



## DECISION

### UNDERSTANDINGS REGARDING DECLARATIONS UNDER ARTICLE VI AND PART VII AND PART VIII OF THE VERIFICATION ANNEX TO THE CHEMICAL WEAPONS CONVENTION

#### **The Conference of the States Parties,**

**Recalling** that subparagraphs 12(a), 12(b), and 12(c) of Article II of the Chemical Weapons Convention (hereinafter the “Convention”) state respectively that, for the purposes of Article VI, “production” of a chemical means its formation through chemical reaction; “processing” of a chemical means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical; and “consumption” of a chemical means its conversion into another chemical via a chemical reaction;

**Recalling further** that subparagraph 6(a) of Part I of the Verification Annex to the Convention (hereinafter the “Verification Annex”) states that “plant site” (works, factory) means the local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure, such as those components listed in subparagraphs 6(a)(i-viii);

**Recalling further** that subparagraph 6(b) of Part I of the Verification Annex states that “plant” (production facility, workshop) means a relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure, such as those components listed in subparagraphs 6(b)(i-vi);

**Recalling further** that subparagraph 6(c) of Part I of the Verification Annex states that “unit” (production unit, process unit) means the combination of those items of equipment, including vessels and vessel set up, necessary for the production, processing or consumption of a chemical;

**Recalling further** that paragraph 3 of Part VII of the Verification Annex states that declarations are required for all plant sites that comprise one or more plant(s) which produced, processed or consumed during any of the previous three calendar years or is anticipated to produce, process, or consume in the next calendar year more than 1 kg of a chemical designated “\*” in Schedule 2, Part A; 100 kg of any other chemical listed in Schedule 2, Part A; or 1 tonne of a chemical listed in Schedule 2, Part B;



**Recalling further** that paragraph 3 of Part VIII of the Verification Annex states that declarations are required for all plant sites that comprise one or more plants which produced during the previous calendar year or are anticipated to produce in the next calendar year more than 30 tonnes of a Schedule 3 chemical;

**Recalling further** the decision that a plant site containing a plant in which a Schedule 2 chemical is consumed in a waste management or disposal system in quantities above the threshold for that chemical will declare this consumption in accordance with paragraph 8 of Part VII of the Verification Annex, contained in the relevant decision of the Conference of States Parties (hereinafter the “Conference”) at its First Session (C-I/DEC.37, dated 16 May 1997);

**Recalling further** the guidelines regarding low concentration limits for the declaration of Schedule 2B and Schedule 3 chemicals contained in the relevant decision of the Conference at its Fifth Session (C-V/DEC.19, dated 19 May 2000);

**Recalling further** the rounding rules in relation to the declaration of scheduled chemicals, contained in the relevant decision of the Executive Council (EC-XIX/DEC.5, dated 7 April 2000);

**Recognising** that certain chemical processes may result in the production of Schedule 2 and Schedule 3 chemicals in concentrations below the threshold established by the Conference at its Fifth Session (C-V/DEC.19), which are then processed to a concentration above the threshold within the same plant, and that this situation may result in an uneven application of the Convention, and may be inconsistent with the object and purpose of the Convention;

**Noting** that any clarification of the definition of production in Article II of the Convention applies to Schedule 2 and Schedule 3 declarations;

**Having considered** that a standardised approach to declarations of production, processing, or consumption, as appropriate, is necessary in order to assist the States Parties in fulfilling their declaration obligations in a uniform manner, and in order to provide better information for use by the Organisation for the Prohibition of Chemical Weapons;

**Cognisant** of the economic and administrative implications of such guidelines for the States Parties;

**Recognising** the need to continue to work to resolve this issue, particularly in relation to captive use and the mechanism for determining low concentrations; and

**Bearing in mind** the recommendations that the Executive Council at its Thirty-First Session adopted on this matter (EC-31/DEC.7, dated 11 November 2002);

**Hereby decides:**

1. that the production of a Schedule 2 or Schedule 3 chemical is understood, for declaration purposes, to include all steps in the production of a chemical in any units within the same plant through chemical reaction, including any associated processes (e.g. purification, separation, extraction, distillation, or refining) in which the

chemical is not converted into another chemical. The exact nature of any associated process (e.g. purification, etc.) is not required to be declared;

2. that declarations are required for all plant sites that comprise one or more plant(s) which produce, process, or consume a Schedule 2 chemical above the relevant declaration threshold quantity and in a concentration above the relevant low concentration limit. The processing steps which are part of declared production shall not be declared separately as processing;
3. that declarations are required for all plant sites that comprise one or more plants which produce a Schedule 3 chemical above the declaration threshold quantity and in a concentration above the low concentration limit;
4. that, for declaration purposes, concentration of a declarable Schedule 2 or Schedule 3 chemical may be measured directly or indirectly (including a measurement derived from the chemical process, a material balance, or other available plant data);
5. that “transient intermediates” are understood to mean chemicals which are produced in a chemical process but, because they are in a transition state in terms of thermodynamics and kinetics, exist only for a very short period of time, and cannot be isolated, even by modifying or dismantling the plant, or by altering process operating conditions, or by stopping the process altogether, and that the declaration requirements do not, therefore, apply to “transient intermediates”; and
6. to request States Parties to take any necessary measures in accordance with Article VII, paragraph 1, for implementation as soon as possible, and in any event no later than 1 January 2005.