



**OPCW**

**Conference of the States Parties**

Sixth Session  
14 – 19 May 2001  
Agenda Item 11

C-VI/DEC.10  
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## **DECISION**

### **PROVISIONS ON TRANSFERS OF SCHEDULE 3 CHEMICALS TO STATES NOT PARTY TO THE CONVENTION**

**The Conference of the States Parties,**

**Recalling** the decision of the Conference of the States Parties (hereinafter the “Conference”) at its Fifth Session on the implementation of restrictions on transfers of Schedule 2 and Schedule 3 chemicals to and from States not party to the Convention (C-V/DEC.16, dated 17 May 2000);

**Recalling further** the decision of the Conference at its Fifth Session on national implementation measures (C-V/DEC.20, dated 19 May 2000);

**Recalling in particular** the decision by the Executive Council (hereinafter the “Council”) at its Twelfth Meeting to refer to the Conference, at its Sixth Session, its recommendation for approval of the provisions on transfers of Schedule 3 chemicals to States not party to the Convention (EC-M-XII/DEC.1, dated 4 May 2001);

**Bearing in mind** the special responsibility of States Parties with regard to transfers of Schedule 3 chemicals to States not party to the Convention, and **recalling** in this respect the obligation under paragraph 26 of Part VIII of the Verification Annex, to adopt the necessary measures to ensure that the transferred chemicals shall only be used for purposes not prohibited under this Convention;

**Recalling further** that, in accordance with paragraph 27 of Part VIII of the Verification Annex, five years after the entry into force of the Convention, i.e. by 29 April 2002, the Conference shall consider the need to establish other measures regarding transfers of Schedule 3 chemicals to States not party to the Convention;

**Considering** the effective contribution of such measures to preventing the proliferation of chemical weapons and promoting universal adherence to the Convention;

**Hereby:**

1. **Calls to the attention of** States Parties their obligation, when transferring Schedule 3 chemicals to States not party to the Convention, to require from the recipient State an end-use certificate in accordance with paragraph 26 of Part VIII of the Verification Annex and with Conference decisions C-III/DEC.6 and C-III/DEC.7, both dated 17 November 1998;
2. **Decides**, with regard to the application of the obligation to require an end-use certificate for transfers of Schedule 3 chemicals to States not party to the Convention, and without prejudice to the right of any State Party to adopt a more restrictive approach, that end-use certificates are not required for:
  - (i) products containing 30 percent or less of a Schedule 3 chemical;
  - (ii) products identified as consumer goods packaged for retail sale for personal use, or packaged for individual use;
3. **Urges** States Parties to adopt national legislative and administrative measures, as appropriate, to implement the provisions on transfers of Schedule 3 chemicals to States not party to the Convention, and, in accordance with paragraph 5 of Article VII of the Convention, to inform the Organisation concerning the measures taken;
4. **Requests** the Technical Secretariat to include in its regular reports on the implementation of the Convention the information provided by States Parties on the implementation of paragraph 26 of Part VIII of the Verification Annex on transfers of Schedule 3 chemicals to States not party to the Convention;
5. **Requests** the Council to consider the need to establish other measures regarding transfers of Schedule 3 chemicals under paragraph 27 of Part VIII of the Verification Annex and to report the results of its consideration to the Conference at its Seventh Session; and
6. **Recommends** that five years after the implementation of this decision the concentration limits contained in operative paragraph 2 above may be reviewed upon a recommendation of the Council.