



**ORGANISATION FOR THE
PROHIBITION OF CHEMICAL WEAPONS**

Working together for a world free of chemical weapons

Implementation and Assessment Guide

State Party _____

Date _____

Contact person's details

Name _____

E-mail _____

Telephone _____

Fax _____

Foreword

An effective domestic legal regime is becoming increasingly necessary to achieve the purpose of the Convention. At the same time it is apparent that different States Parties have different legislative needs which respond to their respective activities and operations in the chemical field.

The Technical Secretariat (“TS”) through its Implementation Support Branch supports States Parties throughout the legislative process (from the drafting of the text to the last steps of the process) and beyond; the support provided includes the analysis of the draft legislations that States Parties decide to submit to the TS, as well as the review of pieces of legislation already in force.

The purpose of IAG is twofold: on the one hand it allows States Parties to conduct a quick review of their legislation by simply ticking the boxes below as needed; on the other hand, it will provide the Secretariat with valuable information, which will enable it to offer more effective and tailored services. It is therefore pivotal to read carefully this guide, fill it to the best of your knowledge and forward a copy to the Secretariat.

The guide is structured into 2 sections. Section I contains 5 subsections (each containing some basic “cross-checking element”) as follow:

- Subsection I.** Definitions and general obligation
- Subsection II.** Schedule 1 chemicals and facilities related to such chemicals
- Subsection III.** Schedule 2 chemicals and facilities related to such chemicals
- Subsection IV.** Schedule 3 chemicals and facilities related to such chemicals
- Subsection V.** Other chemical production facilities
- Subsection VI.** Penal provisions and miscellaneous

Section II consists of eight questions that have the objective of increasing the Technical Secretariat’s knowledge on different issues that are ultimately essential to enable it to provide States Parties with timely and tailored assistance. Accuracy of the answers will ensure a better understanding of each State Party’s need.

Please answer this preliminary question and proceed according to the corresponding instructions

Does your legislative system contains any provisions (included either in a single piece of legislation or in different acts), that might be considered as implementing/domesticating the provisions under the Chemical Weapons Convention?

- YES:** please begin this guide from section I and then proceed to section II
- NO:** you may skip section I and begin directly from section II

SECTION I

In answering the questions, please use the text of the Convention as a reference¹

N.B. Please note that the necessary implementing provisions might be contained in different acts and/or codes (i.e. penal code, penal procedure code, environmental act, chemical act, customs act etc). Consult all the stakeholders in order to obtain accurate information.

Should you wish the Secretariat to consider this document as a submission under Article VII (5) of the Convention, you are required to provide the details of any piece of legislation you have made reference to (e.g. number and date of publication)

LEGEND

Y (yes): your legislation contains the provision

N (no): your legislation does not contain the provision

%: your legislation partially contains the provision

IP (in progress): the legislation has not been adopted yet and, the legislative process is ongoing (ie draft before Parliament, Cabinet, waiting for Presidential signature etc.)

Subsection I: Definitions and general obligation

1) Does your legislation contain the definition of:

- Chemical Weapons
- Toxic chemicals
- Precursor
- Chemical Weapons Production Facilities
- Purposes not Prohibited Under the Convention
- Riot control agents
- Scheduled chemicals

Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP

Should you wish to provide any further information or details (e.g. title of the law/regulation, date of approval and entry into force etc.), use the space below:

¹ For example the question *does your legislation contain the definition of chemical weapons*, should be answered using the definition of Article II(1) of the Convention as a reference.

2) Does your legislation prohibit natural and legal persons to:

- Develop chemical weapons
- Produce chemical weapons
- Acquire chemical weapons
- Stockpile chemical weapons
- Retain chemical weapons
- Transfer chemical weapons
- Use chemical weapons
- Engage in military preparation to use chemical weapons
- Assist, encourage or induce anyone to engage any prohibited activity
- Use riot control agents as a method of warfare

Y	N	IP
Y	N	IP
Y	N	IP
Y	N	IP
Y	N	IP
Y	N	IP
Y	N	IP
Y	N	IP
Y	N	IP
Y	N	IP

Should you wish to provide any further information or details (e.g. title of the law/regulation, date of approval and entry into force etc.), use the space below:

Subsection II: schedule 1 chemicals and facilities related to such chemicals

Does your legislation contain provisions which regulate the:

- Production of schedule 1 chemicals
- Acquisition of schedule 1 chemicals
- Retention of schedule 1 chemicals
- Transfer of schedule 1 chemicals
- Activities of single small-scale facilities
- Activities of other facilities
- Verification/Inspections

Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP

Should you wish to provide any further information or details (e.g. title of the law/regulation, date of approval and entry into force etc.), use the space below:

Subsection III: schedule 2 chemicals and facilities related to such chemicals

Does your legislation contain provisions which regulate the discipline of:

- Annual declarations of aggregate national data
- Annual declarations of plant sites producing, processing or consuming schedule 2 chemicals
- Transfer of schedule 2 chemicals
- Verification/Inspections

Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP

Should you wish to provide any further information or details (e.g. title of the law/regulation, date of approval and entry into force etc.), use the space below:

Subsection IV: schedule 3 chemicals and facilities related to such chemicals

Does your legislation contain provisions which regulate the discipline of:

- Annual declarations of aggregate national data
- Annual declarations of plant sites producing schedule 3 chemicals
- Transfer of schedule 3 chemicals
- Verification/Inspections

Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP

Should you wish to provide any further information or details (e.g. title of the law/regulation, date of approval and entry into force etc.), use the space below:

Subsection V: other chemical production facilities

Does your legislation contain provisions which regulate the discipline of:

- Annual declarations to update the list of other chemical production facilities
- Verification/Inspections
- Transfer of schedule 3 chemicals

Y	N	%	IP
Y	N	%	IP
Y	N	%	IP

Should you wish to provide any further information or details (e.g. title of the law/regulation, date of approval and entry into force etc.), use the space below:

Subsection VI: penal provisions and miscellaneous

- Does your legislation contain a provision for the extraterritorial application of the criminal legislation to criminal offences committed by natural persons
- Does your legislation contain penal provisions/sanctions for the violation of the prohibition contained into section 1(2) above
- Does your legislation contain penal provisions/sanctions for the violation of the regime regulating scheduled chemicals
- Does your legislation contain penal provisions/sanctions for the violation of the regime regulating other chemical production facilities
- Does your legislation contains provisions regulating the challenge inspections

Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP
Y	N	%	IP

Should you wish to provide any further information or details (e.g. title of the law/regulation, date of approval and entry into force etc.), use the space below:

SECTION II

1. Has the legislative drafting process already started?

YES: please note that questions 6 and 7 do not apply to you

NO: you may skip questions 2 to 5 and answer directly question 6 to 9

2. What is the current status of the draft?

Before Parliament (e.g. plenary, parliamentary committees or commissions et alia)

Pending Governmental approval (e.g. cabinet, intergovernmental committee et alia)

Awaiting Presidential signature (or an equal formal act preceding the entry into force)

Other
Please provide some detail*

3. What would be the next step(s)?*

4. What is your realistic forecast for the draft to be adopted by Parliament?*

5. What are the challenges that you have faced and you might face in the future during the legislative process?*

6. What is the reason(s)/challenge(s) for which the legislative process has not started yet?*

7. What is your realistic forecast for this process to start?*

8. Have you ever requested assistance from the Technical Secretariat? YES NO

9. If not, do you consider that it might help in starting/expediting the legislative process?
 YES NO

***NB: Should you wish to provide any further information, attach additional sheets to this document.**