



**OPCW**

**Conference of the States Parties**

Fourth Session  
28 June - 2 July 1999  
Agenda Item 18

C-IV/DEC.16  
1 July 1999  
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## **DECISION**

### **GUIDELINES FOR PROVISIONS REGARDING SCHEDULED CHEMICALS IN LOW CONCENTRATIONS, INCLUDING IN MIXTURES, IN ACCORDANCE WITH PARAGRAPHS 5 OF PARTS VII AND VIII OF THE VERIFICATION ANNEX (PARIS RESOLUTION, SUBPARAGRAPH 12(t))**

#### **The Conference,**

**Recalling** that the Convention requires the Conference of the State Parties to adopt guidelines on the declaration of Schedule 2 as well as Schedule 3 chemicals contained in mixtures in low concentrations (paragraphs 5 of Parts VII and VIII of the Verification Annex, respectively);

**Further recalling** that the issue of low concentration guidelines was listed in the final report of the Preparatory Commission for the OPCW to the Conference as an unresolved issue (paragraph 79 of PC-XVI/37), and was referred to the Committee of the Whole by the Conference at its First Session (C-I/2, dated 12 May 1997);

**Recalling also** the decision of the Conference on the procedure for resolving unresolved issues during the third intersessional period (C-III/DEC.11, dated 20 November 1998);

**Recognising** that in the absence of such guidelines, different national regulations are being applied by States Parties, as noted in the Report by the Director-General (EC-IX/DG.8, dated 21 April 1998), which may lead to the uneven implementation of the Convention with regard to declarations and inspections of facilities;

**Stressing** the desirability of adopting a common approach with respect to the low concentration guidelines, consistent with the non-discriminatory and effective implementation of the Convention;

**Cognisant** of the fact that the issue of mixtures containing Schedule 2 or Schedule 3 chemicals extends beyond the declaration of plant sites pursuant to Article VI of the Convention, in particular to the application of the Convention's transfer regulations for Schedule 2 or Schedule 3 chemicals, and **considering** that this latter issue shall not be discussed and resolved in isolation from the issue of low concentrations in relation to guidelines for declarations;

**Recalling** in this respect that the Convention prohibits transfers of Schedule 2 or Schedule 3 chemicals to States not party unless an end-use certificate from the recipient State ensures that the transferred chemical be only used for purposes not prohibited under the Convention, and **drawing the attention** of Member States to the Conference decisions related to paragraph 32 of Part VII and paragraph 26 of Part VIII of the Verification Annex to the Convention (C-III/DEC.6 and C-III/DEC.7, both dated 17 November 1998);

**Recalling further** that, in accordance with paragraph 31 of Part VII of the Verification Annex, Schedule 2 chemicals may not be transferred to or from States not party as from three years after entry into force, and that, with respect to transfers of Schedule 3 chemicals to States not party, the Conference shall, in accordance with paragraph 27 of Part VIII of the Verification Annex, five years after entry into force, consider the need to establish other measures;

**Recognising also** that the resolution of these issues has important economic and administrative dimensions for the affected industries in Member States, and that they shall be resolved in accordance with paragraph 11 of Article VI;

**Having received** a report by the Committee of the Whole in this respect;

**Hereby:**

1. **Urges** all States Parties to ensure the effective implementation of the provisions of paragraphs 31 and 32 of Part VII, and paragraph 26 of Part VIII, of the Verification Annex;
2. **Confirms** that declarations of plant sites in accordance with paragraphs 5 of Part VII and Part VIII of the Verification Annex are triggered by the amount of a Schedule 2 or Schedule 3 chemical contained in a mixture as well as its concentration. Declarations are required when the amount of the Schedule 2 or Schedule 3 chemical contained in a mixture exceeds the applicable declaration threshold, and its concentration exceeds a concentration limit yet to be determined;
3. **Requests** the Executive Council to prepare, for consideration and adoption during its Seventeenth Session,
  - (a) a recommendation on the applicable concentration limits for declarations under Parts VII and VIII of the Verification Annex, including a recommendation for the time frame within which States Parties are required to implement these guidelines; and
  - (b) a recommendation on the application of paragraphs 31 and 32 of Part VII, and paragraph 26 of Part VIII of the Verification Annex with respect to mixtures containing Schedule 2 or Schedule 3 chemicals.