

**Bulletin of Acts and Decrees
of the Kingdom of the Netherlands**

1997

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Order of 24 April 1997, issued by the Minister of Justice, for the publication in the Bulletin of Acts and Decrees of the text of the Chemical Weapons Convention Implementation Act, as last amended by the Decree of 22 April 1997, Bulletin of Acts and Decrees 179

The Minister of Justice,

Having regard to article II of the Decree of 24 April 1997, Bulletin of Acts and Decrees 179, amending the Chemical Weapons Convention Implementation Act;

Hereby decrees:

that the text of the Chemical Weapons Convention Implementation Act, as last amended by Decree of 22 April 1997, Bulletin of Acts and Decrees 179, shall be published in the Bulletin of Acts and Decrees as an annexe to this Order.

The Hague, 24 April 1997

Beatrix

W. Sorgdrager
Minister of Justice

Published on the *twenty-ninth* of April 1997

W. Sorgdrager
Minister of Justice

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**TEXT OF THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT, AS
AMENDED BY ROYAL DECREE OF 22 APRIL 1997 (BULLETIN OF ACTS AND DECREES
179)**

CHAPTER 1: DEFINITIONS

Article 1

For the purposes of this Decree and the provisions based thereon, the following words have the following definitions:

- a. Act: the Chemical Weapons Convention Implementation Act;
- b. CAS registry number: the registry number of the Chemical Abstracts Service (CAS) referred to in article III, paragraph 1e of the Convention;
- c. schedule 1, schedule 2 and schedule 3: schedules 1, 2 and 3, as included in part B of the Annex on chemicals to the Convention;
- d. discrete organic chemical: any chemical compound of the element carbon, with the exception of its oxides, sulphides and metal carbonates, identified by chemical name, structural formula, if known, and CAS registry number, if assigned;
- e. production capacity: production capacity as defined in article II, paragraph 10 of the Convention.

CHAPTER 2: DESIGNATION OF CHEMICALS

Article 2

1. The chemicals listed in schedule 1 shall be designated as chemicals referred to in section 3, subsection 1 of the Act.
2. The chemicals listed in schedules 2 and 3 shall be designated as chemicals referred to in section 5, subsection 1 of the Act.
3. The following shall be designated as chemicals referred to in section 6 of the Act:
 - a. the organic chemicals produced by synthesis, which are not listed in schedules 1, 2 or 3; and
 - b. the organic chemicals produced by synthesis, which are not listed in schedules 1, 2 or 3 and which contain the elements phosphorus, fluorine or sulphur.
4. For the purposes of this Decree, any amendments to schedules 1, 2 or 3 shall apply from the date on which the amendment in question takes effect for the

Netherlands.

5. Our Minister shall announce amendments of schedules 1, 2 and 3 in the Bulletin of Acts and Decrees, stating the date referred to in paragraph 4.

CHAPTER 3: DESIGNATION OF INFORMATION TO BE PROVIDED

Article 3 (schedule 1 chemicals)

1. Any person that commissions a facility subject to section 3, subsection 2 or 3 of the Act shall provide Our Minister with the following information at least seven months prior to the start of production:
 - a. the address and Land Registry designation of the facility;
 - b. a technical description of the facility, including an inventory of the equipment and detailed plans.
2. Before 1 March of each year, any person operating a facility subject to section 3, subsection 2 or 3 of the Act shall provide Our Minister with the following information on the preceding calendar year:
 - a. a designation of the nature of the facility;
 - b. for each schedule 1 chemical produced, acquired, consumed or stored at the facility:
 1. the chemical name, structural formula and the CAS registry number, if assigned;
 2. the methods applied and the quantities produced;
 3. the name and quantity of the precursors used listed in schedule 1, 2, or 3 used for production of schedule 1 chemicals;
 4. the quantity consumed at the facility and the purposes of such consumption;
 5. the quantity received from or shipped to other facilities within the Netherlands, stating the quantity, the recipient and the purposes for each shipment;
 6. the maximum quantity stored at any time during the year;
 7. the quantity in stock at the end of the year;
 - c. information on any changes at the facility during the year in relation to previously submitted detailed technical descriptions of the facility, including inventories of equipment and detailed plans.
3. Before 1 September of each year, any person operating a facility subject to section 3, subsection 2 or 3 of the Act shall provide Our Minister with the following information on projected activities and the expected production at the facility in the

coming year:

- a. a designation of the nature of the facility;
 - b. for each schedule 1 chemical expected to be produced, consumed or stored at the facility:
 1. the chemical name, structural formula and CAS registry number, if assigned;
 2. the quantity expected to be produced and the purpose of the production;
 - c. information on any expected changes at the facility during the year in relation to previously submitted detailed technical descriptions of the facility, including inventories of equipment and detailed plans.
4. Paragraphs 2 and 3 shall not apply if the facility referred to in article 3, paragraph 2 is a hospital.

Article 4 (schedule 1 chemicals)

1. Any person granted dispensation as referred to in section 3, subsection 4a of the Act shall provide Our Minister with the following information at least seven months prior to the commissioning of the facility in question:
 - a. the address and Land Registry designation of the facility;
 - b. a technical description of the facility, with a specific designation of a facility producing schedule 1 chemicals.
2. Our Minister shall be notified of any proposed changes in relation to the declaration referred to in paragraph 1 at least seven months prior to the implementation of such changes.
3. Before 1 March of each year, any person granted dispensation as referred to in paragraph 1 shall provide Our Minister with the following information on the preceding calendar year:
 - a. a designation of the nature of the facility;
- b. for each schedule 1 chemical:
 1. the chemical name, structural formula and the CAS registry number, if assigned;
 2. the quantity produced and, in the case of production for protective purposes, methods employed;
 3. the name and quantity of precursors listed in schedules 1, 2 or 3, used for the production of schedule 1 chemicals;
 4. the quantity consumed at the facility and the purpose of the consumption;
 5. the quantity transferred to other facilities within the Netherlands, stating

- the quantity, recipient and purposes for each transfer;
 - 6. the maximum quantity stored at any time during the year;
 - 7. the quantity stored at the end of the year;
 - c. information on any changes at the facility or relevant parts thereof during the year, in relation to previously submitted detailed technical descriptions of the facility.
4. Before 1 September of each year, any person granted dispensation as referred to in paragraph 1 shall provide Our Minister with the following information on projected activities and the expected production in the coming year:
- a. a designation of the nature of the facility;
 - b. for each schedule 1 chemical expected to be produced, consumed or stored at the facility:
 - 1. the chemical name, structural formula and the CAS registry number, if assigned;
 - 2. the quantity expected to be produced, the periods when the production is expected to take place and the purposes of the production;
 - c. information on any expected changes at the facility or its relevant parts during the year in relation to previously submitted detailed technical descriptions of the facility.

Article 5 (schedule 1 chemicals)

Any person granted dispensation as referred to in section 3, subsection 4b of the Act shall notify Our Minister of every proposed transfer of schedule 1 chemicals at least eight weeks prior to the date of transfer. Before 1 March of each year, such persons shall also provide Our Minister with a specification of transfers of schedule 1 chemicals made in the preceding calendar year. For each chemical transferred, the following information shall be provided:

- a. the chemical name, structural formula and CAS registry number, if assigned;
- b. the quantity acquired from other states or transferred to other states that are party to the Convention, stating the quantity, recipient and purpose for each transfer.

Article 6 (schedule 2 chemicals)

- 1. Any person operating a facility within the meaning of section 5, subsection 1 of the Act, which produced, processed or consumed during any of the previous three calendar years, or is expected to produce, process or consume in the next calendar

year, more than:

- a. 1 kg of a chemical designated '*' in schedule 2, part A,
- b. 100 kg of any other chemical listed in schedule 2, part A, or
- c. 1,000 kg of a chemical listed in schedule 2, part B,

shall provide Our Minister with the information specified in paragraph 2 before 1 March of each year in the case of activities in the past or before 1 September of each year in the case of expected activities. Notification of every additional activity expected after the annual specification has been submitted shall be provided at least two weeks prior to the commencement of that activity.

2. Any person operating a facility as referred to in paragraph 1 shall provide the following information before the dates referred to in that paragraph;
 - a. the name of the plant site and the name of the natural or legal person operating it;
 - b. the address and Land Registry designation of the plant site;
 - c. the number of plants at the site in which schedule 2 chemicals are produced;
 - d. for each plant at the site that produces quantities greater than those referred to in paragraph 1:
 1. the name of the plant site and of the natural or legal person operating it;
 2. its precise location within the plant site, including the specific building or structure number, if any;
 3. the main activities carried out there;
 4. whether the plant produces, processes or consumes schedule 2 chemicals;
 5. whether the plant is specially intended for those activities or is suitable for various purposes;
 6. any other activities carried out with regard to the declared schedule 2 chemicals;
 7. the production capacity of the plant(s) for each declared schedule 2 chemical.
3. Any person operating a facility as referred to in paragraph 1 shall also provide the following information for each plant site on each schedule 2 chemical above the threshold indicated in that paragraph:
 - a. the chemical name, common or trade name used by the facility, structural formula and CAS registry number, if assigned;
 - b. in the case of the annual declaration on past activities, as referred to in paragraph 1: the total amount of schedule 2 chemicals produced, processed, consumed, imported or exported in the previous calendar year;
 - c. in the case of the annual declaration concerning expected activities: the total amount of schedule 2 chemicals expected to be produced, processed or consumed

at the plant site, including the expected periods in which these operations will take place;

- d. the purposes for which the schedule 2 chemical was or will be produced, processed or consumed, subdivided according to:
 1. processing and consumption on site, with a specification of the product types;
 2. sale or transfer, with a specification of whether the chemicals or products produced are intended for industry, trade or some other purpose, including, if possible, the types of end products;
 3. other purposes, including a specification of what they are;
 4. Any person that has imported or exported schedule 2 chemicals shall provide Our Minister before 1 March of each year with a specification of the chemicals imported into or exported from the Netherlands in the preceding calendar year, stating the type and quantity of such chemicals and the country from which they were imported or to which they were exported.
 5. This article shall not apply to mixtures containing a low concentration of a schedule 2 chemicals. The term >low concentration= refers to a percentage by weight of the relevant mixture of less than 10 in the event of production of a mixture, and of less than 30 in other cases.

Article 7 (schedule 3 chemicals)

1. Any person operating a facility as referred to in section 5, subsection 1 of the Act, which produced more than 30,000 kg of any schedule 3 chemical in the previous calendar year, or expects to do so in the next calendar year, shall provide Our Minister with the information specified in paragraph 2 before 1 March of each year in the case of activities in the past or before 1 September of each year in the case of expected activities. Notification of every additional activity expected after the submission of the annual declaration shall be provided at least two weeks prior to the commencement of that activity.
2. Any person operating a facility as referred to in paragraph 1 shall provide the following information before the dates referred to in that paragraph:
 - a. the name of the plant site and the name of the natural or legal person owning or operating it;
 - b. the address and Land Registry designation of the plant site;
 - c. the number of plants within the plant site at which schedule 3 chemicals are

produced;

- d. for each plant at the site that produces quantities greater than those referred to in paragraph 1:
 1. the name of the plant and of the natural or legal person operating it;
 2. the precise location of the plant within the site, including the specific building or structure number, if any;
 3. the main activities carried out there.
3. Any person operating a facility as referred to in paragraph 1 shall provide the following information for each plant site on each schedule 3 chemical above the threshold indicated in that paragraph:
 - a. the chemical name, common or trade name used by the facility, structural formula and CAS registry number, if assigned;
 - b. in the annual declaration as referred to in paragraph 1 concerning activities in the past: the approximate amount of schedule 3 chemicals produced in the previous calendar year, or, in the case of a declaration of expected activities, the expected production for the next calendar year, expressed in the ranges: 30,000 kg to 200,000 kg, 200,000 kg to 1,000,000 kg, 1,000,000 kg to 10,000,000 kg, 10,000,000 kg to 100,000,000 kg and 100,000,000 kg or more;
 - c. the purposes for which the chemicals were or will be produced.
4. Any person that imports or exports schedule 3 chemicals shall notify Our Minister before 1 March of each year of the chemicals imported into or exported from the Netherlands in the preceding calendar year, stating the type and amount of such chemicals and the country from which they were imported or to which they were exported.
5. This article shall not apply to mixtures containing a low concentration of a schedule 3 chemical. The second sentence of article 6, paragraph 5 shall apply.

Article 8 (discrete organic chemicals)

1. Any person operating a facility as referred to in section 6 of the Act, which during the previous calendar year:
 - a. produced by synthesis more than 200,000 kg of discrete organic chemicals not listed in schedule 1, 2 or 3; or
 - b. produced by synthesis more than 30,000 kg of discrete organic chemicals not listed in schedule 1, 2 or 3, containing the elements phosphorus, fluorine or sulphur;shall provide Our Minister with the following information before 1 March of each

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year:

1. the name of the plant site and the name of the natural or legal person operating it;
 2. the address and Land Registry designation of the plant site;
 3. the main activities carried out there;
 4. the approximate number of plants at the site producing the chemicals referred to in points a. and b.
2. Any person that provides information on a facility as referred to in paragraph 1a shall provide additional information on the approximate total amount of production of undeclared discrete organic chemicals in the previous calendar year, expressed in the ranges: up to 1,000,000 kg, 1,000,000 kg to 10,000,000 kg and 10,000,000 kg or more.
 3. Any person that provides information on a facility as referred to in paragraph 1b shall provide additional information on the number of plants that produced the discrete organic chemicals containing the elements phosphorus, fluorine and sulphur, and on the approximate total amount of chemicals produced in the previous calendar year, expressed in the ranges: up to 200,000 kg, 200,000 kg to 1,000,000 kg, 1,000,000 kg to 10,000,000 kg and 10,000,000 kg or more;
 4. This article shall not apply to a facility that produced explosives or hydrocarbons only.

CHAPTER 4: DISPENSATIONS

Article 9 (schedule 1 chemicals)

1. An application for a dispensation as referred to in section 3, subsection 4 of the Act shall be submitted at least seven months before the commencement of the proposed activities.
2. The application for a dispensation as referred to in paragraph 1 shall be signed and shall contain the following information:
 - a. the name and address of the applicant;
 - b. the date;
 - c. the address and Land Registry designation of the facility for which dispensation is requested;
 - d. a technical description of the facility.

CHAPTER 5: TRANSITIONAL AND FINAL PROVISIONS

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Article 10 (schedule 1 chemicals)

1. Any person operating a facility as referred to in section 3, subsection 2 or 3 of the Act on the date on which this Decree enters into force shall provide Our Minister with the following information within two weeks of that date:
 - a. the address and Land Registry designation of the facility;
 - b. a technical description of the facility, including an inventory of equipment.
2. Any person that, on the date on which this Decree enters into force, performs activities for which a dispensation as referred to in section 3, subsection 4a of the Act is required, shall submit an application for dispensation to Our Minister within two weeks of that date. Article 4 shall apply mutatis mutandis.
3. Any person that, on the date on which this Decree enters into force, performs activities for which a dispensation as referred to in section 3, subsection 4b of the Act is required, shall submit an application for dispensation to Our Minister within two weeks of that date. Article 5 shall apply mutatis mutandis.
4. Articles 4 and 5 shall not apply until a decision on an application for dispensation as referred to in paragraph 2 or 3 has been given.

Article 11 (schedule 2 chemicals)

1. Any person that, on the date on which this Decree enters into force, operates a facility as referred to in section 5, subsection 1 of the Act, which produced, processed or used more than:
 - a. 1 kg of a chemical designated '*' in schedule 2, part A;
 - b. 100 kg of any other chemical listed in schedule 2, part A, or
 - c. 1,000 kg of any chemical listed in schedule 2, part Bduring one of the three previous calendar years, or which expects to do so during the next calendar year, shall provide Our Minister with the information specified in paragraphs 2 and 3 concerning the relevant activities in the past within two weeks of the date on which this Decree enters into force.
2. Any person operating a facility as referred to in paragraph 1 shall provide the following information before the date referred to in that paragraph:
 - a. the name of the plant site and the name of the natural or legal person operating it;
 - b. the address and Land Registry designation of the plant site;
 - c. the number of plants within the site at which schedule 2 chemicals are produced;

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- d. for each plant within the site that produces quantities greater than those referred to in paragraph 1:
 1. the name of the plant and of the natural or legal person operating it;
 2. its precise location within the plant site, including the specific building or structure number, if any;
 3. the main activities carried out there;
 4. whether the plant produces, processes or consumes the schedule 2 chemicals;
 5. whether the plant is specially intended for those activities or is suitable for various purposes;
 6. any other activities relating to the declared schedule 2 chemicals;
 7. the production capacity of the plant(s) for each declared schedule 2 chemical.
3. Any person operating a facility as referred to in paragraph 1 shall also provide the following information for each plant site on each schedule 2 chemical above the threshold indicated in that paragraph:
 - a. the chemical name, common or trade name used by the facility, structural formula and CAS registry number, if assigned;
 - b. in the case of the declaration referred to in paragraph 1 concerning past activities: the total amount of schedule 2 chemicals produced, processed, consumed, imported or exported in each of the three previous calendar years;
 - c. the purposes for which the schedule 2 chemical was or will be produced, processed or consumed, subdivided according to:
 1. processing and consumption on site, with a specification of the product types;
 2. sale or transfer, with a specification of whether the chemicals or products produced are intended for industry, trade or other purposes, including, if possible, the types of end products;
 3. other purposes, including a specification of what they are.
4. Any person that imports or exports schedule 2 chemicals shall notify Our Minister within two weeks of the date on which this Decree enters into force of the chemicals imported into or exported from the Netherlands in each of the three previous calendar years, stating the type and amount of such chemicals and the country from which they were imported or to which they were exported.
5. This article shall not apply to mixtures with a low concentration of schedule 2 chemicals. The second sentence of article 6, paragraph 5 shall apply.

Article 12 (schedule 2 chemicals for chemical weapons)

Any person that, on the date on which this Decree enters into force, operates a facility as referred to in section 5, subsection 2 of the Act, or operated such a facility within the period referred to in that subsection, at which schedule 2 chemicals were produced for chemical weapons purposes, shall provide the following information within two weeks of the date on which this Decree enters into force:

- a. the name of the plant site and the name of the natural or legal person operating it;
- b. the address and Land Registry designation of the plant site;
- c. for each plant which is located within the plant site, that produced schedule 2 chemicals for chemical weapons purposes:
 1. the name of the plant and of the natural or legal person operating it;
 2. its precise location within the plant site, including the specific building or structure number, if any;
 3. the main activities carried out there;
 4. whether the plant produced, processed or consumed schedule 2 chemicals;
 5. whether the plant is specially intended for the production, processing or consumption of schedule 2 chemicals or is or was suitable for various purposes;
 6. any other activities with regard to schedule 2 chemicals;
- d. for each schedule 2 chemical produced for chemical weapons purposes:
 1. the chemical name, common or trade name used by the facility, structural formula and CAS registry number, if assigned;
 2. the dates when the chemical was produced and the quantity produced;
 3. the location to which the chemical was delivered and the nature of the end product produced, if known.

Article 13 (schedule 3 chemicals)

1. Any person that, on the date on which this Decree enters into force, operates a facility as referred to in section 5, subsection 1 of the Act, which produced more than 30,000 kg of a schedule 3 chemical in the previous calendar year or is expected to do so in the next calendar year, shall provide Our Minister with the information specified in paragraphs 2 and 3 concerning past activities within two weeks of the date on which this Decree enters into force.
2. Any person operating a facility as referred to in paragraph 1 shall provide the following information prior to the date referred to in that paragraph:

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- a. the name of the plant site and the name of the natural or legal person operating it;
- b. the address and Land Registry designation of the plant site;
- c. the number of plants within the plant site at which schedule 3 chemicals are produced;
- d. for each plant at the site that produces quantities greater than those referred to in paragraph 1:
 - 1. the name of the plant and of the natural or legal person operating it;
 - 2. the precise location within the plant site, including the specific building or structure number, if any;
 - 3. the main activities carried out there.
- 3. Any person operating a facility as referred to in paragraph 1 shall also provide the following information for each plant site on each schedule 3 chemical above the threshold indicated in that paragraph:
 - a. the chemical name, common or trade name used by the facility, structural formula and CAS registry number, if assigned;
 - b. in the declaration referred to in paragraph 1 concerning past activities: the approximate amount of schedule 3 chemicals produced in the previous calendar year;
 - c. the purposes for which the chemicals were or will be produced.
- 4. Any person that imports or exports schedule 3 chemicals shall notify Our Minister within two weeks of the date on which this Decree enters into force of the chemicals imported into or exported from the Netherlands in the previous calendar year, stating the type and amount of such chemicals and the country from which they were imported or to which they were exported.
- 5. This article shall not apply to mixtures containing a low concentration of schedule 3 chemicals. The second sentence of article 6, paragraph 5 shall apply.

Article 14 (schedule 3 chemicals for chemical weapons)

Any person that, on the date on which this Decree enters into force, operates a facility as referred to in section 5, subsection 2 of the Act, or operated such a facility within the period referred to in that article, at which schedule 3 chemicals were produced for chemical weapons purposes, shall provide the following information within two weeks of the date on which this Decree enters into force:

- a. the name of the plant site and the name of the natural or legal person operating it;

- b. the address and Land Registry designation of the plant site;
- c. for each plant which is located within the plant site, that produced schedule 3 chemicals for chemical weapons purposes:
 - 1. the name of the plant and of the natural or legal person operating it;
 - 2. its precise location within the plant site, including the specific building or structure number, if any;
 - 3. the main activities carried out there;
- d. for each schedule 3 chemical produced for chemical weapons purposes:
 - 1. the chemical name, common or trade name used by the facility, structural formula and CAS registry number, if assigned;
 - 2. the dates on which the chemical was produced and the quantity produced;
 - 3. the location to which the chemical was delivered and the nature of the end product produced, if known.

Article 15 (discrete organic chemicals)

- 1. Any person that, on the date on which this Decree enters into force, operates a facility as referred to in section 6 of the Act, which during the previous calendar year:
 - a. produced by synthesis more than 200,000 kg of discrete organic chemicals not listed in schedule 1, 2 or 3; or
 - b. produced by synthesis more than 30,000 kg of discrete organic chemicals not listed in schedule 1, 2 or 3, containing the elements phosphorus, fluorine or sulphur;
 shall provide Our Minister with the following information within two weeks of the date on which this Decree enters into force:
 - 1. the name of the plant site and the name of the natural or legal person operating it;
 - 2. the address and Land Registry designation of the plant site;
 - 3. the main activities carried out there;
 - 4. the approximate number of plants within the plant site producing the chemicals referred to in points a. and b.
- 2. Any person that provides information on a facility as referred to in paragraph 1a shall provide additional information on the approximate total amount of undeclared discrete organic chemicals produced, expressed in the ranges: up to 1,000,000 kg, 1,000,000 kg to 10,000,000 kg and 10,000,000 kg or more.
- 3. Any person that provides information on a facility as referred to in paragraph 1b shall provide additional information on the number of plants that produced the

discrete organic chemicals containing the elements phosphorous, fluorine and sulphur, and on the approximate amount of these chemicals produced in the previous calendar year, expressed in the ranges: up to 200,000 kg, 200,000 kg to 1,000,000 kg, 1,000,000 kg to 10,000,000 kg and 10,000,000 kg or more.

4. This article shall not apply to a facility that produced explosives or hydrocarbons only.

Article 16

Declarations and applications for dispensation as referred to in this Decree shall be addressed to Our Minister and shall be submitted to the Central Import and Export Office of the Tax and Customs Administration in Groningen.

Article 17

This Decree shall enter into force on a date to be determined by royal decree.

Article 18

This Decree may be cited as the Chemical Weapons Convention Implementation Decree.