



OPCW

Conference of the States Parties

Eighth Session
20 – 24 October 2003

C-8/DG.5
18 September 2003
Original: ENGLISH

NOTE BY THE DIRECTOR-GENERAL

REPORT ON NATIONAL IMPLEMENTATION MEASURES

1. Introduction

The First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (First Review Conference) called upon States Parties to submit information in several categories on national implementation measures—information that is to be reported to the Conference of the States Parties (hereinafter “the Conference”) at its Eighth Session (paragraph 7.83 of RC-1/5, dated 9 May 2003).

2. Overview of information compiled

The Technical Secretariat (hereinafter “the Secretariat”) has compiled and analysed the following information for consideration by the Conference at its Eighth Session. The information is contained in the two Annexes to this Note:

- (a) Annex 1, “Status of Submissions Related to National Implementation Measures As at 11 September 2003”, indicates which States Parties have done the following:
 - (i) notified the OPCW of the establishment of their National Authorities pursuant to Article VII, paragraph 4, of the Chemical Weapons Convention (hereinafter “the Convention”);
 - (ii) pursuant to Article VII, paragraph 5, of the Convention, submitted information on the legislative and administrative measures they have taken to implement the Convention;
 - (iii) responded to the first legislation questionnaire (annexed to S/194/2000, dated 8 June 2000);
 - (iv) responded to the second legislation questionnaire (annexed to S/308/2002, dated 6 June 2002, and S/317/2002, dated 18 September 2002);



- (v) covered all key areas of enforcement of the Convention in their national implementing legislation;
 - (vi) provided the OPCW with the full text of their national implementing legislation, as requested by the First Review Conference in subparagraph 7.83(c) of its Report (RC-1/5);
 - (vii) with reference to subparagraph 7.83(g) of that Report, indicated in their responses to the first legislation questionnaire that they have reviewed their existing national regulations in the field of trade in chemicals pursuant to Article XI, subparagraph 2(e), of the Convention;
 - (viii) nominated one or more individuals to the OPCW Network of Legal Experts, whose members will provide or receive assistance in drafting national implementing legislation (see S/363/2003, dated 28 May 2003); and
 - (ix) in response to paragraph 7.83 of the Report of the First Review Conference, informed the OPCW of the status of their adoption of the legislative and administrative measures necessary for or taken by them to implement the Convention, of any problems they have encountered, and of any assistance they require; and
- (b) Annex 2, “Survey of the Contents of Submissions under Article VII, Paragraph 5, of the Convention As at 11 September 2003”, which presents an updated survey of the scope of national implementing legislation, as reported by States Parties in their responses to the second legislation questionnaire, on penal enforcement of the Convention, or as derived from a reading of the legislation they have submitted.

3. Statistical analysis

A review of the information in the Annexes to this Report shows that, as at 11 September 2003:

- (a) of the 153 States Parties, 123 (80%) had notified the OPCW that they have designated or established their National Authorities pursuant to Article VII, paragraph 4, of the Convention;
- (b) ninety-three States Parties (61%) had made submissions under Article VII, paragraph 5. Sixty-three (41%) had submitted, either in the original language or in translation, the full text of their legislation or of the measures they have taken to implement the Convention. However, only 51 (33%) had reported that their national implementing legislation covers all key areas of enforcement, namely the following:
 - (i) Article I prohibitions, and penalties for violating them;

- (ii) extraterritorial application of the legislation to natural persons holding the nationality of the State Party;
 - (iii) the comprehensiveness of the definition of “chemical weapons” in Article II, subparagraph 1(a), which states that the term means “Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes”;
 - (iv) penalties for violations of Parts VI, VII, and VIII of the Verification Annex to the Chemical Weapons Convention;
 - (v) enforcement of the end-user certificate requirement for transfers of Schedule 3 chemicals to States not Party, in accordance with paragraph 26 of Part VIII of the Verification Annex; and
 - (vi) penalties for the failure to report declarable activities;
- (d) seventy-six States Parties (50%) had responded to the first legislation questionnaire (annexed to S/194/2000), on the regulation of scheduled chemicals, and 100 (65%) to the second (annexed to S/308/2002 and S/317/2002), on penal enforcement of the Convention;
- (e) as regards the regulation of scheduled chemicals, 71 States Parties (46%) had reported penalising violations of the obligations concerning Schedule 1 chemicals, while 71 (46%) and 70 (46%) had reported the same with regard to Schedule 2 and 3 chemicals, respectively. Only 72 States Parties (47%) are enforcing the end-user certificate requirement for transfers of Schedule 3 chemicals to States not Party - 37 by law, the other 35 as a matter of policy only (for example, through enforcement by the National Authority in its discretion when it is issuing a permit);
- (f) thirty-nine States Parties (25%) had, in accordance with subparagraph 2(e) of Article XI of the Convention, reviewed their existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention;
- (g) twenty-seven States Parties (18%) had reported that they are drafting national implementing legislation, while 21 (14%) had requested assistance in drafting legislation and/or in training the staff of their National Authorities in the requirements of the Convention, and 21 (14%) had submitted draft legislation to the Secretariat for comment; and
- (h) forty-six States Parties (30%) had nominated one or more individuals to the OPCW Network of Legal Experts.

4. Legal technical assistance

- 4.1 The list of individuals that States Parties have nominated to the OPCW Network of Legal Experts will be prepared in September 2003. The Network includes both those who will be providing advice on national implementing legislation and those who will be receiving it. An orientation meeting and drafting workshop will be held in The Hague from 3 to 7 November 2003.
- 4.2 One member of the Network of Legal Experts of Latin America and the Caribbean (a forerunner of the OPCW Network of Legal Experts) has responded to three requests for assistance with legislation. Those cases aside, the Secretariat has no official reports from any State Party that it is currently providing bilateral legal technical assistance to other States Parties.

5. Rate of submissions under Article VII, paragraph 5, and the scope of legislation

The following table gives an overview of the rate of submissions under Article VII, paragraph 5, of the Convention between entry into force and the reporting cut-off date, as well as the reported scope of the legislation.

Status reported as at:	No. of States Parties	No. (and percentage) of States Parties that had made Article VII(5) submissions	Legislation covers areas key to enforcement of the CWC
C-I: May 1997	87	0 (0%)	Not available
C-II: December 1997	103	24 (23%)	Not available
C-III: November 1998	120	40 (33%)	Not available
C-IV: July 1999	125	43 (34%)	Not available
C-V: May 2000	133	48 (36%)	Not available
C-VI: May 2001	143	53 (38%)	Not available
C-7: October 2002	145	70 (48%)	39 (27%)
11 September 2003	153	91 (61%)	51 (33%)

6. Status of legislation: rate of response by States Parties

Paragraph 7.83 of the Report of the First Review Conference (RC-1/5) called upon States Parties “that have not already done so to inform the OPCW by the next regular session of the Conference of the status of their adoption of the legislative and administrative measures necessary for or taken by them to implement the Convention, of any problems they have encountered, and of any assistance they require.” The Report was adopted on 9 May 2003 and issued on 13 June 2003. On 1 July 2003, the Secretariat prepared and mailed 97 notes verbales to the States Parties concerned, seeking the information requested by the First Review Conference and offering any assistance that might be required. Throughout July and August 2003, the Secretariat followed up with reminders by fax, e-mail, and telephone, and met with 67 delegations to assist with their responses. Nevertheless, by the reporting cut-off date only 33 responses had been received to the 97 requests the Secretariat sent - a response rate of just 34%. These responses have been included in Annex 1, together with any relevant information that could be drawn from earlier communications.

Annexes (English only):

- Annex 1: Status of Submissions Related to National Implementation Measures As at 11 September 2003
- Annex 2: Survey of the Contents of Submissions under Article VII, paragraph 5, of the Convention As at 11 September 2003

Annex 1

STATUS OF SUBMISSIONS RELATED TO NATIONAL IMPLEMENTATION MEASURES AS AT 11 SEPTEMBER 2003¹

	State Party	NA established ²	Article VII(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					
2.	Algeria	X	X	X		X	X		X	Note verbale dated 22 August 2003: A status report on the progress achieved in the adoption of administrative measures and penal legislation will be sent as soon as the process is finalised. The draft law covering the suppression of violations of the Convention was adopted by the People's National Assembly on 25 June 2003.	

¹ 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)
 TS = OPCW Technical Secretariat

² 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).

	State Party	NA established	Article VII(5) submission received	Response to LQ1 received	Response LQ2 received	Legislation covers all areas key to enforcement	Text of measures has been provided	Article XI(2e) review carried out	Nomination to the Network of Legal Experts	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
3.	Andorra	X	X		X					Note verbale dated 23 June 2003: "A committee of the Andorran Parliament is presently drafting an amendment to the Penal Code. Nevertheless, Article 3.4 of the Andorran Constitution integrates treaties and international agreements into the Andorran legal order. Monetary sanctions, up to the closing of the facility, can be applied."	
4.	Argentina	X	X	X	X		X	yes	X		
5.	Armenia	X	X		X						
6.	Australia	X	X	X	X	X	X	yes			
7.	Austria	X	X	X	X	X	X + translation		[?] ⁸		
8.	Azerbaijan		X	X	X					Note verbale dated 28 November 2000: "...Azerbaijan does not have national legislation on the regulation of the scheduled chemicals under the [CWC]. In accordance with part 2 of Article 148 (Acts Included in Legislative system of Republic of Azerbaijan) of the Azerbaijani Constitution - international treaties of which the Republic of Azerbaijan is a party, shall be inalienable compound part of the legislative system."	Request for assistance in drafting legislation
9.	Bahrain	X									
10.	Bangladesh	X		X					X	Note verbale dated 8 August 2003: "...the draft legislation to implement the CWC is under active consideration for necessary approval by the concerned authorities of Bangladesh and the development in this regard will be communicated to the OPCW as soon as it is finalised...."	At the request of the State Party, the TS has commented on draft implementing legislation.
11.	Belarus	X	X	X	X	X	X	yes			
12.	Belgium	X	X		X		X				

⁸ The Secretariat has received a nomination and has asked the State Party to confirm it.

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13.	Benin	X							X	Note verbale dated 10 September 2003: Benin has not yet adopted legislation explicitly prohibiting the production, acquisition, stockpiling or use of chemical weapons. However, arrangements are being made to put in place a general legislative and regulatory framework for the non-proliferation of weapons of mass destruction, for terrorism, and for transnational crime. Taking into account the difficulties that the NA is encountering for the adoption of national legislation, the Ministry of Foreign Affairs is requesting the assistance of the TS in order for the CWC obligations to be met. This would consist of a team sent to Cotonou, at a mutually agreed date, to conduct a course for the NA in drafting laws and regulations on the prohibition of chemical weapons.	Request for assistance for NA
14.	Bolivia	X	X	X	X				X		
15.	Bosnia and Herzegovina	X		X	X					Note verbale dated 12 June 2003: "...the relevant authorities of Bosnia and Herzegovina have decided to accelerate the work on national implementing legislation while ensuring its comprehensiveness, high quality and compatibility with the CWC. In that context we would appreciate if the [TS] could sponsor the organization, at the OPCW headquarters in The Hague, a working session with participation of the experts/maximum three persons from Bosnia and Herzegovina...."	Request for assistance in drafting legislation and that the TS hold a workshop in The Hague on implementing legislation
16.	Botswana										
17.	Brazil	X	X	X	X	X	X (translation)	yes	X		
18.	Brunei Darussalam				X					Response to LQ2: There is no legislation enforcing any aspect of the CWC.	At the request of the State Party, the TS has commented on draft implementing legislation.

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19.	Bulgaria	X	X	X	X	X	X + translation	yes			
20.	Burkina Faso	X							X	Note verbale dated 7 August 2003: The National Authority has prepared a draft law to implement the Convention. An implementation decree is presently being drafted, in accordance with new directives for the adoption of draft laws in Burkina Faso.	At the request of the State Party, the TS has commented on draft implementing legislation.
21.	Burundi	X			X				[?]	Response to LQ2: There is no legislation enforcing any aspect of the CWC. Note verbale dated 5 September 2003: The NA is drafting legislation to be integrated into the Burundi Penal Code. The draft must first be approved by the Minister of Foreign Affairs before being submitted for in-depth consideration by an <i>ad-hoc</i> interministerial committee. It must then be analysed by the Council of Ministers after having been passed by the National Commission for Legislation. Parliament (National Assembly and Senate) adopts the draft before promulgation by the President of the Republic of Burundi. The NA will regularly inform the TS on the progress achieved in this matter and will ask for assistance from the OPCW Office of the Legal Adviser, if needed.	
22.	Cameroon	X			X				[?]	Note verbale dated 13 August 2003: Cameroon has not yet adopted penal legislation concerning chemical weapons. It would be appreciated if the OPCW or other interested parties could provide assistance in drafting legislation to that effect.	Request for assistance from TS or other interested parties
23.	Canada	X	X	X	X	X	X	yes	X		
24.	Chile	X	X	X	X		X	yes	X		
25.	China	X	X	X	X	X	X	yes	X		
26.	Colombia	X	X		X	X	X				

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27.	Cook Islands	X		X						Fax dated 30 July 2002: The "Government has prepared draft implementing legislation ...however, given other more immediate priorities and resource constraints, the draft legislation has yet to be tabled before Parliament. Despite these constraints ... our legal draftsmen will soon review the draft and it is envisaged that a Chemical Weapons Convention Bill will be tabled in our legislature later this year."	At the request of the State Party, the TS has commented on draft implementing legislation.
28.	Costa Rica	X		X	X			yes		Response to LQ2: There is no legislation enforcing any aspect of the CWC. Note verbale dated 26 August 2003: "We are currently preparing penalization measures to be approved as Law which are being consulted."	
29.	Côte d'Ivoire	X								Fax from the NA dated 1 September 2003, attaching the text of draft legislation: "I request your assistance for finalising this project before submitting it for the adoption by the members of the [NA] in October 2003, then by the Ivorian Parliament in December 2003."	Request for comments by the TS on draft implementing legislation
30.	Croatia	X	X				X				
31.	Cuba	X	X	X	X		X	yes	X		
32.	Cyprus	X	X		X	X					
33.	Czech Republic	X	X	X	X	X	X + translation	no	X		
34.	Denmark	X	X	X	X	X	X (translation)	yes			

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35.	Dominica	X	X		X					Note verbale dated 28 August 2002: "...the Biological Weapons Act, chapter 42:62 and the Extradition Act, chapter 12:04 prohibit 'the development, production, stockpiling, acquisition, retention or use of biological or microbiological agents or toxins of a type or in quantities that have no justification for prophylactic, protective or other peaceful purposes. The Biological Weapons Act also prohibits the use of these agents for hostile purposes or armed conflict. Although there is currently no legislation which codifies the requirements of the [CWC], the Government of the Commonwealth of Dominica firmly believes that persons producing/using chemical weapons could be properly prosecuted and punished under these Acts." Response to LQ2: Only violations of Article I(1) are punishable.	
36.	Ecuador	X	X		X		X		X		
37.	El Salvador	X							[?]		
38.	Equatorial Guinea										
39.	Eritrea									Note verbale dated 12 August 2003: "...the State of Eritrea is in the process of establishing a National Authority very soon and enact appropriate legislation. To facilitate the matter the Embassy of Eritrea has been instructed to set up a meeting with the legal department of the OPCW for consultations and guidance and would be calling the Secretariat to make an appointment during the second week of September 2003."	Request for a meeting with the TS in September 2003
40.	Estonia	X	X		X	X					
41.	Ethiopia	X	X	X	X		X	yes	X		
42.	Fiji	X								Fax dated 10 September 2003 enclosing draft legislation. The bill will be finalised after comments have been received from the Secretariat. Fiji also needs assistance in establishing its NA.	Request for comments on draft legislation
43.	Finland	X	X	X	X	X	X (translation)	yes			

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53.	Guyana	X		X	X					Response to LQ2: There is no legislation enforcing any aspect of the CWC. E-mail message from the State Counsel, dated 27 August 2003: "...a copy of the Australian Chemical Weapons Bill is presently under scrutiny of the local draftsman with a view to drafting and adopting similar legislation. Unfortunately, I am unable to say at this point in time as to when it will be completed and implemented."	
54.	Holy See	X	X		X	X					
55.	Hungary	X	X	X	X	X	X (translation)	yes			
56.	Iceland	X	X		X		X (translation)			Annex to the response to LQ2, dated 19 December 2002: "The Annexes to the Convention were not translated into Icelandic and were not published along with the Convention in the Law Gazette so they cannot serve as basis for prosecution and punishment. Only one of the chemicals listed in the annex on chemicals to the Convention, namely in schedule 3, is imported to Iceland. The import of this chemical is monitored on a yearly basis. Since this chemical is not regarded as toxic, there are no provisions in laws or regulations that put a limit to its import or export. The same applies to many of the chemicals listed in the three schedules in the annex. None of the chemicals listed under the three schedules are exported. In order to fully comply with the provisions of the [CWC] some amendments must be made to the existing legislation. This work will be started in the first quarter of 2003."	
57.	India	X	X	X	X	X	X	yes	X		
58.	Indonesia	X	X		X				X		

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68.	Kuwait	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.
69.	Lao People's Democratic Republic										
70.	Latvia	X	X	X	X	X	X (translation)		X		
71.	Lesotho	X							[?]	Note verbale dated 4 July 2002: "...Lesotho has made arrangements to have in place the necessary legislative and administrative matters. The Bill has been drafted and will be presented before the 6 th Parliament..."	
72.	Liechtenstein	X	X		X	X	X (translation needed)				
73.	Lithuania	X	X	X	X		X (translation)	yes			
74.	Luxembourg	X	X		X		X				
75.	Malawi	X	X		X	X			[?]	Response to LQ2: Comprehensive legislation is in force.	

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84.	Monaco	X	X	X	X	X					
85.	Mongolia	X	X	X	X		X + translation	yes			
86.	Morocco	X	X	X	X			no	X	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.	
87.	Mozambique										
88.	Namibia	X		X	X					Response to LQ2: There is no legislation enforcing any aspect of the CWC.	
89.	Nauru				X					Response to LQ2: There is no legislation enforcing any aspect of the CWC. Letter dated 19 November 2002: Funding for a consultant was requested so that draft legislation and the responses to the legislation questionnaires could be prepared.	Request for funding to hire a legislative drafter
90.	Nepal	X									
91.	Netherlands	X	X	X	X	X	X + translation	yes			
92.	New Zealand	X	X		X	X	X				
93.	Nicaragua	X	X		X				X	E-mail message dated 29 August 2003: Response to LQ2 attached. Legislation is being drafted to cover gaps.	
94.	Niger	X									
95.	Nigeria	X								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."	

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96.	Norway	X	X	X	X		X (translation)	yes			
97.	Oman	X	X	X	X	X	X				
98.	Pakistan	X	X	X	X	X	X	yes	X		
99.	Palau	X							X	Note verbale dated 19 August 2003: "Palau has prepared a first draft of a "Chemical Weapons Prohibition Act".... The National Authority is currently reviewing the first draft and intends to issue a second draft before the Legal Expert Meeting takes place at the OPCW Headquarters from 3 to 7 November 2003. The Palau representatives to the said meeting will bring the second draft to the attention of the OPCW Legal [Adviser] for review and preparation of the final draft. The final draft will then be submitted to the President for consideration and subsequent submission to the Palau National Congress for approval. Article VIII, section 6 of the Palau Constitution mentions in part that 'Harmful substances such as nuclear, chemical, gas or biological weapons intended for use in warfare, nuclear power plants, and waste materials therefrom, shall not be used, tested, stored, or disposed of within the territorial jurisdiction of Palau...' In that respect the National Authority believes that adoption of the implementing legislation will be favourably supported by the Government of the Republic of Palau."	Request that the TS review draft implementing legislation
100.	Panama	X	X	X	X			no	X		
101.	Papua New Guinea										
102.	Paraguay	X		X							
103.	Peru	X	X	X	X		X	no	X		
104.	Philippines	X	X	X	X		X	yes	X		
105.	Poland	X	X	X	X	X	X (translation)	yes			

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106.	Portugal	X	X	X	X		X (need translation)				At the request of the State Party, the TS has commented on draft implementing legislation. A training course for the NA, which includes a segment on legislation, has been scheduled for 25 to 27 November 2003.
107.	Qatar									Note verbale dated 28 August 2003: "The National Committee for the Prohibition of Mass Destruction Weapons in the State of Qatar is tasked with the revision and updating of national legislative and administrative measures and follow up [to] the implementation of the provisions of the [CWC]. The Committee is now in the process of preparing these measures in coordination with the concerned agencies in the State of Qatar ... the Qatari National Committee is kindly requesting the [TS] to render assistance and technical advice to our committee in this field so as to accomplish this job as soon as possible."	Request for assistance and technical advice from the TS
108.	Republic of Korea	X	X	X	X	X	X + translation	yes			

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109.	Republic of Moldova	X	X	X	X			no	[?]	Note verbale dated 5 August 2003, confirming the seminar on CWC national implementing legislation for 24 to 26 September 2003 in Chisinau, and proposing that declarations, databases, and the role of export controls also be discussed	Request for assistance in drafting implementing legislation: A visit by the TS has been scheduled for 24 to 26 September 2003.
110.	Romania	X	X	X	X	X	X (translation)	yes			
111.	Russian Federation	X	X	X	X	X	X				
112.	Saint Lucia	X	X			X			X		
113.	Saint Vincent and the Grenadines		X		X				X		
114.	Samoa									E-mail message dated 4 December 2002 requests assistance in drafting national implementing legislation.	Request for assistance in drafting implementing legislation
115.	San Marino	X	X								
116.	Saudi Arabia	X	X	X			X			Note verbale dated 14 August 2001: "The National Legislation on the Prohibition of Chemical Weapons is still being drafted..."	
117.	Senegal	X								Note verbale dated 3 September 2002: The Government of Senegal wishes to receive assistance from the TS to put in place legislative and administrative measures to implement the CWC.	Request for a training course on legislation; draft legislation submitted to the TS for comment

	State Party	NA established	Article VII(5) submission received	Response to LQ1 received	Response LQ2 received	Legislation covers all areas key to enforcement	Text of measures has been provided	Article XI(2e) review carried out	Nomination to the Network of Legal Experts	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
118.	Serbia and Montenegro	X							X	Note verbale 12 August 2003: "...The existing national legislation regulates production, procurement, utilization and possession of toxic chemicals and it also applies to the matters handled by the [CWC]. However, the steps have also been taken to bring into force the laws which will deal with these matters in particular. As far as personal and territorial power of national legislation is concerned, it is compatible with the laws stipulated in the Convention. Therefore the national legislation and the agreements that have been concluded with foreign parties provide good basis for legal cooperation with other countries pertaining to the issues tackled by the Convention."	Request for assistance in drafting legislation: A visit by the TS has been scheduled for 10 and 11 November 2003.
119.	Seychelles		X		X						
120.	Singapore	X	X		X	X	X				
121.	Slovakia	X	X	X	X	X	X + translation				
122.	Slovenia	X	X	X	X	X	X + translation	yes			
123.	South Africa	X	X	X	X	X	X	yes			
124.	Spain	X	X	X	X	X	X	yes			
125.	Sri Lanka	X	X		X						
126.	Sudan	X							X	Note verbale 24 July 2003: "...the competent authorities in Sudan have already drafted a national legislation for the implementation of the convention, which is now under final review before being submitted to the Cabinet for approval."	At the request of the State Party, the TS has commented on draft implementing legislation.
127.	Suriname										

	State Party	NA established	Article VII(5) submission received	Response to LQ1 received	Response LQ2 received	Legislation covers all areas key to enforcement	Text of measures has been provided	Article XI(2e) review carried out	Nomination to the Network of Legal Experts	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
137.	Trinidad and Tobago								[?]	Email 15 August 2003: "the draft implementing legislation to give effect to the Convention is being studied by the relevant stakeholders in Trinidad and Tobago. On 19 August 2003, a meeting is being held at the Ministry of Foreign Affairs involving producers of DOC and other chemicals with a view to making declarations pursuant to Article VI of the Convention. The Ministry of Foreign Affairs performs an interim role in matters pertaining to the Convention pending the establishment of the National Authority. The latter requires the passage of implementing legislation. In this regard, the Ministry should be grateful if the International Cooperation Division would assist in the vetting of the said draft legislation. This could take the form of a visit to Trinidad and Tobago or any other manner prescribed by the OPCW."	Request that the TS comment on draft legislation
138.	Tunisia	X									
139.	Turkey	X	X	X	X		X (translation)	yes			
140.	Turkmenistan										
141.	Uganda	X	X	X	X				[?]	Response to LQ2: Legislation in force penalises violations of Article I and of obligations related to Schedule 3. Note verbale dated 30 May 2003: Assistance is sought to enable the NA to "effectively carry out its functions of spearheading the implementation of the CWC."	Request for funding to strengthen the NA
142.	Ukraine	X	X	X	X	X	X	yes			
143.	United Arab Emirates				X					Note verbale 30 July 2003: "...the national authorities of the U.A.E. have drafted a national law for the regulation and control of the use of the Chemical Materials and Chemical Weapons, which has been submitted to the Ministerial Technical Committee for discussion. The national authorities of the U.A.E. will inform you as soon as the above mentioned draft [has been] adopted as law."	
144.	United Kingdom	X	X	X	X	X	X	yes			

	State Party	NA estab-lished	Article VII(5) submis-sion received	Response to LQ1 received	Response LQ2 received	Legislation covers all areas key to enforcement	Text of measures has been provided	Article XI(2e) review carried out	Nomination to the Network of Legal Experts	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
152.	Zambia										At the request of the State Party, the TS has commented on draft implementing legislation.
153.	Zimbabwe	X	X	X	X		X				
TOTALS: 153 States Parties		123	93	76	100	51	60	39-Y, 10-N	48		

Annex 2

SURVEY OF THE CONTENTS OF SUBMISSIONS UNDER ARTICLE VII, PARAGRAPH 5, OF THE CONVENTION⁹ AS AT 11 SEPTEMBER 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.	Albania	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	admin	no	LQ2
2.	Algeria	yes	criminal	yes	criminal	criminal	criminal	criminal	Law	criminal	?	VII(5)
3.	Andorra	no	no	yes	admin	no	no	no	no	no	no	LQ2
4.	Argentina	yes	criminal & admin	no	criminal & admin	criminal & admin	admin	admin	policy	no	no	LQ2
5.	Armenia	yes	criminal	yes	criminal	no	criminal	no	policy	no	no	LQ2
6.	Australia	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	policy	criminal & admin	no	LQ2
7.	Austria	yes	criminal & admin	yes	criminal & admin	criminal	criminal	criminal	law	admin	no	LQ2
8.	Azerbaijan	yes	criminal	yes	criminal & admin	criminal	criminal	criminal	?	criminal & admin	yes	LQ2
9.	Bahrain											
10.	Bangladesh											
11.	Belarus	yes	criminal & admin	yes	criminal	criminal	criminal	criminal	policy	criminal & admin	yes	LQ2
12.	Belgium	no	no	no	no	no	admin	admin	policy	no	no	LQ2
13.	Benin											
14.	Bolivia	yes	criminal	no	criminal	criminal	criminal	criminal	policy	no	no	LQ2
15.	Bosnia and Herzegovina	no	no	no	no	no	no	no	no	no	no	LQ2
16.	Botswana											

⁹ 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.**

¹⁰ Key to abbreviations: LQ2 = the second legislation questionnaire; VII(5) = submissions under Article VII, paragraph 5, of the Convention.

	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
17.	Brazil	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	yes	LQ2
18.	Brunei Darussalam	no	no	no	no	no	no	no	no	no	yes	LQ2
19.	Bulgaria	yes	criminal	yes	criminal	criminal & admin	criminal & admin	criminal & admin	law	admin	no	LQ2
20.	Burkina Faso											
21.	Burundi	no	no	no	no	no	no	no	no	no	no	LQ2
22.	Cameroon	no	no	yes	no	no	no	no	no	no	no	LQ2
23.	Canada	yes	criminal	yes	yes	criminal	criminal	criminal	policy	yes	no	LQ2
24.	Chile	yes	criminal	no	no	no	no	no	policy	no	no	LQ2
25.	China	yes	criminal	yes	admin	admin	admin	admin	law	admin	no	LQ2
26.	Colombia	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	admin	yes	LQ2
27.	Cook Islands											
28.	Costa Rica	no	no	no	no	no	no	no	no	no	no	LQ2
29.	Côte d'Ivoire											
30.	Croatia	yes	criminal	yes	?	?	?	?	law	?	?	VII(5)
31.	Cuba	yes	criminal	yes	criminal	no	no	no	policy	no	no	LQ2
32.	Cyprus	yes	criminal	yes	criminal	criminal	criminal	criminal	law	criminal	no	LQ2
33.	Czech Republic	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	no	LQ2
34.	Denmark	yes	criminal & admin	yes	criminal & admin	admin	admin	admin	policy	admin	no	LQ2
35.	Dominica	yes	criminal	no	no	no	no	no	no	no	no	LQ2
36.	Ecuador	yes	criminal	no	criminal & admin	criminal	criminal	criminal	no	no	no	LQ2
37.	El Salvador											
38.	Equatorial Guinea											
39.	Eritrea											
40.	Estonia	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	no	LQ2
41.	Ethiopia	yes	criminal	no	criminal	criminal	criminal	criminal	policy	criminal	no	LQ2
42.	Fiji											
43.	Finland	yes	criminal	yes	criminal	criminal	criminal	criminal	policy	criminal & admin	no	LQ2

	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
44.	France	yes	criminal	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	no	LQ2
45.	Gabon	yes	yes	?	yes	?	?	?	?	?	no	LQ2
46.	Gambia											
47.	Georgia	yes	criminal	no	no	no	no	no	no	criminal	no	LQ2
48.	Germany	yes	criminal	yes	criminal	criminal	criminal	criminal	law & policy	criminal	no	LQ2
49.	Ghana	no	no	no	no	no	no	no	no	no	?	LQ2
50.	Greece	yes	criminal & admin	yes	criminal	criminal & admin	criminal & admin	criminal & admin	policy	criminal & admin	no	LQ2
51.	Guatemala											
52.	Guinea											
53.	Guyana	no	no	no	no	no	no	no	no	no	no	LQ2
54.	Holy See	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	LQ2
55.	Hungary	yes	criminal	yes	criminal	criminal	criminal	criminal	policy	admin	no	LQ2
56.	Iceland	yes	criminal	yes	criminal	no	no	no	no	no	yes (dual crim req.)	VII(5)
57.	India	yes	criminal	yes	criminal	criminal	criminal	criminal	law	criminal	no	LQ2
58.	Indonesia	yes	admin	no	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	admin	no	LQ2
59.	Iran (Islamic Republic of)	yes	criminal	?	criminal	criminal	criminal	criminal	law	criminal	no	LQ2
60.	Ireland	yes	criminal	yes	criminal	criminal	criminal	criminal	policy	criminal	yes	LQ2
61.	Italy	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal	no	LQ2
62.	Jamaica	?	?	?	?	no	no	?	policy	criminal	yes	LQ2
63.	Japan	yes	criminal	yes	criminal	criminal	criminal	criminal	law	criminal & admin	no	LQ2
64.	Jordan											
65.	Kazakhstan	yes	criminal	yes	criminal	criminal	criminal	criminal	law	?	no	LQ2
66.	Kenya	no	no	no	no	no	no	no	no	no	yes	LQ2
67.	Kiribati											
68.	Kuwait	yes	?	yes	criminal & admin	no	no	no	no	no	no	LQ2
69.	Lao People's Democratic Republic											
70.	Latvia	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal	no	LQ2

	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
71.	Lesotho											
72.	Liechtenstein	yes	criminal	yes	criminal	criminal	criminal	criminal	law	criminal & admin	no	LQ2
73.	Lithuania	yes	criminal	yes	criminal	criminal & admin	criminal & admin	criminal & admin	policy	no	no	LQ2
74.	Luxembourg	yes	criminal	yes	criminal	criminal	criminal	criminal	policy	no	no	LQ2
75.	Malawi	yes	criminal	yes	criminal	criminal & admin	criminal & admin	criminal & admin	law	yes	must be a treaty	LQ2
76.	Malaysia	no	no	no	no	criminal & admin	criminal & admin	criminal & admin	no	no	no	LQ2
77.	Maldives											
78.	Mali											
79.	Malta	yes	criminal	yes	criminal	criminal	criminal	criminal	policy	criminal	no	LQ2
80.	Mauritania	yes	criminal	yes	criminal	criminal	criminal	criminal	law	criminal	no	LQ2
81.	Mauritius	yes	criminal	yes	yes	criminal	criminal	criminal	law	criminal	?	VII(5)
82.	Mexico	yes	no	?	no	no	no	no	?	no	?	LQ2
83.	Micronesia (Federated States of)											
84.	Monaco	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	no	LQ2
85.	Mongolia	yes	criminal & admin	no	criminal & admin	criminal & admin	criminal & admin	criminal & admin	policy	criminal & admin	no	LQ2
86.	Morocco	yes	no	yes	no	?	?	?	?	?	?	LQ2
87.	Mozambique											
88.	Namibia	no	no	no	no	no	no	no	no	no	?	LQ2
89.	Nauru	no	no	no	no	no	no	no	no	no	no	LQ2
90.	Nepal											
91.	Netherlands	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	no	LQ2
92.	New Zealand	yes	criminal & admin	yes	criminal & admin	criminal	criminal	criminal	policy	criminal	no	LQ2
93.	Nicaragua	yes	criminal	no	criminal & admin	no	no	no	policy	no	no	LQ2
94.	Niger											
95.	Nigeria											
96.	Norway	yes	criminal	yes	criminal	criminal	criminal	criminal	law	criminal	no	LQ2

	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
97.	Oman	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	no	LQ2
98.	Pakistan	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	no	LQ2
99.	Palau											
100.	Panama	yes	criminal	yes	criminal & admin	criminal	no	no	policy	no	no	LQ2
101.	Papua New Guinea											
102.	Paraguay											
103.	Peru	yes	criminal	yes	no	no	no	no	no	no	no	LQ2
104.	Philippines	yes	criminal	no	criminal	no	no	no	no	no	no	LQ2
105.	Poland	yes	criminal	yes	criminal	criminal	criminal	criminal	policy	criminal	no	LQ2
106.	Portugal	yes	criminal	no	no	criminal	criminal	criminal	law	no	no	LQ2
107.	Qatar											
108.	Republic of Korea	yes	criminal	yes	criminal	criminal	criminal	criminal	policy	criminal	no	LQ2
109.	Republic of Moldova	yes	criminal	no	criminal	no	no	no	?	no	no	LQ2
110.	Romania	yes	criminal	yes	criminal	criminal	criminal	criminal	law	admin	no	LQ2
111.	Russian Federation	yes	criminal	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	policy	admin	no	LQ2
112.	Saint Lucia	yes	yes	yes	yes	yes	yes	yes	yes	yes	?	VII(5)
113.	Saint Vincent and the Grenadines	yes	criminal	yes	criminal	criminal	?	?	?	criminal	yes (an agreement is needed outside the Commonwealth)	LQ2
114.	Samoa											
115.	San Marino	yes	yes	?	?	?	?	?	?	?	?	VII(5)
116.	Saudi Arabia	yes	criminal	yes	?	criminal	criminal	criminal	?	?	?	VII(5)
117.	Senegal											
118.	Serbia and Montenegro											
119.	Seychelles	yes	criminal	no	criminal	no	no	no	policy	no	no	LQ2
120.	Singapore	yes	criminal	yes	criminal	criminal	criminal	criminal	policy	criminal	yes (for responding to requests, not making them)	LQ2

	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
121.	Slovakia	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	yes	LQ2
122.	Slovenia	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	policy	admin	no	LQ2
123.	South Africa	yes	criminal & admin	yes	criminal	criminal	criminal	criminal	law	criminal	yes (agreement may be needed)	LQ2
124.	Spain	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	admin	no	LQ2
125.	Sri Lanka	yes	criminal	no	criminal	criminal	criminal	criminal	no	no	no	LQ2
126.	Sudan											
127.	Suriname											
128.	Swaziland											
129.	Sweden	yes	criminal	yes	criminal	criminal	criminal	criminal	policy	admin	no	LQ2
130.	Switzerland	yes	criminal	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	no	LQ2
131.	Tajikistan											
132.	Thailand	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	policy	criminal & admin	no	LQ2
133.	The former Yugoslav Republic of Macedonia											
134.	Timor-Leste											
135.	Togo											
136.	Tonga											
137.	Trinidad and Tobago											
138.	Tunisia											
139.	Turkey	yes	?	?	?	?	?	?	?	?	?	LQ2
140.	Turkmenistan											
141.	Uganda	yes	criminal & admin	yes	no	no	no	criminal & admin	policy	no	no	LQ2
142.	Ukraine	yes	criminal	yes	admin	criminal & admin	criminal & admin	criminal & admin	law	admin	no	LQ2
143.	United Arab Emirates	no	no	yes	criminal	no	no	no	no	no	yes	LQ2
144.	United Kingdom	yes	criminal	yes	criminal	criminal	criminal	criminal	policy	criminal	no	LQ2
145.	United Republic of Tanzania											

	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)	Source¹⁰
146.	United States	yes	criminal & admin	yes	criminal & admin	criminal & admin	criminal & admin	criminal & admin	law	criminal & admin	no	LQ2
147.	Uruguay	yes	criminal	yes	no	no	no	no	no	no	yes	LQ2
148.	Uzbekistan	yes	criminal	yes	?	?	?	?	?	?	no	LQ2
149.	Venezuela	no	no	no	yes	no	no	no	no	no	no	LQ2
150.	Viet Nam	yes	criminal	?	criminal	yes: imports	yes: imports	no	no	no	?	VII(5)
151.	Yemen											
152.	Zambia											
153.	Zimbabwe	yes	criminal	?	?	criminal	criminal	criminal & admin.	?	criminal	no	LQ2