



101st Session
4 – 7 October 2022

EC-101/DG.14
C-27/DG.10
12 September 2022
Original: ENGLISH

REPORT BY THE DIRECTOR-GENERAL

STATUS OF IMPLEMENTATION OF ARTICLE VII OF THE CHEMICAL WEAPONS CONVENTION AS AT 31 JULY 2022: ADDITIONAL MEASURES FOR STATES PARTIES THAT POSSESS INDUSTRIAL FACILITIES WHICH ARE DECLARABLE UNDER THE CONVENTION

Introduction

1. In operative paragraph 1 of the decision on the follow-up to the plan of action regarding the implementation of obligations under Article VII of the Chemical Weapons Convention (hereinafter “the Convention”) (C-10/DEC.16, dated 11 November 2005), the Conference of the States Parties (hereinafter “the Conference”) stressed that it was imperative for States Parties that had yet to fulfil their obligations under Article VII to do so without delay.
2. The Third Review Conference¹ “[e]ncouraged the Secretariat to explore innovative methods of providing assistance on tailor-made approaches as a potential means to further advance the implementation of Article VII” (subparagraph 9.103(c) of RC-3/3*, dated 19 April 2013). Furthermore, the Technical Secretariat (hereinafter “the Secretariat”) was requested to “continue to submit its annual report on the implementation of Article VII to the Conference, and [...] to include an assessment in this report, for consideration by the policy-making organs, containing a comprehensive and objective analysis of the current status of national implementation, with a view to tracking the progress made and formulation of focused assistance programmes” (subparagraph 9.103(h) of RC-3/3*).
3. Pursuant to the request received from the Third Review Conference, and in close cooperation with States Parties, the Secretariat has updated the two matrices included in the annual reports—the one addressing the initial measures taken by States Parties in accordance with Article VII and the second listing additional measures—and is presenting them in two concurrent reports, as invited by the Conference (paragraph 8 of C-14/DEC.12, dated 4 December 2009).

Legislative and administrative implementation

4. This document provides an update on the status and progress in adopting the additional measures that are required by States Parties possessing declarable chemical facilities.

¹ Review Conference = Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention.



5. The information is based on the responses received from States Parties to the note verbale sent by the Secretariat on 9 March 2022 requesting them to provide updates on the status of implementation of Article VII and to fill in the matrices attached to the note verbale. As at the cut-off date of the current report (31 July 2022), 105 States Parties had replied to the note verbale (Table 1).

TABLE 1: STATES PARTIES THAT SUBMITTED RESPONSES TO THE SECRETARIAT

1.	Albania	36.	Ethiopia	71.	Norway
2.	Algeria	37.	Finland	72.	Pakistan
3.	Antigua and Barbuda	38.	France	73.	Panama
4.	Argentina	39.	Georgia	74.	Paraguay
5.	Armenia	40.	Germany	75.	Peru
6.	Australia	41.	Greece	76.	Philippines
7.	Austria	42.	Guatemala	77.	Poland
8.	Bahamas	43.	Holy See	78.	Portugal
9.	Bangladesh	44.	Honduras	79.	Qatar
10.	Barbados	45.	Hungary	80.	Republic of Korea
11.	Belarus	46.	Iceland	81.	Romania
12.	Belgium	47.	India	82.	Russian Federation
13.	Bhutan	48.	Iran (Islamic Republic of)	83.	Saint Kitts and Nevis
14.	Bolivia (Plurinational State of)	49.	Ireland	84.	Saint Vincent and the Grenadines
15.	Bosnia and Herzegovina	50.	Italy	85.	Saudi Arabia
16.	Botswana	51.	Japan	86.	Senegal
17.	Brazil	52.	Kazakhstan	87.	Serbia
18.	Bulgaria	53.	Kenya	88.	Seychelles
19.	Burkina Faso	54.	Kyrgyzstan	89.	Singapore
20.	Canada	55.	Latvia	90.	Slovakia
21.	Chad	56.	Liechtenstein	91.	Slovenia
22.	Chile	57.	Lithuania	92.	South Africa
23.	China	58.	Luxembourg	93.	Spain
24.	Colombia	59.	Malaysia	94.	Sri Lanka
25.	Costa Rica	60.	Maldives	95.	Sweden
26.	Côte d'Ivoire	61.	Mauritania	96.	Switzerland
27.	Croatia	62.	Mexico	97.	Tajikistan
28.	Cuba	63.	Montenegro	98.	Thailand
29.	Cyprus	64.	Morocco	99.	Togo
30.	Czech Republic	65.	Myanmar	100.	Türkiye
31.	Democratic Republic of the Congo	66.	Netherlands	101.	Ukraine
32.	Denmark	67.	New Zealand	102.	United Kingdom of Great Britain and Northern Ireland
33.	Dominican Republic	68.	Nicaragua	103.	United States of America
34.	El Salvador	69.	Niger	104.	Venezuela (Bolivarian Republic of)
35.	Estonia	70.	Nigeria	105.	Viet Nam

6. The global status, as at 31 July 2022, of the relevant elements of legislative and administrative implementation is reflected in the tables below.

TABLE 2: OVERVIEW OF THE LEGISLATIVE IMPLEMENTATION OF THE CONVENTION

Article VII(5) submission received	172 (89%)
Legislation covers initial measures	122 (63%) in full 36 (19%) in part
Legislation covers additional measures	103 (53%)
Text of adopted measures provided	154 (80%)

TABLE 3: STATUS OF ELEMENTS OF LEGISLATIVE AND ADMINISTRATIVE IMPLEMENTATION UNDER THE PURVIEW OF THE PRESENT REPORT (AS AT 31 JULY 2022)

Indicators		Number and Percentage of States Parties Having Implemented the Measure
Control Regime (Including Penalties)		
Initial declarations for relevant industrial facilities		163 (84%) in full 6 (3%) in part
Licensing of Schedule 1 chemical production facilities		103 (53%) in full 6 (3%) in part
Reporting on production (including reporting on processing and consumption for Schedule 2)	Schedule 1	110 (57%) in full 13 (7%) in part
	Schedule 2	109 (56%) in full 15 (8%) in part
	Schedule 3	109 (56%) in full 15 (8%) in part
Declaration regime for other chemical production facilities (OCPFs)		108 (56%) in full 17 (9%) in part
Verification Regime (Including Penalties)		
Access to facilities and other inspection powers		108 (56%) in full 11 (6%) in part
On-site support from operators and staff		107(55%) in full 10 (5%) in part
Confidentiality Regime (Including Penalties)		
Provisions ensuring the protection of confidential information		112 (58%) in full 8 (43%) in part

Heading	Explanation
Verification Regime (Including Penalties)	
Access to facilities and other inspection powers	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to warrant OPCW inspectors’ access to the relevant facilities during the execution of inspection activities (including challenge inspections), pursuant to the relevant provisions of the Convention.
On-site support from operators and staff	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to ensure support from operators and staff of relevant facilities during the execution of inspection activities by the Organisation.
Confidentiality Regime (Including Penalties)	
Provisions ensuring the protection of confidential information	“X” indicates that the national legislation/regulations ensure the protection of confidentiality, pursuant to the relevant provisions of the Convention.

Note: “(X)”, that is, X in brackets, for any of the above indicators means that the measure has been partially implemented.

Please note that the prohibition of certain activities can also be imposed by legal measures other than direct prohibitions. For example, when a licensing regime in a State Party ensures that no natural or legal person will be permitted to carry out an activity that is prohibited to States Parties under the Convention, then the column for the prohibition will be checked with the indication “X”.

Annex (English only):

Status of Implementation of Additional Measures for States Parties That Possess Industrial Facilities Which Are Declarable Under the Convention, as at 31 July 2022

State Party	Control Regime (Including Penalties)						Verification Regime (Including Penalties)			Confidentiality Regime (Including Penalties)		Confirmation Regarding Article XI(2)(e) Review
	Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)			Declaration Regime for OCPF's	Access to Facilities	On-Site Support	Provisions Ensuring the Protection of Confidential Information	
		Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3					
163. Sri Lanka	X	/	/	X	X	X	X	X	X	X	X	X
164. State of Palestine		/	/				X				X	
165. Sudan	X	/	/	X	X	X	X	X	X	X	X	X
166. Suriname	X	/	/									
167. Sweden	X	/	/	X	X	X	X	X	X	X	X	X
168. Switzerland	X	/	/	X	X	X	X	X	X	X	X	X
169. Syrian Arab Republic	X	/	/									
170. Tajikistan	X	/	/	X	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
171. Thailand	(X) ²	/	/	X*	X**	X	(X)	(X)	(X)	(X)	X	X
172. Timor-Leste	X	/	/									
173. Togo		/	/									
174. Tonga		/	/									
175. Trinidad and Tobago	X	/	/									
176. Tunisia	X	/	/	X	X	X	X	X	X	X	X	X
177. Türkiye	X	/	/	X	X	X	X	X	X	X	X	X
178. Turkmenistan	X	/	/	X	X	X	X	X	X	X	X	X
179. Tuvalu	X	/	/									

²

*

**

Thailand indicated that the above-mentioned regime can be obtained with the engagement and supervision of the factory under the Factory Act, B.E. 2535 (1992).
Production of Schedule 1 chemicals is prohibited.
Production of Schedule 2A chemicals is prohibited.

State Party	Control Regime (Including Penalties)								Verification Regime (Including Penalties)			Confidentiality Regime (Including Penalties)		Confirmation Regarding Article XI(2)(e) Review	
	Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)				Declaration Regime for OCPFs	Access to Facilities	On-Site Support	Provisions Ensuring the Protection of Confidential Information			
		Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3								
180. Uganda															
181. Ukraine	X	X		X	X		X	X	X	X	X	X	X	X	X
182. United Arab Emirates	X	X		X	X		X	X	X	X	X	X	X	X	X
183. United Kingdom of Great Britain and Northern Ireland	X	X		X	X		X	X	X	X	X	X	X	X	X
184. United Republic of Tanzania	X	X		X	X		X	X	X	X	X	X	X	(X)	(X)
185. United States of America	X	X		X	X		X	X	X	X	X	X	X	X	X
186. Uruguay	X	X		X	X		X	X	X	X	X	X	X	X	X
187. Uzbekistan															
188. Vanuatu	X											X			X
189. Venezuela (Bolivarian Republic of)	X	X		(X)	(X)		(X)	(X)	X	(X)	(X)	(X)	(X)	X	X
190. Viet Nam	X	X		X	X		X	X	X	X	X	X	X	X	X
191. Yemen	X														
192. Zambia	(X)	(X)		(X)	(X)		(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
193. Zimbabwe	X	X		X	X		X	X	X	X	X	X	X	X	X

 - - - - 0 - - - -