



**OPCW**

**Conference of the States Parties**

Fourteenth Session  
30 November – 4 December 2009

C-14/DEC.12  
4 December 2009  
Original: ENGLISH

## **DECISION**

### **ON NATIONAL IMPLEMENTATION MEASURES OF ARTICLE VII OBLIGATIONS**

**The Conference of the States Parties,**

**Recalling** the decision adopted at its Thirteenth Session (C-13/DEC.7, dated 5 December 2008), concerning follow-up to the plan of action regarding the implementation of Article VII obligations, adopted by the Conference of the States Parties (hereinafter “the Conference”) at its Eighth Session (C-8/DEC.16, dated 24 October 2003) and all related decisions;

**Taking note** of the report of the Director-General on the status of implementation of Article VII of the Chemical Weapons Convention (hereinafter “the Convention”) as at 19 August 2009 (C-14/DG.9, dated 21 October 2009), which the Technical Secretariat (hereinafter “the Secretariat”) has provided in accordance with paragraph 5 of C-13/DEC.7 and **noting** that different views were expressed by States Parties on the report;

**Recalling** the report of the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (RC-2/4, dated 18 April 2008);

**Acknowledging** the positive impact that tailored and systematic support from States Parties and the Secretariat has in the continued success of the implementation of Article VII obligations, as well as **commending** the provision of assistance, including expertise, and technical support and voluntary contributions, to States Parties upon request;

**Welcoming** the considerable progress made in the implementation of Article VII obligations since the adoption of C-8/DEC.16, and **commending** the efforts of States Parties in this regard;

**Also welcoming** the progress made regarding the designation or establishment of National Authorities;

**Recognising** that further progress is required, as there remains a sizeable number of States Parties that have yet to complete implementation of their Article VII obligations, and **recognising as well** that a number of these States Parties require assistance and technical



support, including some that are encountering difficulties in the process of implementing Article VII;

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

**Strongly reaffirming** the obligation of each State Party to adopt the necessary measures to implement its obligations under the Convention in accordance with its constitutional processes and **also reaffirming** that the full national implementation of the obligations under the Convention is essential for the realisation of the object and purpose of the Convention;

**Hereby:**

1. **Urges** States Parties that have yet to designate or establish a National Authority, and/or that have yet to enact legislation and/or to adopt administrative measures to implement the Convention:
  - (a) to notify the Organisation of the designation or establishment of their National Authority; and/or
  - (b) to inform the Organisation, on an ongoing basis, as appropriate, with regard to the steps they are taking in accordance with their constitutional processes to enact legislation, including penal legislation, and to adopt administrative measures to implement the Convention;
2. **Requests** all States Parties to inform the Secretariat on an ongoing basis, as appropriate, of any amendments to measures to implement the Convention that had previously been submitted;
3. **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;
4. **Encourages** States Parties, in particular those desiring assistance to fulfil their Article VII obligations, to avail themselves of assistance that is offered if they consider it appropriate, and to consult with the Secretariat, and to provide it with details, as appropriate, of their assistance requirements;
5. **Encourages** the Secretariat to continue to provide, upon request, such technical assistance in a tailor-made and systematic manner, to effectively address the needs of those States Parties with a view to addressing their practical national implementation issues and concerns;
6. **Encourages** States Parties to continue offering assistance in implementing Article VII, including, inter alia, through the provision of expertise to States Parties, through the fostering of cooperation within and among regional groups, as well as through making voluntary contributions to the Organisation and any other offers, and to keep the Organisation informed about their activities;

7. **Requests** the Secretariat to provide its annual reports to the Executive Council (hereinafter “the Council”) on the status of national implementation measures, and invites the Council to consider and submit the reports referred to in paragraph 8 below to the Conference together with its recommendations, as appropriate;
8. **Invites** the Secretariat to compile two concurrent reports, one of which addresses obligations pursuant to paragraphs 1(a) to 1(c) of Article VII and other obligations, including Article XI(2e), and one which addresses the other national implementation measures, including those contained in the Plan of Action adopted by the Conference at its Eighth Session (C-8/DEC.16), thus all information earlier contained in the annual reports will be contained in the above-mentioned two reports (see the Annex to this decision); and
9. **Requests** the Secretariat to keep current a progress report on the external server of the Organisation.

Annex: Effect on Article VII Reporting of the Decision on National Implementation Measures of Article VII Obligations (C-14/DEC.12, dated 4 December 2009)

**Annex**

**EFFECT ON ARTICLE VII REPORTING OF THE DECISION ON NATIONAL IMPLEMENTATION MEASURES  
OF ARTICLE VII OBLIGATIONS (C-14/DEC.12, DATED 4 DECEMBER 2009)**

National Authority:	2 <sup>nd</sup> report
Article VII(5) submission:	In both reports (identical)
Legislation covers all key areas:	In both reports (identical: only once all key legislative areas of both reports are fully covered the box will be checked)
Text of adopted measures provided:	In both reports
Measures to control transfers of Scheduled Chemicals	2 <sup>nd</sup> report
Submission of Initial Declarations:	2 <sup>nd</sup> report
Submission in 2010 of ADPA for 2009:	2 <sup>nd</sup> report
Article VI Project:	2 <sup>nd</sup> report
Year(s) of Article X(4) Submissions:	2 <sup>nd</sup> report
Confirmation regarding Article XI(2e) Review:	In both reports (identical)
Article I Prohibitions:	1 <sup>st</sup> report
Article I Penalties:	1 <sup>st</sup> report
Extraterritorial Application:	1 <sup>st</sup> report
Definition of Chemical Weapons:	1 <sup>st</sup> report
Schedule 1 Penalties:	Partially in 1 <sup>st</sup> report (sanctions for prohibitions), partially in 2 <sup>nd</sup> report (sanctions for ensuring compliance with regime for industry and transfers)
Schedule 2 Penalties:	Partially in 1 <sup>st</sup> (sanctions for transfer prohibitions), partially in 2 <sup>nd</sup> report (sanctions for ensuring compliance with regime for industry and transfers)
Schedule 3 Penalties:	Partially in 1 <sup>st</sup> (sanctions for transfer prohibitions), partially in 2 <sup>nd</sup> report (sanctions for ensuring compliance with regime for industry and transfers)
Schedule 3 EUC:	1 <sup>st</sup> report (part of the prohibition-regime)
Penalty for Failure to Declare:	2 <sup>nd</sup> report

**It is to be noted** that obligations that will be reported on in the second report will remain obligations as such.