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ELIMINATING THE DISCREPANCIES AMONG DECLARATIONS ON TRANSFERS OF SCHEDULED CHEMICALS

The Chemical Weapons Convention (hereinafter the “Convention”) regulates the transfer of scheduled chemicals, between States Parties as well as between these and States not Party to the Convention, in order to limit their use to purposes not prohibited under the Convention.

In accordance with the Convention verification regime, transfers of scheduled chemicals are monitored through annual declarations submitted to the Technical Secretariat (hereinafter the “Secretariat”).

While no discrepancies have been noted in the declarations submitted by States Parties involved in transfers of small quantities of Schedule 1 chemicals, the main inconsistencies are registered between the declarations on transfers involving considerable quantities of Schedule 2 and Schedule 3 chemicals.

1. Difficulties encountered

Of the several causes of discrepancies, based on the experience of the National Authority of Romania in implementing the Convention, the following have been identified occurring most often:

- States Parties adopt different declaration thresholds;
- The existence of a scheduled chemical in a mixture exported under a commercial name is sometimes not reported (inaccurate technical data sheet);
- The declaring exporter does not share information with the importing partner on the presence of a scheduled chemical in a mixture;
- The exporting company is registered in a State Party (exporting country) but the scheduled chemical is in fact produced in and exported from a subsidiary based in another State Party (country of origin); and
- The chemical is exported at the end of one year and the import is registered in the recipient country at the beginning of the following year.



2. Possible temporary solutions

a. Improving documentation

In light of the above, both the States Parties and the Secretariat could consider the following steps to be taken in order to eliminate the identified causes of discrepancies:

- National Authorities should request exporters to indicate in their delivery documents all scheduled chemicals present in mixtures that are the object of the transfer;
- Both the importer and the exporter should declare the transfers on the basis of the export date. Such an approach would better reflect the deadlines provided for in the Convention, i.e., submission of annual declarations on past activities not later than 90 days after the end of the previous calendar year; and
- Declarations should mention the country of origin. The Secretariat should analyse the possibility and opportunity of adding this field to the declaration form.

b. Improving dialogue

Until a consensus decision on declaration thresholds is reached, sharing of information between States Parties and facilitating their dialogue could be considered as important intermediate stages. The following steps could be envisaged to clarify discrepancies:

- Establishing within the National Authorities a “*Point of Contact for Declarations on Transfers*” and including the corresponding information in the “OPCW Directory”; and
- Initiation by the Secretariat, in consultation with States Parties, of a questionnaire on current declaration thresholds. The results of the survey could serve as a basis for further discussion in the appropriate decision-making bodies of the Organisation.

3. Conclusions

Rapid developments throughout the chemical industry call for effective measures in order to improve the implementation of the Convention.

The proposals submitted in this paper would contribute to:

- improving the monitoring system for declarations of transfers;

- providing all parties involved in removing discrepancies with a more effective – although temporary – communication mechanism; and
- improving transparency and cooperation between States Parties.

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