:

1. Equitable geographical distribution of inspections;

2. The information on the declared plant sites made available to the Technical Secretariat related to the characteristics of the plant site and the activities carried out there; and

3. Proposals by States Parties in accordance with agreed OPCW procedures.

The aim of inspections is to verify that activities are consistent with the information provided in declarations and the absence of any Schedule 1 chemical, especially its production, except if in accordance with CWC provisions related to non-prohibited activities. No plant site will receive more than two inspections per year, and the total number of Schedule 3 and OPCF inspections in a State Party is limited to 20 per year. OPCF inspections require at least 120 hours advance notification before inspection team arrival at the plant site. The inspection may not exceed 24 hours duration unless extended by agreement.

Inspection Preparation

Under the CWC, inspectors may undertake a wide range of activities during on-site inspections. At the same time, the Convention provides the means by which inspected States Parties and facilities may minimize the cost and burden of inspections, and minimize the disclosure of confidential information. Among the keys to success in preparing for inspections are:

1. Working knowledge of CWC provisions;

2. Thorough site self-assessments, including the identification of confidential information; and

3. Site inspection staff training.

Additional materials published by the OPCW can serve as a good starting point for preparing your site and staff. These materials can be found at the OPCW web site www.opcw.org.

Summary of Implementation Provisions

OBLIGATIONS FOR ACTIVITIES NOT PROHIBITED UNDER THE CHEMICAL WEAPONS CONVENTION (CWC)

	Schedule 1 Chemicals	Schedule 2 Chemicals	Schedule 3 Chemicals	Unscheduled Discrete Organic Chemicals (DOCs)
Chemicals	CW agents; key final-stage CW precursors.	Potential CW agents; other CW key precursors; and certain dual-use chemicals.	Old CW agents; other CW precursors; and certain dual-use chemicals.	Unscheduled discrete organic chemicals, including those containing phosphorus, sulfur, or fluorine (PSF-chemicals) produced at Other Chemical Production Facilities (OPCFs). Facilities exclusively producing explosives or hydrocarbons are exempt.
Commercial uses	Low or none.	Low to moderate.	High.	High.
Annual activity threshold for declarations	100g aggregate of all Schedule 1 chemicals.	1 kg for BZ; 100kg for other Part A chemicals; 1 metric ton for Part B chemicals.	30 metric tons.	200 metric tons aggregate for OPCFs (including PSF-chemicals); 30 metric tons for each PSF-chemical.
Activities to be declared annually	Production (consumption, storage, transfer) export, and import data for the previous calendar year; production anticipated for the next calendar year.	Production, processing, consumption, export, and import data for the previous calendar year; production, processing, consumption anticipated for the next calendar year.	Production, export, and import data for the previous calendar year; production anticipated for the next calendar year.	Production by synthesis data for the previous calendar year.
Deadline for annual declarations **- Anticipated activities (declarations only)**	Not later than 90 days prior to the calendar year in which the anticipated activities will take place. (October 3)	Not later than 60 days prior to the calendar year in which the anticipated activities will take place. (November 2)		Not applicable.
Deadline for annual declarations **- Past activities**	Not later than 90 days after the end of the previous calendar year. (March 30 or March 31)			
Activity threshold for inspections	100g aggregate of all Schedule 1 chemicals.	10 kg for BZ; 1 metric ton for other Part A chemicals; 10 metric tons for Part B chemicals.	200 metric tons.	200 metric tons aggregate unscheduled DOCs, including PSF-chemicals.
Facility agreement for routine inspections	Mandatory.	Mandatory (unless inspected State Party and Technical Secretariat agree otherwise).	None required unless requested by the inspected State Party.	
Notice of initial and routine inspection	Not less than 72 hours (initial) or 24 hours (routine) before arrival of the inspection team at the point-of-entry.	Not less than 48 hours before arrival of the inspection team at the plant site.	Not less than 120 hours before arrival of the inspection team at the plant site.	
Duration of initial/routine inspections	Duration based on risk to object and purpose of the CWC.	96 hours unless extended by inspection team and inspected State Party.	24 hours unless extended by the inspection team and inspected State Party.	
Maximum number of inspections	Number based on risk to object and purpose of the CWC.	2 per year per plant site.	2 per year per plant site plus limit on the combined number of inspections of Schedule 3 and OPCF plant sites.	2 per year per plant site plus limit on the combined number of inspections of Schedule 3 and OPCF plant sites.
Restrictions on exports and imports	Exports to and imports from States Parties only for research, medical, pharmaceutical or protective purposes; no retransfers.	Exports to or imports from States Parties only.	Exports to States Parties, and to non-States Parties that provide End-Use Certificates only.	No restrictions.

Sources: Chemical Weapons Convention 1993

Annex A: A Synopsis of the CWC Text

The CWC is divided into four major components: the Preamble and 24 Articles; the Annex on Chemicals; the Annex on Implementation and Verification; and the Annex on the Protection of Confidential Information. The annexes are considered an integral part of the Convention. While the annexes provide the detailed "How" of the Convention, the Preamble and articles outline the general "What" of the document.

Preamble

The *Preamble* briefly proclaims, in stylized treaty language, the moral, historical and legal antecedents of the Convention.

24 Articles

Article I—General Obligations—spells out to States Parties the activities the Convention prohibits, as well as the positive actions it requires of States Parties.

Article II—Definitions and Criteria—provides specific definitions for terminology used in the CWC.

Article III—Declarations—outlines the reporting requirements each State Party bears in relation to CW and CW activities

Article IV—Chemical Weapons—provides the basis for implementation procedures for the destruction of CW and its verification.

Article V—Chemical Weapons Production Facilities—provides the basis for implementation procedures for the destruction and/or conversion of production facilities and their verification.

Article VI—Activities Not Prohibited Under This Convention—outlines the declaration and on-site verification measures pertaining to scheduled chemicals and OCPFs. This article forms the basis for industry verification measures.

Article VII—National Implementation Measures—specifies the legal and organizational undertakings required of States Parties in order to implement the Convention.

Article VIII—The Organization—describes the functions of the structural components of the Organization for the Prohibition of Chemical Weapons (OPCW).

The Conference of the States Parties, or simply the Conference, is the principle organ of the OPCW. The Conference meets at least annually and consists of representatives of each of the States Parties.

The Executive Council, the executive organ of the Organization, is responsible to the Conference, and is charged with promoting the effective implementation of and compliance with the Convention. It consists of representatives of 41 rotating States Parties chosen for 2-year terms and with due regard for geographic distribution and the importance of chemical industry.

The Technical Secretariat assists the Conference and the Executive Council and carries out all the verification measures in the Convention. The Director-General is the head of the Technical Secretariat and is appointed by the Conference.

Article IX—Consultations, Cooperation and Fact-finding—contains the procedures for clarifying and resolving compliance concerns, including the procedures for challenge inspections.

Article X—Assistance and Protection Against Chemical Weapons—provides for assistance and cooperation among States Parties in CW protection and for the reporting of chemical defense programs.

Article XI—Economic and Technological Development—promotes economic and technological development and prohibits impediments to trade and development in the field of chemistry for peaceful purposes.

Article XII—Measures to Redress a Situation and to Ensure Compliance, Including Sanctions—provides for the application of collective measures in response to threats to the object and purpose of the Convention, including referral to the United Nations.

(The remaining 12 articles are self-explanatory and are mainly administrative in nature.)

Article XIII—Relation to Other International Agreements

Article XIV—Settlement of Disputes

Article XV—Amendments

Article XVI—Duration and Withdrawal

Article XVII—Status of the Annexes

Article XVIII—Signature

Article XIX—Ratification

Article XX—Accession

Article XXI—Entry into Force

Articles XXII—Reservations

Article XXIII—Depositary

Article XXIV—Authentic Texts

Annex on Chemicals

The *Annex on Chemicals* consists of two parts: Guidelines for Schedules of Chemicals and the actual Schedules of Chemicals.

- Schedule 1 chemicals pose the greatest risk to the CWC. They have few or no uses not prohibited under the CWC.
- Schedule 2 chemicals pose a significant risk and may be produced in large quantities for legitimate (non-CW) uses.
- Schedule 3 chemicals are “dual-use” chemicals in that they are produced in large commercial quantities yet still pose a risk to the object and purpose of the CWC.

Verification Annex

The *Annex on Implementation and Verification,* known as the *Verification Annex,* contains the detailed instructions for implementing and complying with the CWC. As such, it is the heart of the Convention and is where most answers to operational questions can be found. The organization of the Verification Annex

follows the same order as the articles of the Convention. The logic of the document is to move from the general to the more specific so that the later treatment of a given topic is the one that has precedence in specific application. For example, the general inspection rules are superseded by subsequent treatments of inspection procedures for specific types of inspections and facilities. The following is a synopsis of the contents of the Verification Annex.

Part I—Definitions

Part II—General Rules of Verification—provides for the designation of inspectors and their status, arrangements for inspection notifications and arrival at the point of entry (POE), inspection equipment, transfer to the inspection site and pre-inspection briefings. Most important, it establishes the general rules for the conduct of inspections and delineates the rights of the inspection team and the inspected State Party, as well as required procedures. The inspection team is granted unimpeded access to the inspection site, while at the same time it is enjoined to strictly observe and not exceed its inspection mandate. In addition, it is required to carry out its activities in a timely manner to ensure the least possible inconvenience to the inspected State Party and disturbance to the inspected facility. Part II establishes the inspectors' rights to conduct a number of inspection activities, including:

- Interviewing facility personnel;
- Inspecting documentation and records;
- Having photographs taken;
- Requesting clarification of ambiguities; and
- Having samples taken and performing analysis.

Part III—General Provisions for Verification Measures Pursuant to Articles IV, V, and VI, Paragraph 3—provides the framework for verification of declarations pertaining to chemical weapons storage, destruction and production facilities, as well as Schedule 1 chemical facilities. Included in this framework are requirements for facility agreements and measures for continuous monitoring instrumentation.

Part IV (A)—Destruction of Chemical Weapons and its Verification Pursuant to Article IV—details the declaration and verification process pertaining to chemical weapons. In addition to technical and historical declaration data, States Parties who possess chemical weapons are required to submit a general plan plus detailed annual plans for destruction of chemical weapons. These plans must conform to a CWC-prescribed order of destruction, meet phase targets, and meet the overall target—total destruction of CW not later than 10 years after entry into force.

Part IV (B)—Old Chemical Weapons and Abandoned Chemical Weapons—contains the obligations and procedures by which States Parties are to report Old and Abandoned CW and the CWC verification regime for them.

Part V—Destruction of Chemical Weapons Production Facilities and its Verification Pursuant to Article V—provides the declaration, verification and destruction procedures for CW production facilities.

Part VI—Activities Not Prohibited Under This Convention in Accordance with Article VI (Regime for Schedule 1 Chemicals and Facilities Related to Such Chemicals)—specifies the limited uses and quantities of Schedule 1 chemicals permissible under the Convention, as well as the declaration and inspection provisions.

Part VII—Activities Not Prohibited Under This Convention in Accordance with Article VI (Regime for Schedule 2 Chemicals and Facilities Related to Such Chemicals)—specifies procedures for declarations and inspection activities.

Part VIII—Activities Not Prohibited Under This Convention in Accordance with Article VI (Regime for Schedule 3 Chemicals and Facilities Related to Such Chemicals)—specifies procedures for declarations and inspection activities.

Part IX—Activities Not Prohibited Under This Convention in Accordance with Article VI (Regime for Other Chemical Production Facilities)—contains the procedures for declarations and inspection activities involving unscheduled discrete organic chemicals, including those containing the elements phosphorus, sulfur or fluorine (designated "PSF chemicals" in the CWC).

Part X—Challenge Inspections Pursuant to Article IX—provides detailed information pertaining to the conduct of challenge inspections. The determination, negotiation, designation and role of the inspection site perimeter are covered, as well as the concept and practice of managed access procedures.

Part XI—Investigation in Cases of Alleged Use of Chemical Weapons—provides procedures for requests for an investigation and for the conduct of inspections.

Confidentiality Annex

The *Annex on the Protection of Confidential Information*, or simply the *Confidentiality Annex*, is divided into four sections that outline the general principles for handling confidential information, impose ethical standards for employment in the Technical Secretariat, describe the measures to protect confidential information as a result of on-site verification activity, and provide for procedures in cases of breaches of confidentiality. *Of particular importance is the right of States Parties to protect sensitive information not related to chemical weapons.* This right is reinforced by the obligation of the inspection teams to employ the least intrusive measures possible. These provisions are elaborated through facility agreements. Thus, the Convention provision affording the inspection team the right to *unimpeded access to the site* is conditioned by countervailing obligations and inspected State Party rights. In cases where information that a State Party considers confidential is disclosed, the State Party may designate it as such and thereby impose an obligation on the Technical Secretariat in terms of special handling procedures. These procedures are reinforced through employee secrecy agreements that extend 5 years after the term of employment, and provisions for punitive disciplinary measures.

Annex B: Excerpts from Article II of the CWC

DEFINITIONS AND CRITERIA

For the purposes of this Convention:

1. **"Chemical Weapons"** means the following, together or separately:

   a. Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;

   b. Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph a, which would be released as a result of the employment of such munitions and devices;

   c. Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph b.

2. **"Toxic Chemical"** means:

Any chemical, which, through its chemical action on life processes, can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(For the purpose of implementing this Convention, toxic chemicals that have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

3. **"Precursor" means:**

Any chemical reactant that takes part at any stage in the production, by whatever method, of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.

(For the purpose of implementing this Convention, precursors that have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

4. **"Chemical Weapons Production Facility":**

   a. Means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:

      i. As part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation:

         1) Any chemical listed in Schedule 1 in the Annex on Chemicals; or

         2) Any other chemical that has no use, above 1 tonne per year on the territory of a State Party or in any other place under the jurisdiction or control of a State Party, for purposes not prohibited under this Convention, but can be used for chemical weapons purposes; or

      ii. For filling chemical weapons, including, inter alia, the filling of chemicals listed in Schedule 1 into munitions, devices or bulk storage containers; the filling of chemicals into containers that form part of assembled binary munitions and devices or into

chemical submunitions that form part of assembled unitary munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices;

b. Does not mean:

i. Any facility having a production capacity for synthesis of chemicals specified in subparagraph (a) (i) that is less than 1 tonne;

ii. Any facility in which a chemical specified in subparagraph (a) (i) is or was produced as an unavoidable by-product of activities for purposes not prohibited under this Convention, provided that the chemical does not exceed 3 per cent of the total product and that the facility is subject to declaration and inspection under the Annex on Implementation and Verification (hereinafter referred to as "Verification Annex"); or

iii. The single small-scale facility for production of chemicals listed in Schedule 1 for purposes not prohibited under this Convention as referred to in Part VI of the Verification Annex.

5. **"Purposes Not Prohibited Under this Convention"** means:

a. Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

b. Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

c. Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;

d. Law enforcement including domestic riot control purposes.

6. **"Production Capacity" means:**

The annual quantitative potential for manufacturing a specific chemical based on the technological process actually used or, if the process is not yet operational, planned to be used at the relevant facility. It shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, as demonstrated by one or more test-runs. The design capacity is the corresponding theoretically calculated product output.

7. **For the purposes of Article VI:**

a. **"Production"** of a chemical means its formation through chemical reaction;

b. **"Processing"** of a chemical means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;

c. **"Consumption"** of a chemical means its conversion into another chemical via a chemical reaction.

Annex C: Guidelines for Schedules of Chemicals

Guidelines for Schedule 1

The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:

a. It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;

b. It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:

   i. It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;
   ii. It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;
   iii. It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;

c. It has little or no use for purposes not prohibited under this Convention.

Guidelines for Schedule 2

The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

a. It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;

b. It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;

c. It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;

d. It is not produced in large commercial quantities for purposes not prohibited under this Convention.

Guidelines for Schedule 3

The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

a. It has been produced, stockpiled or used as a chemical weapon;
b. It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;

c. It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;

d. It may be produced in large commercial quantities for purposes not prohibited under this Convention.

Annex D: Exempted Unscheduled DOC Compounds

TO DETERMINE IF CHEMICALS ARE CARBON OXIDES, CARBON SULFIDES OR METAL CARBONATES OR COMPOUNDS OF METAL AND CARBON:

Determine if any of your site's unscheduled chemicals containing carbon are classified as carbon oxides, carbon sulfides, metal carbonates, or compounds of metal or carbon. This determination should be made by evaluating each chemical against the definitions provided below.

Carbon oxides consist of chemical compounds that contain only the elements carbon and oxygen and have the chemical formula $C_x O_y$, where x and y denote integers. The two most common carbon oxides are carbon monoxide (CO) and carbon dioxide (CO_2). If a chemical produced at your plant site fits this definition, then it is classified as a carbon oxide.

Carbon sulfides consist of chemical compounds that contain only the elements carbon and sulfur, and have the chemical formula C_aS_b, where a and b denote integers. The most common carbon sulfide is carbon disulfide (CS_2). If a chemical produced at your plant site fits this definition, then it is classified as a carbon sulfide.

Metal carbonates consist of chemical compounds that contain a metal [i.e., the Group 1 Alkalis, Groups II Alkaline Earths, the Transition Metals, or the elements aluminum, gallium, indium, thallium, tin, lead, bismuth or polonium], and the elements carbon and oxygen. Metal carbonates have the chemical formula $M_d (CO_3)_e$, where d and e denote integers and M represents a metal. Common metal carbonates are sodium carbonate (Na_2CO_3) and calcium carbonate ($CaCO_3$). If a chemical produced at your plant site fits this definition, then it is classified as a metal carbonate.

Compounds of metal and carbon consist of those chemicals that contain only a metal (as described in the previous paragraph) and carbon, e.g. calcium carbide (CaC_2).

SECTION 9

Tools

In this Section:

Topics / **page**

Applications / **227**

Documents / **227**

Legislation / **227**

OPCW National Implementation Legislation Kits / **228**

Web Sites / **228**

Points of Contact / **228**

APPLICATIONS

Software that assists in the preparation of CWC declarations.

CTFS Read/Write Tool

A software application that allows a State Party to enter and store Schedule 1, 2, 3 and unscheduled discrete organic chemical (DOC) data using OPCW forms. This data can then be printed out on the forms and/or an electronic version of the data can be produced for submission to the Technical Secretariat. The electronic data can be produced in redacted or un-redacted format, which supports the Common Transmission File Structure (CTFS) developed by the Technical Secretariat.

The CTFS Read/Write tool is located on the IAP CD in the CTFS Read/Write Tool directory. Please consult the ReadmeFirst.txt file in that directory for additional installation information.

Swiss Declaration Database

The Swiss Declaration Data Base (SDDB, version 1.4) is a software application that can be used for completing declaration forms and can also be used in the daily business of a National Authority (e.g., data collection, queries related to Article VI).

The SDDB software is located on the IAP CD in the Laborspiez_ sddb directory. Copy the contents of that directory to your hard disk, read the introduction letter, establish the links as described in this letter and run SDDB_function_version_1_4.mdb.

In case of futher information please contact:

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DOCUMENTS

Documents that provide additional information on the Chemical Weapons Convention:

- 2002 OPCW Declaration Handbook (pdf)
- 2002 OPCW Handbook on Chemicals (pdf)

LEGISLATION

Examples of National Legislation

- Romania Legislation
  - Act to Implement the Provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (pdf)

- Information on the Legislative and Administrative Measures Taken to Implement the CWC in Romania (pdf)

www.ancex.ro
www.export-control.ro

- New Zealand Legislation (pdf)
- Greece Legislation (pdf)
- U.S. Legislation

OPCW NATIONAL IMPLEMENTATION LEGISLATION KITS

- OPCW National Implementation Legislation Kit (English) (pdf)
- OPCW National Implementation Legislation Kit (Spanish) (pdf)
- OPCW National Implementation Legislation Kit (Russian) (pdf)

WEBSITES

A listing of websites relative to the Chemical Weapons Convention.

CTFS Website – http://www.tcdi.com/ctfs

OPCW Website – http://www.opcw.org

POINTS OF CONTACT

Contact information regarding the Technical Secretariat and States Parties that may provide additional information.

Network of Legal Experts

TS Contacts: OPCW office of the Legal Advisor
Tel: +31 70 416 3814
Fax: +31 70 416 3779
legal@opcw.org

Article VII Assistance

TS Contacts: International Cooperation
Tel: +31 70 416 3218
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