



OPCW

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REPORT BY THE DIRECTOR-GENERAL

**STATUS OF IMPLEMENTATION OF ARTICLE VII OF THE CHEMICAL WEAPONS
CONVENTION AS AT 31 JULY 2015: ADDITIONAL MEASURES FOR STATES
PARTIES THAT POSSESS INDUSTRIAL FACILITIES WHICH ARE DECLARABLE
UNDER THE CONVENTION**



Legislative and administrative implementation

1. In operative paragraph 1 of the decision on the follow-up to the plan of action regarding the implementation of Article VII obligations (C-10/DEC.16, dated 11 November 2005), the Conference of the States Parties (hereinafter “the Conference”) stressed that it is imperative for States Parties that had yet to fulfil their obligations under Article VII to do so without delay.
2. At the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter “the Third Review Conference”), the Conference “[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 matrixes 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 requested by the Conference (paragraph 8 of C-14/DEC.12, dated 4 December 2009).
4. In this context, on 25 February 2015, the Secretariat sent to all States Parties a note verbale requesting them to provide updates on the status of implementation of Article VII and to fill in the matrixes attached to the note verbale. At the cut-off date of the current report, 53 States Parties had replied to the note verbale and 45 had filled in and submitted the updated matrixes¹ (Table 1).

¹

States Parties identified by an asterisk (*) replied to the note verbale but did not fill in the matrixes.

TABLE 1: STATES PARTIES THAT HAVE FILLED IN THE UPDATED MATRIXES AND SUBMITTED THEM TO THE SECRETARIAT

| | | |
|----------------------------------|--------------|----------------------|
| Albania | France | Pakistan |
| Algeria | Grenada | Palau |
| Andorra | Hungary | Paraguay |
| Argentina | India | Philippines |
| Armenia | Indonesia | Romania |
| Australia* | Italy | Russian Federation |
| Austria | Japan | South Africa |
| Belgium | Jordan* | Spain |
| Bolivia (Plurinational State of) | Kyrgyzstan | Sudan |
| Brazil | Latvia | Sweden |
| Bulgaria | Lebanon* | Tajikistan |
| Burundi | Luxembourg | Thailand |
| Costa Rica | Mexico | Turkey |
| Croatia | Monaco* | Turkmenistan |
| Cyprus | Namibia | United Arab Emirates |
| Czech Republic | Netherlands | United Kingdom* |
| Denmark* | New Zealand* | Ukraine |
| Finland* | Norway | |

5. The global status, as at 31 July 2015, 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 | 152 (80%) |
| Legislation covers all initial measures | 116 (61%) in full 30 (16%) in part |
| Legislation covers additional measures | 109 (57%) |
| Text of adopted measures provided | 135 (71%) |

TABLE 3: STATUS OF ELEMENTS OF LEGISLATIVE AND ADMINISTRATIVE IMPLEMENTATION UNDER THE PURVIEW OF THE PRESENT REPORT, AS AT 31 JULY 2015

| Indicators | | Number and Percentage of States Parties Having Implemented the Measure |
|--|------------|--|
| Control Regime (Including Penalties) | | |
| Initial declarations for relevant industrial facilities | | 188 (99%) in full 1 (1%) in part |
| Licensing of Schedule 1 chemical production facilities | | 99 (52%) in full 1 (1%) in part |
| Reporting on production (including reporting on processing and consumption for Schedule 2) | Schedule 1 | 102 (54%) in full 14 (7%) in part |
| | Schedule 2 | 105 (55%) in full 13 (7%) in part |
| | Schedule 3 | 105 (55%) in full 13 (7%) in part |

| Indicators | Number and Percentage of States Parties Having Implemented the Measure |
|---|---|
| Declaration Regime for other chemical production facilities (OCPFs) | 104 (55%) in full 13 (7%) in part |
| Verification Regime (Including Penalties) | |
| Access to facilities and other inspection powers | 104 (55%) in full 1 (1%) in part |
| On-site support from operators and staff | 104 (55%) in full 1 (1%) in part |
| Confidentiality Regime (Including Penalties) | |
| Provisions ensuring the protection of confidential information | 103(54%) in full 1 (1%) in part |

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

| Heading | Explanation | | |
|--|--|---|--|
| Control Regime (Including Penalties) | | | |
| 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. | | |
| | Schedule 1 | Schedule 2 | Schedule 3 |
| Licensing of Schedule 1 chemical production facilities | “X” indicates that the legislative/ administrative measures establish licensing in line with paragraphs 8, 9, 10, 11 of Part VI of 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 |

| Heading | Explanation |
|--|---|
| 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. |
| 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, in 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 2015

| | State Party | Control Regime (Including Penalties) | | | | | | | Verification Regime (Including Penalties) | | Confidentiality Regime | Confirmation Regarding Article XI(2)(e) Review | |
|-----|----------------------------------|--------------------------------------|---|------------|------------|---|------------|------------|---|----------------------|------------------------|--|--|
| | | Initial Declarations | 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 | | Provisions Ensuring the Protection of Confidential Information |
| | | | Schedule 1 | Schedule 2 | Schedule 3 | Schedule 1 | Schedule 2 | Schedule 3 | | | | | |
| 15. | Belarus | X | X | | | X | X | X | X | X | X | X | X |
| 16. | Belgium | X | X | | | X | X | X | X | X | X | X | X |
| 17. | Belize | X | | | | | | | | | | | |
| 18. | Benin | X | | | | | | | | | | | |
| 19. | Bhutan | X | | | | | | | | | | | |
| 20. | Bolivia (Plurinational State of) | X | X | | | X | X | X | X | X | X | X | X |
| 21. | Bosnia and Herzegovina | X | X | | | X | X | X | X | X | X | X | X |
| 22. | Botswana | X | X | | | X | X | X | X | X | X | X | |
| 23. | Brazil | X | X | | | X | X | X | X | X | X | X | X |
| 24. | Brunei Darussalam | X | | | | | | | | | | | X |
| 25. | Bulgaria | X | X | | | X | X | X | X | X | X | X | X |
| 26. | Burkina Faso | X | X | | | X | X | X | X | X | X | X | X |
| 27. | Burundi | X | X | | | X | X | X | X | X | X | X | X |
| 28. | Cabo Verde | X | X | | | X | X | X | | X | X | X | |
| 29. | Cambodia | X | | | | (X) | (X) | (X) | | | | | |
| 30. | Cameroon | X | | | | | | | | | | | X |
| 31. | Canada | X | X | | | X | X | X | X | X | X | X | X |
| 32. | Central African Republic | X | X | | | X | X | X | X | X | X | X | |

| | State Party | Control Regime (Including Penalties) | | | | | | | Verification Regime (Including Penalties) | | Confidentiality Regime | Confirmation Regarding Article XI(2)(e) Review | |
|-----|-------------------|--------------------------------------|---|------------|------------|---|------------|------------|---|----------------------|------------------------|--|--|
| | | Initial Declarations | Licensing of Schedule 1 Production Facilities | | | Reporting on Production (Including Processing and Consumption for Schedule 2) | | | Declaration Regime for OCPF's | Access to Facilities | On-site Support | | Provisions Ensuring the Protection of Confidential Information |
| | | | Schedule 1 | Schedule 2 | Schedule 3 | Schedule 1 | Schedule 2 | Schedule 3 | | | | | |
| 52. | El Salvador | X | | | | | | | | | | | X |
| 53. | Equatorial Guinea | X | | | | | | | | | | | |
| 54. | Eritrea | X | | | | | | | | | | | |
| 55. | Estonia | X | X | | | X | X | X | X | X | X | X | X |
| 56. | Ethiopia | X | X | | | X | X | X | X | X | X | X | X |
| 57. | Fiji | X | X | | | X | X | X | X | X | X | X | X |
| 58. | Finland | X | X | | | X | X | X | X | X | X | X | X |
| 59. | France | X | X | | | X | X | X | X | X | X | X | X |
| 60. | Gabon | X | | | | | | | | | | | |
| 61. | Gambia | X | X | | | X | X | X | X | X | X | X | X |
| 62. | Georgia | X | | | | | | | | | | | X |
| 63. | Germany | X | X | | | X | X | X | X | X | X | X | X |
| 64. | Ghana | X | | | | | | | | | | | |
| 65. | Greece | X | | | | | | | X | X | X | X | X |
| 66. | Grenada | X | X | | | X | X | X | X | X | X | X | X |
| 67. | Guatemala | X | | | | | | | | | | | |
| 68. | Guinea | X | | | | | | | | | | | |
| 69. | Guinea-Bissau | X | | | | | | | | | | | |
| 70. | Guyana | X | | | | | | | | | | | |

| | State Party | Control Regime (Including Penalties) | | | | | | | Verification Regime (Including Penalties) | | Confidentiality Regime | Confirmation Regarding Article XI(2)(e) Review | |
|-----|----------------------------|--------------------------------------|---|------------|------------|---|------------|------------|---|----------------------|------------------------|--|--|
| | | Initial Declarations | 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 | | Provisions Ensuring the Protection of Confidential Information |
| | | | Schedule 1 | Schedule 2 | Schedule 3 | Schedule 1 | Schedule 2 | Schedule 3 | | | | | |
| 71. | Haiti | X | | | | | | | | | | | |
| 72. | Holy See | X | X | | | X | X | X | X | X | X | X | |
| 73. | Honduras | X | | | | | | | | | | | |
| 74. | Hungary | X | X | | | X | X | X | X | X | X | X | |
| 75. | Iceland | X | | | | | | | | | | X | |
| 76. | India | X | X | | | X | X | X | X | X | X | X | |
| 77. | Indonesia | X | (X) | | | (X) | (X) | (X) | (X) | X | X | X | |
| 78. | Iran (Islamic Republic of) | X | X | | | X | X | X | X | X | X | X | |
| 79. | Iraq | X | X | | | X | X | X | X | X | X | X | |
| 80. | Ireland | X | X | | | X | X | X | X | X | X | X | |
| 81. | Italy | X | X | | | X | X | X | X | X | X | X | |
| 82. | Jamaica | X | | | | (X) | (X) | (X) | (X) | | | X | |
| 83. | Japan | X | X | | | X | X | X | X | X | X | X | |
| 84. | Jordan | X | | | | | | | | | | X | |
| 85. | Kazakhstan | X | X | | | X | X | X | X | X | X | X | |
| 86. | Kenya | X | | | | | | | | | | | |
| 87. | Kiribati | (X) | | | | (X) | (X) | (X) | (X) | | | | |
| 88. | Kuwait | X | | | | | | | | | | | |
| 89. | Kyrgyzstan | X | X | | | X | X | X | X | X | X | (X) | |

| | State Party | Control Regime (Including Penalties) | | | | | | | Verification Regime (Including Penalties) | | Confidentiality Regime | Confirmation Regarding Article XI(2)(e) Review | |
|------|----------------------------------|--------------------------------------|---|------------|------------|---|------------|------------|---|----------------------|------------------------|--|--|
| | | Initial Declarations | 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 | | Provisions Ensuring the Protection of Confidential Information |
| | | | Schedule 1 | Schedule 2 | Schedule 3 | Schedule 1 | Schedule 2 | Schedule 3 | | | | | |
| 90. | Lao People's Democratic Republic | X | | | | | | | | | | | |
| 91. | Latvia | X | X | | | X | X | X | X | X | X | X | X |
| 92. | Lebanon | X | | | | | | | | | | | |
| 93. | Lesotho | X | X | | | X | X | X | X | X | X | X | |
| 94. | Liberia | X | | | | (X) | (X) | (X) | (X) | | | | |
| 95. | Libya | X | | | | | | | | | | | |
| 96. | Liechtenstein | X | X | | | X | X | X | X | X | X | X | X |
| 97. | Lithuania | X | X | | | X | X | X | X | X | X | X | X |
| 98. | Luxembourg | X | X | | | X | X | X | X | X | X | X | X |
| 99. | Madagascar | X | X | | | X | X | X | X | X | X | X | |
| 100. | Malawi | X | | | | | | | | | | | |
| 101. | Malaysia | X | X | | | X | X | X | X | X | X | X | X |
| 102. | Maldives | X | | | | | | | | | | | |
| 103. | Mali | X | | | | | (X) | (X) | (X) | | | | |
| 104. | Malta | X | X | | | X | X | X | X | X | X | X | X |
| 105. | Marshall Islands | X | | | | | | | | | | | |
| 106. | Mauritania | X | X | | | X | X | X | X | X | X | X | |
| 107. | Mauritius | X | X | | | X | X | X | X | X | X | X | X |
| 108. | Mexico | X | | | | | X | X | X | X | X | X | X |

| | State Party | Control Regime (Including Penalties) | | | | | | | Verification Regime (Including Penalties) | | Confidentiality Regime | Confirmation Regarding Article XI(2)(e) Review | |
|------|----------------------------------|--------------------------------------|---|------------|------------|---|------------|------------|---|----------------------|------------------------|--|--|
| | | Initial Declarations | 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 | | Provisions Ensuring the Protection of Confidential Information |
| | | | Schedule 1 | Schedule 2 | Schedule 3 | Schedule 1 | Schedule 2 | Schedule 3 | | | | | |
| 128. | Panama | X | X | | | X | X | X | X | X | X | | |
| 129. | Papua New Guinea | X | | | | | | | | | | | |
| 130. | Paraguay | X | | | | | | | | | | | |
| 131. | Peru | X | X | | | X | X | X | X | X | X | X | X |
| 132. | Philippines | X | | | | | | | | | | | |
| 133. | Poland | X | X | | | X | X | X | X | X | X | X | X |
| 134. | Portugal | X | X | | | X | X | X | X | X | X | X | X |
| 135. | Qatar | X | X | | | X | X | X | X | X | X | X | X |
| 136. | Republic of Korea | X | X | | | X | X | X | X | X | X | X | X |
| 137. | Republic of Moldova | X | X | | | X | X | X | X | X | X | X | |
| 138. | Romania | X | X | | | X | X | X | X | X | X | X | X |
| 139. | Russian Federation | X | * | | | X | X | X | X | X | X | X | X |
| 140. | Rwanda | X | | | | | | | | | | | |
| 141. | Saint Kitts and Nevis | X | | | | (X) | (X) | (X) | (X) | | | | |
| 142. | Saint Lucia | X | X | | | X | X | X | X | X | X | X | |
| 143. | Saint Vincent and the Grenadines | X | X | | | X | X | X | X | X | X | X | X |
| 144. | Samoa | X | | | | (X) | (X) | (X) | (X) | | | | |

* No declarable activity

| | State Party | Control Regime (Including Penalties) | | | | | | | Verification Regime (Including Penalties) | | Confidentiality Regime | Confirmation Regarding Article XI(2)(e) Review | |
|------|---|--------------------------------------|---|------------|------------|---|------------|------------|---|----------------------|------------------------|--|--|
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| | | | Schedule 1 | Schedule 2 | Schedule 3 | Schedule 1 | Schedule 2 | Schedule 3 | | | | | |
| 164. | Switzerland | X | X | | | X | X | X | X | X | X | X | X |
| 165. | Syrian Arab Republic | X | | | | | | | | | | | |
| 166. | Tajikistan | X | X | | | X | X | X | X | X | X | X | X |
| 167. | Thailand | X* | X** | | | X** | X*** | X | (X)* | (X)* | (X)* | X | X |
| 168. | The former Yugoslav Republic of Macedonia | X | X | | | X | X | X | X | X | X | X | X |
| 169. | Timor-Leste | X | | | | | | | | | | | |
| 170. | Togo | X | | | | | | | | | | | |
| 171. | Tonga | | | | | | | | | | | | |
| 172. | Trinidad and Tobago | X | | | | | | | | | | | |
| 173. | Tunisia | X | X | | | X | X | X | X | X | X | X | |
| 174. | Turkey | X | | | | | X | X | X | X | X | X | X |
| 175. | Turkmenistan | X | X | | | X | X | X | X | X | X | X | X |
| 176. | Tuvalu | X | | | | | | | | | | | |
| 177. | Uganda | X | | | | | | | | | | | |
| 178. | Ukraine | X | X | | | X | X | X | X | X | X | X | X |

* 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 | Confirmation Regarding Article XI(2)(e) Review | |
|------|--|--------------------------------------|---|------------|------------|---|------------|------------|---|----------------------|------------------------|--|--|
| | | Initial Declarations | Licensing of Schedule 1 Production Facilities | | | Reporting on Production (Including Processing and Consumption for Schedule 2) | | | Declaration Regime for OCPF's | Access to Facilities | On-site Support | | Provisions Ensuring the Protection of Confidential Information |
| | | | Schedule 1 | Schedule 2 | Schedule 3 | Schedule 1 | Schedule 2 | Schedule 3 | | | | | |
| 179. | United Arab Emirates | X | X | | | | | | X | X | X | (X) | |
| 180. | United Kingdom of Great Britain and Northern Ireland | X | X | | | X | X | X | X | X | X | X | |
| 181. | United Republic of Tanzania | X | | | | | | | | | | | |
| 182. | United States of America | X | X | | | X | X | X | X | X | X | X | |
| 183. | Uruguay | X | | | | X | X | X | X | | | | |
| 184. | Uzbekistan | X | X | | | X | X | X | X | X | X | X | |
| 185. | Vanuatu | X | | | | | | | | | | | |
| 186. | Venezuela (Bolivarian Republic of) | X | | | | | | | | | | | |
| 187. | Viet Nam | X | X | | | X | X | X | X | X | X | | |
| 188. | Yemen | X | | | | | | | | | | | |
| 189. | Zambia | X | | | | (X) | (X) | (X) | (X) | | | | |
| 190. | Zimbabwe | X | | | | X | X | X | X | | | | |