

LAW ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS

Object and Scope

Article 1-(1) The object of this law is to define basis and procedures for the prohibition of the development, production, stockpiling and use of chemical weapons.

(2) This law, with the exception of circumstances provided herein, provides punishments for the commitment of criminal acts listed and measures to be taken by the relevant authorities.

Definitions

Article 2-(1) The terms used in this Law shall be understood as follows:

a) Convention means: The Convention signed by Turkey on 13.01.1993 in Paris and ratified by the Turkish Grand National Assembly by adopting law No. 4238 on 4.4.1997 for the approval of the ratification on “Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction”.

b) Chemical weapon means: Toxic chemicals and their precursors, except where intended for purpose not prohibited under this Convention, as long as the types and quantities are consistent with such purposes; munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals which would be released as a result of the employment of such munitions and devices; any equipment specifically designed for use directly in connection with the employment of these munitions and devices.

c) 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 this Law toxic chemicals are listed in Schedules contained in the Annex.

ç) Precursor means: Any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical.

d) “Discrete organic chemicals” means; Any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates which are not included in the Annex and that can be obtained by synthesis of organic substance which contains discrete organic chemicals and phosphor, sulfur and fluorine.

e) “Riot control agent” means: Any chemicals not listed in a schedule annexed to this law, which can produce rapidly in human sensory irritation or disabling physical effects which disappears within a short time following termination of exposure.

f) “Purposes not prohibited under this law” means: 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;

Schedules list for toxic chemicals and their precursors

Article 3- (1) Toxic chemicals and their precursors are listed in the Annex as Schedule (1), (2) and (3). Any amendments to be made to the list of Schedules in accordance with the provisions of the Convention shall be determined by the Council of Ministers and will be published in the Official Gazette.

Authority and responsibilities

Article 4 – (1) Establishment and operation of any kind of facility with an aim to develop, produce or retain toxic chemicals and their precursors, which are listed in the schedule Annex, and discrete organic chemicals for the activities not prohibited under this law and activities which are exempted in article 5, sub-paragraph 4 of this law shall be subject to authorization of Ministry of Industry and Trade. Procedures for such authorization shall be defined in regulation. Facilities identified to be operating without the authorization of Ministry of Industry and Trade shall be closed down permanently. The Ministry of Industry and Trade can conduct inspections at such facilities to ascertain their compliance with the provisions of this Law. Operating license of the facilities which are found to be not operating in line with this Law can be canceled and operator of such facilities shall be fined thirty thousand Turkish Lira. The Ministry of Industry and Trade shall inform such administrative punishment to the relevant professional organization in seven days.

(2) Toxic chemicals and their precursors which are found to be retained contrary to the provisions of this law shall be confiscated in accordance with “Misdemeanor Law” No. 5326 dated 30.3.2005.

(3) This article shall also apply to free trade zones and to other facilities which are considered to have this status by special acts.

Prohibited activities and applicable punishment

Article 5 – (1) Whoever develops, produces, otherwise acquires, stockpiles, retains chemical weapons or transfer, directly or indirectly, chemical weapon to anyone shall be sentenced for five to eight years in prison and fifteen thousand days of judicial fine.

(2) Whoever uses chemical weapon shall be sentenced for ten to fifteen years in prison and twenty thousand days of judicial fine.

(3) In relation to offences provided herewith, provisions of Turkish Criminal Code No.5237 date 26.9.2004 and provisions of other special laws are reserved.

(4) Chemical listed in Schedule (1) of the Annex, except for the situations listed below, shall not be produced, acquired, retained or used.

a) The chemicals are applied to research, medical, pharmaceutical or protective purposes.

b) The types and quantities of chemicals are strictly limited to those which can be justified for such purposes.

c) The aggregate amount of such chemicals for the activities not prohibited by this law at any given time in the country is equal to or less than one tone and within the limits of the authorization license issued by the relevant authority.

ç) The aggregate amount for such chemicals produced, acquired by transfer or used for the purposes not prohibited by this law at any given year is equal to or less than one tone and within the limits of the authorization license issued by the relevant authority.

Whoever acts against the provisions of this paragraph (4) shall be sentenced for 3 to 6 years in prison and eight thousand days of judicial fine.

(5) Chemical listed in schedule (1) of the Annex shall not be transferred in anyway to or received from a non-Party State to the Convention. The said chemicals may be transferred outside territory only to another State Party or received into territory from another State Party only for research, medical, pharmaceutical or protective purposes. Schedule (1) chemicals permitted to transfer for the purposes provided herewith shall not be retransferred to a third State Party.

Whoever acts against the provision of this paragraph (5) shall be sentenced for 3 to 6 years in prison and eight thousand days of judicial fine.

(6) Chemicals listed in Schedule (2) of the Annex shall not be transferred in anyway to or received from a non-Party State or natural and legal persons in that State.

Whoever acts against the provision of this paragraph (6) shall be sentenced for 2 to 4 years in prison and seven thousand days of judicial fine.

(7) Chemicals listed in Schedule (3) of the Annex can only be transferred to and received from Non-State Party or natural and legal persons in that State for the purposes not prohibited by this law .

Whoever acts against the provision of this paragraph (7) shall be sentenced for 1 to 3 years in prison and five thousand days of judicial fine.

(8) If the offence is committed within the framework of the activities of illegal organization punishments will be increased by half.

(9) If a Turkish citizen commits a crime provided in this article abroad, he or she will be prosecuted in accordance with article 11 of Turkish Criminal Code No 5237.

Export and import of toxic chemicals

Article 6 – (1) In cases where permission is sought by the relevant legislation for export and import of toxic chemicals and their precursors listed in the Schedules in the Annex for the purposes not prohibited by this law, it is necessary to obtain permission certificate for import or certificate of conformity for export from Undersecretariat of the Prime Ministry for Foreign Trade.

(2) In exporting to and importing from free trade zones of toxic chemicals and their precursors listed in the Schedules of the Annex, provisions of paragraph one shall apply.

Regulation

Article 7- (1) Regulation to be prepared in accordance with article 4 of this Law and other regulations concerning procedures and fundamentals of the implementation of this Law, by taking into account the views of relevant ministries and institutions, shall be prepared and come into force in one year.

Provisional Article 1 – (1) The facilities which are operating in relation to toxic chemicals and their precursors listed in the Schedules of the Annex and discrete organic chemicals before the entry into force of this Law for the purposes not prohibited by this Law, it is compulsory to obtain permission certificate in six months following the entry into force of regulation which is to be prepared in accordance with article 4 of this Law.

Provisional Article 2 – (1) In relation to phrase of “Turkish Lira” that is used in this Law shall be understood to mean “New Turkish Lira” in accordance with the Law No. 5083 dated 28.01.2004 on “Monetary Unit of the Turkish Republic” as long as it is accepted as currency in circulation.

Entry into force

Article 8 – (1) This Law enters into force on the date of its publication.

Execution

Article 9 – (1) The provisions of this Law shall be executed by the Council of Ministers.

ANNEX

Schedule 1

(CAS Registry number)

A. Toxic chemicals:

- (1) O-Alkyl (<C10, incl. cycloalkyl) alkyl
(Me, Et, n-Pr or i-Pr)-phosphonofluoridates
- (2) O-Alkyl (<C10, incl. cycloalkyl) N,N-dialkyl
(Me, Et, n-Pr or i-Pr) phosphoramidocyanidates
- (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 and
corresponding alkylated or protonated salts
- (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-Chlorovinylchloroarsine (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

(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

(11) Chlorosarin: O-Isopropyl methylphosphonochloridate (1445-76-7)

(12) Chlorosoman: O-Pinacolyl methylphosphonochloridate (7040-57-5)

Schedule 2

(CAS Registry number)

A. Toxic chemicals:

(1) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl]
phosphorothiolate (78-53-5)
and corresponding alkylated or protonated salts

(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,

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

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| (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols
and corresponding protonated salts | |
| Exemptions: N,N-Dimethylaminoethanol | (108-01-0) |
| and corresponding protonated salts | |
| N,N-Diethylaminoethanol | (100-37-8) |
| and corresponding protonated salts | |
| (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

(CAS Registry number)

A. Toxic chemicals:

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| (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:

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| (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) |