



مؤتمر الدول الأطراف

منظمة حظر الأسلحة الكيميائية

C-8/DG.5/Add.1
22 October 2003
ARABIC
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الدورة الثامنة
٢٠ - ٢٤ تشرين الأول/أكتوبر ٢٠٠٣

مذكرة من المدير العام
تقرير عن تدابير تنفيذ الاتفاقية على الصعيد الوطني

إضافة

يتضمن الملحقان بهذه الإضافة تحيينا للملحقين ١ و ٢ بتقرير المدير العام عن تدابير تنفيذ الاتفاقية على الصعيد الوطني (C-8/DG.5) بتاريخ ١٨ أيلول/سبتمبر ٢٠٠٣، على أساس المعلومات الإضافية التي استلمتها الأمانة الفنية بحلول ٢٢ تشرين الأول/أكتوبر ٢٠٠٣، لكي ينظر فيهما مؤتمر الدول الأطراف في دورته الثامنة.

الملحقان (بالإنكليزية فقط):

الملحق ١:

Status of Submissions Related to National Implementation Measures As at 22 October 2003

(حال تقديم الإفادات المتعلقة بتدابير تنفيذ الاتفاقية على الصعيد الوطني، بحلول ٢٢ تشرين الأول/أكتوبر ٢٠٠٣)

الملحق ٢:

Survey of the Contents of Submissions under Article VII, paragraph 5, of the Convention As at 22 October 2003

(دراسة لمضمون الإفادات المقدمة بموجب الفقرة ٥ من المادة السابعة من الاتفاقية بحلول ٢٢ تشرين الأول/أكتوبر ٢٠٠٣)



Annex 1

STATUS OF SUBMISSIONS RELATED TO NATIONAL IMPLEMENTATION MEASURES AS AT 22 OCTOBER 2003¹

State Party	NA established ²	Article VIII(5) submission received ³	Response to LQ1 received	Response LQ2 received	Legislation covers all areas key to enforcement ⁴	Text of measures has been provided ⁵	Article XI(2e) review carried out ⁶	Nomination to the Network of Legal Experts ⁷	Contents of communication received from the State Party, reporting the status of its efforts to establish an NA and/or enact national implementing legislation	Nature of any request for assistance, and any response from the TS
1. Albania	X	X	X	X	X	X		X		
2. Belarus	X	X	X	X	X	X	yes	X		

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Key to abbreviations:

CSP = OPCW Conference of the States Parties

CWC = Chemical Weapons Convention

NA = National Authority

LQ1 = Legislation Questionnaire on Survey of National Measures to Regulate Scheduled Chemicals (annexed to S/194/2000)

LQ2 = Legislation Questionnaire on Penal Enforcement of the Convention (annexed to S/308/2002 and S/317/2002)

TAV = Technical Assistance Visit

TS = OPCW Technical Secretariat

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Notification of establishment of National Authority received pursuant to Article VII, paragraph 4, of the CWC

3 Submission of information on legislative and administrative measures received pursuant to Article VII, paragraph 5, of the CWC

4 The information included in this column is either drawn from the responses of States Parties to the second legal questionnaire or derived from a reading of the text of national implementing legislation submitted by States Parties under Article VII, paragraph 5, of the CWC. For details, see Annex 2 to this Note.

5 In subparagraph 7.83(c) of its Report (RC-1/5), the First Review Conference "called upon States Parties to provide the OPCW 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". States Parties with a monist system will also have to submit such materials as administrative regulations requiring the reporting of declarable information to the NA, or regulating transfers of scheduled chemicals, or requiring the submission of an end-user certificate before exporting Schedule 3 chemicals to a State not Party.

6 As reported in the responses to the first legislation questionnaire (S/194/2000, dated 8 June 2000).

7 Pursuant to the Note by the Secretariat "Legal Technical Assistance: Network of Legal Experts" (S/363/2003, dated 28 May 2003).

9.	Georgia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Letter dated 8 August 2003 requesting a technical-assistance visit in order, <i>inter alia</i> , to address issues related to national implementing legislation	Request for a technical-assistance visit in order, <i>inter alia</i> , to address issues related to national implementing legislation
10.	Iran (Islamic Republic of)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Note verbale dated 19 August 2003: "... Rule 77 of the Iranian Constitution and Article 9 of the Civil Code stipulate that each and every treaty and commitment of the Iranian Government approved by the Parliament is regarded as law and thus, should be abided by all citizens. It is noteworthy that the Iranian legal system is based on Monism and violations of the [CWC] will be prosecuted and punished as a criminal offence under the laws currently in force in the Islamic Republic of Iran.... To better implement Article VII of the Convention on 'National Implementation Measures including its obligation under I(a), (b), (c), 2 and 3, a draft comprehensive complementary new law to cover shortfalls of present civil penal national code in relation to proper implementing of the Convention has been sent to the Council of Ministers for consideration and approval before its final review and adoption by the Parliament ... since the draft law might be modified before the Parliament approval, the full text of the said law will be handed over to the Secretariat in due time."	
11.	Kuwait	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Response to LQ2: There is legislation in force covering Article I and II(1) prohibitions. No other aspect is covered.	At the request of the State Party, the TS has commented on draft implementing legislation.
12.	[Kyrgyzstan] ⁸																				

⁸ The Convention will enter into force for Kyrgyzstan on 29 October 2003.

13.	Malawi	X	X	X	X	X	X	X	X	Response to LQ2: Comprehensive legislation is in force.	X	Request for a training course for the NA. The course, which included a workshop on legislation, was held from 2 to 7 September 2003.
14.	Malaysia	X	X	X	X	X	X	X	X	Note verbale dated 29 July 2003: "...the draft implementing legislation is currently being finalised by the Malaysian Government. It is expected that the bill will be tabled at the March 2004 Session of the Malaysian Parliament. With respect to administrative measures we wish to inform the Technical Secretariat that the Government of Malaysia had, on 4 th September 2000, amended the Customs (Prohibition of Imports) Order 1998 which is a subsidiary legislation under the Customs Act 1967. This amendment prohibits the importation into Malaysia of certain toxic chemicals and their precursors covered under the [CWC], except under an Import Licence granted by the Director-General of Customs These chemicals include Schedules 1, 2 and 3 chemicals as well as the unscheduled Docs/PSFs under the Convention."	X	Request for comments on draft legislation
15.	Morocco	X	X	X	X	X	X	X	no	Note verbale dated 20 January 2003: Penal legislation is at an advanced stage of preparation. As soon as it has been adopted, the national authorities will be able to fill out the legislation questionnaire.	X	Request for comments on draft legislation
16.	Nigeria	X	X	X	X	X	X	X	X	Note verbale dated 4 October 2003 submitted draft legislation for comment by the TS Annex to letter dated 22 August 2003: "There is need to pass an enabling Act in order to give the [NA] the necessary force of law. A sub-committee of the Technical Advisory Committee...has already finished work on the draft legislation, which hopefully would be considered by Council shortly."	X	

23.	Sri Lanka	X	X	X	X				X	<p>Email dated 22 October 2003: "... on 3 September 2003 ... approval was given [by the Cabinet] to the legal draftsman to draft necessary legislation on the [CWC] in Sri Lanka. Already the Ministry of Foreign Affairs has requested the legal draftsman to initiate the necessary work."</p>		
24.	Tajikistan								X	<p>E-mail message dated 11 September 2003: Tajikistan has not designated or established its NA but is currently taking the necessary measures to do so. A special commission has been set up to work on this task.</p>		Request for assistance in drafting legislation and that the TS hold a workshop in 2004 for the NA on drafting implementing legislation
25.	The former Yugoslav Republic of Macedonia	X								<p>Letter received 19 June 2003: "... we would appreciate if the [TS] could sponsor organising a working session (workshop) in the Republic of Macedonia. Persons involved in preparing the national implementing legislation will attend this workshop. Every form and timing of such a workshop will be acceptable for the Macedonian authorities."</p> <p>Letter dated 7 October 2003: "...the norms of the Convention are directly applicable in the territory of the Republic of Macedonia ... As a result of the NA activities, the amended 2003 Penal Code (to be adopted November 2003) will include CWC related provisions...Regarding the CWC Schedules 1, 2 and 3 as well as for Discrete Organic Chemicals (DOCs) no specific legislation is yet in place The Customs administration ... has requested from the Ministry of Economy, which is responsible for the modification of the HS Code, to amend the present HS Code ... with the ... WCO recommendation.... The NA has accepted OPCW offer for technical assistance on the enactment of CWC related legislation. The Workshop will be held in Skopje, at the beginning of 2004...."</p>		

33.	Venezuela			X	X				no	X	<p>Note verbale dated 22 July 2003: The Secretariat's request for information was forwarded to the capital for response.</p> <p>Note verbale dated 15 September 2003, attaching a draft decree to establish the NA and a statement that, as foreseen in Art. 3 of the decree, the NA will draft the CWC implementing legislation once it is established.</p>		Request for training and technical assistance from the TS
34.	Viet Nam	X	X							X	<p>Notes verbales dated 19 August 2003: (1) "CWC enforcement has been incorporated into the amendment version [of the Criminal Code in 1999] ... The importation for scheduled chemicals is controlled by Government Decree and Ministry of Industry circular [for Schedules 1 and 2 chemicals] ... Currently [the NA] is on the way to draft a specific regulation for controlling activities in connection to scheduled chemicals ... it is proposed to support Viet Nam in organising national training courses on CWC implementation and accepting its assigned expert to participate in Legal Adviser Network."</p> <p>(2) "...it is proposed to organise two programs supported by OPCW including General Training Program and in depth Technical Meeting ... sometime during November 2003."</p>		
TOTALS: 154 States Parties		126	94	76	100	51	62		39-Y, 10-N	60			

Annex 2

SURVEY OF THE CONTENTS OF SUBMISSIONS UNDER ARTICLE VII, PARAGRAPH 5, OF THE CONVENTION⁹ AS AT 22 OCTOBER 2003

	State Party	Article I Prohibitions	Article I Penalties	Extra-territorial application	Article II(1) Penalties	Schedule 1 Penalties	Schedule 2 Penalties	Schedule 3 Penalties	Schedule 3 EUC	Penalty for Failure to Declare	Obstacles to Article VII(2)	Source ¹⁰
1.	Belgium	yes	criminal	yes	no	no	admin	admin	policy	no	no	LQ2 + VII,5
2.	Bosnia and Herzegovina	no	no	no	no	criminal	no	no	no	no	no	VII,5
3.	Sao Tome and Principe											

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As reported by States Parties in their responses to the second legislation questionnaire, on penal enforcement of the Convention (annexed to S/308/2002 and S/317/2002), or as derived from a reading of the text of legislation they have submitted. Some of the submissions made under Article VII, paragraph 5, summarise the legislation or offer information about it, while others contain the full text, either in the original language or in translation, of their legislation or of the measures they have taken to implement the Convention. Not all States Parties have responded to the questionnaire or made submissions. **States Parties that find that their legislative situation is not accurately portrayed in this table are requested to contact the Office of the Legal Adviser, in order to facilitate the clarification and updating of their files and the subsequent correction of this table.**

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Key to abbreviations: LQ2 = the second legislation questionnaire; VII(5) = submissions under Article VII, paragraph 5, of the Convention.