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REPORT BY THE DIRECTOR-GENERAL

STATUS OF IMPLEMENTATION OF ARTICLE VII OF THE CHEMICAL WEAPONS CONVENTION AS AT 31 JULY 2020: ADDITIONAL MEASURES FOR STATES PARTIES THAT POSSESS INDUSTRIAL FACILITIES WHICH ARE DECLARABLE UNDER THE CONVENTION

Introduction

1. In operative paragraph 1 of the decision on the follow-up to the plan of action regarding the implementation of obligations under Article VII of the Chemical Weapons Convention (hereinafter “the Convention”) (C-10/DEC.16, dated 11 November 2005), the Conference of the States Parties (hereinafter “the Conference”) stressed that it was imperative for States Parties that had yet to fulfil their obligations under Article VII to do so without delay.
2. The Third Review Conference¹ “[e]ncouraged the Secretariat to explore innovative methods of providing assistance on tailor-made approaches as a potential means to further advance the implementation of Article VII” (subparagraph 9.103(c) of RC-3/3*, dated 19 April 2013). Furthermore, the Technical Secretariat (hereinafter “the Secretariat”) was requested to “continue to submit its annual report on the implementation of Article VII to the Conference, and [...] to include an assessment in this report, for consideration by the policy-making organs, containing a comprehensive and objective analysis of the current status of national implementation, with a view to tracking the progress made and formulation of focused assistance programmes” (subparagraph 9.103(h) of RC-3/3*).
3. Pursuant to the request received from the Third Review Conference, and in close cooperation with States Parties, the Secretariat has updated the two matrices included in the annual reports—the one addressing the initial measures taken by States Parties in accordance with Article VII and the second listing additional measures—and is presenting them in two concurrent reports, as invited by the Conference (paragraph 8 of C-14/DEC.12, dated 4 December 2009).

¹

Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention.



Legislative and administrative implementation

4. This document provides an update on the status and progress in adopting the additional measures that are required by States Parties possessing declarable chemical facilities.
5. The information is based on the responses received from States Parties to the note verbale sent by the Secretariat on 28 February 2020 requesting them to provide updates on the status of implementation of Article VII and to fill in the matrices attached to the note verbale. As at the cut-off date of the current report (31 July 2020), 103 States Parties had replied to the note verbale (Table 1).

TABLE 1: STATES PARTIES THAT HAVE SUBMITTED RESPONSES TO THE SECRETARIAT

Albania	Algeria	Andorra
Antigua and Barbuda	Argentina	Armenia
Australia	Austria	Azerbaijan
Bangladesh	Belarus	Belgium
Belize	Bhutan	Bolivia (Plurinational State of)
Bosnia and Herzegovina	Botswana	Bulgaria
Burkina Faso	Burundi	Canada
Chile	China	Colombia
Costa Rica	Côte d'Ivoire	Croatia
Cyprus	Czech Republic	Denmark
Dominican Republic	Ecuador	El Salvador
Estonia	Ethiopia	Finland
France	Gambia	Georgia
Germany	Greece	Holy See
Honduras	Hungary	Iceland
India	Iran (Islamic Republic of)	Iraq
Ireland	Italy	Japan
Kenya	Latvia	Libya
Liechtenstein	Madagascar	Maldives
Mauritania	Mauritius	Mexico
Mongolia	Morocco	Netherlands
New Zealand	Nicaragua	Nigeria
North Macedonia	Norway	Oman
Panama	Peru	Philippines
Poland	Portugal	Republic of Korea
Romania	Russian Federation	Saint Kitts and Nevis
San Marino	Serbia	Seychelles
Singapore	Slovakia	Slovenia
South Africa	Spain	Sri Lanka
State of Palestine	Sudan	Sweden
Switzerland	Syrian Arab Republic	Thailand
Turkey	Uganda	United Arab Emirates
United Kingdom of Great Britain and Northern Ireland	United States of America	Uruguay
Uzbekistan	Venezuela (Bolivarian Republic of)	Viet Nam
Zambia		

6. The global status, as at 31 July 2020, of the relevant elements of legislative and administrative implementation is reflected in the tables below.

TABLE 2: OVERVIEW OF THE LEGISLATIVE IMPLEMENTATION OF THE CONVENTION

Article VII(5) submission received	172 (89%)
Legislation covers initial measures	119 (62%) in full 39 (20%) in part
Legislation covers additional measures	105 (54%)
Text of adopted measures provided	154 (80%)

TABLE 3: STATUS OF ELEMENTS OF LEGISLATIVE AND ADMINISTRATIVE IMPLEMENTATION UNDER THE PURVIEW OF THE PRESENT REPORT, AS AT 31 JULY 2020

Indicators	Number and Percentage of States Parties Having Implemented the Measure	
Control Regime (Including Penalties)		
Initial declarations for relevant industrial facilities	163 (84%) in full 6 (3%) in part	
Licensing of Schedule 1 chemical production facilities	103 (53%) in full 5 (3%) in part	
Reporting on production (including reporting on processing and consumption for Schedule 2)	Schedule 1	110 (57%) in full 13 (7%) in part
	Schedule 2	109 (56%) in full 15 (8%) in part
	Schedule 3	109 (56%) in full 15 (8%) in part
Declaration regime for other chemical production facilities (OCPFs)	108 (56%) in full 16 (8%) in part	
Verification Regime (Including Penalties)		
Access to facilities and other inspection powers	108 (56%) in full 10 (5%) in part	
On-site support from operators and staff	107 (55%) in full 9 (5%) in part	
Confidentiality Regime (Including Penalties)		
Provisions ensuring the protection of confidential information	111 (58%) in full 8 (4%) in part	

TABLE 4: EXPLANATION OF COLUMN HEADINGS IN THE TABLES CONTAINED IN THE ANNEX TO THIS REPORT

Heading	Explanation		
Control Regime (Including Penalties)			
	Schedule 1	Schedule 2	Schedule 3
Initial declarations for relevant industrial facilities	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to provide all information required for the initial declarations required under Article VI of the Convention.		
Licensing of Schedule 1 chemical production facilities	“X” indicates that the legislative/administrative measures establish licensing in line with paragraphs 8, 9, 10, and 11 of Part VI of the Verification Annex to the Convention (hereinafter “the Verification Annex”).		
Reporting on production (including reporting on processing and consumption for Schedule 2)	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to fulfil the reporting requirements concerning production of Schedule 1 chemicals, as required under section D of Part VI of the Verification Annex.	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to fulfil the reporting requirements concerning production, processing and consumption of Schedule 2 chemicals, as required under section A of Part VII of the Verification Annex.	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to fulfil the reporting requirements concerning production of Schedule 3 chemicals, as required under section A of Part VIII of the Verification Annex.
Declaration regime for OCPFs	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to provide all information required for the declaration, pursuant to paragraph 1 of Part IX of the Verification Annex and any update of that information (see paragraph 3 of Part IX of the Verification Annex).		
Verification Regime (Including Penalties)			
Access to facilities and other inspection powers	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to warrant OPCW inspectors access to the relevant facilities during the execution of inspection activities (including challenge inspections), pursuant to the relevant provisions of the Convention.		
On-site support from operators and staff	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to ensure support from operators and staff of relevant facilities during the execution of inspection activities by the Organisation.		

Heading	Explanation
Confidentiality Regime (Including Penalties)	
Provisions ensuring the protection of confidential information	“X” indicates that the national legislation/regulations ensure the protection of confidentiality, pursuant to the relevant provisions of the Convention.

“(X)”, that is, X in brackets, for any of the above indicators means that the measure has been partially implemented.

Please note that the prohibition of certain activities can also be imposed by legal measures other than direct prohibitions. For example, when a licensing regime in a State Party ensures that no natural or legal person will be permitted to carry out an activity that is prohibited to States Parties under the Convention, then the column for the prohibition will be checked with the indication “X”.

Annex (English only):

Status of Implementation of Additional Measures for States Parties That Possess Industrial Facilities Which Are Declarable Under the Convention as at 31 July 2020

Annex

**STATUS OF IMPLEMENTATION OF ADDITIONAL MEASURES FOR STATES PARTIES
 THAT POSSESS INDUSTRIAL FACILITIES WHICH ARE DECLARABLE UNDER THE CONVENTION
 AS AT 31 JULY 2020**

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)			Confidentiality Regime
	Licensing of Production Facilities		Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	Access to Facilities	On-site Support	
	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3	
Afghanistan							X
Albania	X	X		X	X	X	X
Algeria	X	X		X	X	X	X
Andorra					X		X
Angola	X						
Antigua and Barbuda			X	X			
Argentina	X	X	X	X	X	X	X
Armenia	X	X	X	X	X	X	X
Australia	X	X	X	X	X	X	X
Austria	X	X	X	X	X	X	X
Azerbaijan	X	X	X	X	X	X	X
Bahamas	X						
Bahrain			(X)	(X)	(X)	(X)	X
Bangladesh	X	X	X	X	X	X	X

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)		Confidentiality Regime
	Initial Declarations	Licensing of Schedule 1 Production Facilities	Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	On-site Support	
	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3
Barbados						
Belarus	X	X	X	X	X	X
Belgium	X	X	X	X	X	X
Belize	X	X	X	X	X	X
Benin	X					
Bhutan	X					
Bolivia (Plurinational State of)	(X)	(X)	(X)	(X)	(X)	(X)
Bosnia and Herzegovina	X	X	X	X	X	X
Botswana	X	X	X	X	X	X
Brazil	X	X	X	X	X	X
Brunei Darussalam	X					
Bulgaria	X	X	X	X	X	X
Burkina Faso	X	(X)	X	X	X	(X)
Burundi						
Cabo Verde	X	X	X	X	X	X
Cambodia	X			(X)	(X)	
Cameroon	X	X	X	X	X	X
Canada	X	X	X	X	X	X
Central African Republic	X	X	X	X	X	X
Chad	X					

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)		Confidentiality Regime	
	Initial Declarations	Licensing of Schedule 1 Production Facilities	Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	On-site Support	Provisions Ensuring the Protection of Confidential Information	Confirmation Regarding Article XI(2)(e) Review
	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3	
Chile	(X)	(X)	(X)	(X)	(X)	(X)	(X)
China	X	X	X	X	X	X	X
Colombia	X	X	X	X	X	X	X
Comoros	X			(X)	(X)		
Congo					(X)	(X)	(X)
Cook Islands							
Costa Rica	X	X	X	X	X	(X)	X
Côte d'Ivoire	X		X	X	X	X	X
Croatia	X	X	X	X	X	X	X
Cuba	X	X	X	X	X	X	X
Cyprus	X	X	X	X	X	X	X
Czech Republic	X	X	X	X	X	X	X
Democratic Republic of the Congo	X						
Denmark	X	X	X	X	X	X	X
Djibouti							
Dominica	X						X
Dominican Republic							
Ecuador						(X)	(X)
El Salvador		X					
Equatorial Guinea		X					

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)		Confidentiality Regime
	Initial Declarations	Licensing of Schedule 1 Production Facilities	Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	On-site Support	
	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3
Eritrea	X					
Estonia	X	X	X	X	X	X
Eswatini	X					
Ethiopia				X		
Fiji	X	X	X	X	X	X
Finland		X	X	X	X	X
France	X	X	X	X	X	X
Gabon	X					
Gambia						
Georgia	X	X	X	X	X	X
Germany	X	X	X	X	X	X
Ghana	X					
Greece	X				X	X
Grenada	X	X	X	X	X	X
Guatemala	X					
Guinea	X					
Guinea-Bissau		X				
Guyana						
Haiti	X					
Holy See				X	X	X

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)		Confidentiality Regime	
	Initial Declarations	Licensing of Schedule 1 Production Facilities	Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	On-site Support	Provisions Ensuring the Protection of Confidential Information	Confirmation Regarding Article XI(2)(e) Review
	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3	
Honduras			X	X	X	X	X
Hungary	X	X	X	X	X	X	X
Iceland	X						X
India	X	X	X	X	X	X	X
Indonesia	X	X	X	X	X	X	X
Iran (Islamic Republic of)	X	X	X	X	X	X	X
Iraq	X	X	X	X	X	X	X
Ireland	X	X	X	X	X	X	X
Italy	X	X	X	X	X	X	X
Jamaica	X		(X)	(X)	(X)	(X)	X
Japan	X	X	X	X	X	X	X
Jordan	X						X
Kazakhstan	X	X	X	X	X	X	X
Kenya	(X)	(X)	X	X	(X)	X	(X)
Kiribati	(X)		(X)	(X)	(X)		
Kuwait	X	X	X	X	X	X	X
Kyrgyzstan					X		
Lao People's Democratic Republic	X	X	X	X	X	X	X
Latvia	X	X	X	X	X	X	X
Lebanon	X						

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)			Confidentiality Regime
	Initial Declarations	Licensing of Schedule 1 Production Facilities	Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	On-site Support	Provisions Ensuring the Protection of Confidential Information	
	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3	
Lesotho	X	X	X	X	X	X	X
Liberia	X	X	(X)	(X)	(X)	(X)	
Libya	X						
Liechtenstein	X	X	X	X	X	X	X
Lithuania	X	X	X	X	X	X	X
Luxembourg	X	X	X	X	X	X	X
Madagascar	X	X	X	X	X	X	X
Malawi	X						
Malaysia	X	X	X	X	X	X	X
Maldives	X			(X)	(X)	(X)	(X)
Mali	X			(X)	(X)	(X)	
Malta	X	X	X	X	X	X	X
Marshall Islands	X						
Mauritania	X	X	X	X	X	X	X
Mauritius	X	X	X	X	X	X	X
Mexico	X			X	X	X	X
Micronesia (Federated States of)	X	X	X	X	X	X	X
Monaco	X	X	X	X	X	X	X
Mongolia	X	X		X	X	X	X
Montenegro	X	X	X	X	X	X	X

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)			Confidentiality Regime
	Initial Declarations	Licensing of Schedule 1 Production Facilities	Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	On-site Support	Provisions Ensuring the Protection of Confidential Information	
	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3	
Morocco	X	X	X	X	X	X	X
Mozambique	X						
Myanmar	X			X	X	(X)	(X)
Namibia	X						
Nauru	X						
Nepal	X	X	(X)	(X)	(X)	(X)	(X)
Netherlands	X	X	X	X	X	X	X
New Zealand	X	X	X	X	X	X	X
Nicaragua	X						
Niger	X	X	X	X	(X)	X	X
Nigeria	X						
Niue	X			(X)	(X)	(X)	
North Macedonia	X	X	X	X	X	X	X
Norway	X	X	X	X	X	X	X
Oman	X	X	X	X	X	X	X
Pakistan	X	X	X	X	X	X	X
Palau	X	X	X	X	X	X	X
Panama	X	X	X	X	X	X	X
Papua New Guinea	X						
Paraguay	X						

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)			Confidentiality Regime
	Initial Declarations	Licensing of Schedule 1 Production Facilities	Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	On-site Support	Provisions Ensuring the Protection of Confidential Information	
	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3	
Peru	X	X	X	X	X	X	X
Philippines							
Poland	X	X	X	X	X	X	X
Portugal	X	X	X	X	X	X	X
Qatar				X	X	X	(X)
Republic of Korea	X	X	X	X	X	X	X
Republic of Moldova	X	X	X	X	X	X	X
Romania	X	X	X	X	X	X	X
Russian Federation	X	2	X	X	X	X	X
Rwanda	X						
Saint Kitts and Nevis	X	X	X	X	X	X	X
Saint Lucia	X	X	X	X	X	X	X
Saint Vincent and the Grenadines	X	X	X	X	X	X	X
Samoa	X			(X)	(X)	(X)	
San Marino	X						
Sao Tome and Principe	X	X	X	X	X	X	X
Saudi Arabia	X	X	X	X	X	X	X

2 No declarable activity.

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)		Confidentiality Regime
	Initial Declarations	Licensing of Schedule 1 Production Facilities	Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	On-site Support	Provisions Ensuring the Protection of Confidential Information
Senegal	X	X	X	X	X	X
Serbia	X	X	X	X	X	X
Seychelles						
Sierra Leone	X					
Singapore	X	X	X	X	X	X
Slovakia	X	X	X	X	X	X
Slovenia	X	X	X	X	X	X
Solomon Islands	X					
Somalia	X					
South Africa	X	X	X	X	X	X
Spain	X	X	X	X	X	X
Sri Lanka	X	X	X	X	X	X
State of Palestine				X	X	X
Sudan	X	X	X	X	X	X
Suriname	X					
Sweden	X	X	X	X	X	X
Switzerland	X	X	X	X	X	X
Syrian Arab Republic	X					

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)			Confidentiality Regime
	Initial Declarations	Licensing of Schedule 1 Production Facilities	Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	On-site Support	Provisions Ensuring the Protection of Confidential Information	
	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3	
Tajikistan	X	X	X	X	X	X	X
Thailand	(X) ³	X**	X***	X	(X)*	(X)	X
Timor-Leste	X						
Togo							
Tonga							
Trinidad and Tobago	X						
Tunisia	X	X	X	X	X	X	X
Turkey	X	X	X	X	X	X	X
Turkmenistan	X	X	X	X	X	X	X
Tuvalu	X						
Uganda							
Ukraine	X	X	X	X	X	X	X
United Arab Emirates	X	X			X	X	X
United Kingdom of Great Britain and Northern Ireland	X	X	X	X	X	X	X
United Republic of Tanzania	X						

3 Thailand indicated that the above-mentioned regime can be obtained with the engagement and supervision of the factory under the Factory Act, B.E. 2535 (1992).

** Production of Schedule 1 chemicals is prohibited.

*** Production of Schedule 2A chemicals is prohibited.

State Party	Control Regime (Including Penalties)			Verification Regime (Including Penalties)		Confidentiality Regime
	Licensing of Schedule 1 Production Facilities	Reporting on Production (Including Processing and Consumption for Schedule 2)	Declaration Regime for OCPFs	Access to Facilities	On-site Support	
Initial Declarations	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Confirmation Regarding Article XI(2)(e) Review
United States of America	X	X	X	X	X	X
Uruguay	X	X	X	X	X	X
Uzbekistan						
Vanuatu	X					X
Venezuela (Bolivarian Republic of)	X	X	(X)	(X)	(X)	(X)
Viet Nam	X	X	X	X	X	X
Yemen	X					
Zambia	(X)	(X)	(X)	(X)	(X)	(X)
Zimbabwe	X		X	X	X	

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