

Implementation Act of the “Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction”

Council of Ministers Resolution No. 261
26 *Shawwal* 1426 / 28 November 2005

Chapter One

Definitions

Article 1:

The following terms and phrases, whenever mentioned in this Act, shall have the meanings expressed next to them, unless the context requires otherwise:

1. **Convention:** The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.
2. **Organization:** **The Organization for Prohibition of Chemical Weapons.**
3. **Act:** The Implementation Act of the “Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction”.
4. **Regulations:** The Implementing Regulations of this Act.
5. **Kingdom:** The Kingdom of Saudi Arabia.
6. **Ministry:** The Ministry of Commerce and Industry.

7. National Authority: The Authority entrusted with the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

8. Chemical Weapons: Means the following, together or separately:

- (a) Toxic chemicals and their precursors except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;
- (b) Munitions and devices specially designed to cause death or other harm through the toxic properties of those toxic chemicals specified in sub-paragraph (a), which would be released as a result of the employment of such munitions and devices;
- (c) Any equipment specifically designed for use in connection with the employment of munitions and devices specified in sub-paragraph (b).

9. Purposes Not Prohibited Under this Convention:

- (a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
- (b) Protective purposes, directly related to protection against toxic chemicals and protection against chemical weapons;
- (c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;
- (d) Public order enforcement purposes, including domestic riot control.

10. Riot Control Agent: Any chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

11. Toxic Chemicals: Any chemical, which through its chemical action on life processes, can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, munitions or elsewhere.

12. Precursor: Any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi-component chemical system.

13. Listed Chemicals: Toxic chemicals and its precursors which have been identified for the application of verification measures listed in Schedules (1) (2) and (3) contained in the Annex on Chemicals.

14. Discrete Organic Chemicals: Any chemical belonging to the class of chemical compounds consisting of all carbons compounds except for its oxides, sulfides and metal carbons, identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number, if assigned.

15. Verification Annex: The annex on implementation and verification attached to the Convention.

16. Production of a Chemical: Its formation through chemical reaction.

17. Processing of a Chemical: A physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical.

18. Consumption of a Chemical: Its conversion into another chemical via a chemical reaction.

19. Transfer: Transfer of a chemical from one place to another, including import and export.

20. Person: A natural or corporate person.

21. Inspector: An individual designated by the Organization according to the procedures as set forth in part (II), section (A) of the Verification Annex, to carry out an inspection or a visit in accordance with the Convention.

22. Escort: An individual specified by the Head of the National Authority, in coordination with relevant authorities, to escort and assist the inspector.

Chapter Two

Prohibitions

Article 2:

It is prohibited for any person to perform any of the following acts:

- (a) Development or production of chemical weapons.
- (b) Use of chemical weapons.
- (c) Acquisition, stockpiling or retention of chemical weapons.
- (d) Transfer of chemical weapons directly or indirectly to any person.
- (e) Military preparation to use chemical weapons.
- (f) Use of riot control agents as a method of warfare.

Article 3:

It is prohibited for any person to perform any of the following acts:

- (a) Production, acquisition, retention or use of chemicals listed in Schedule 1 outside the territories of states parties or transferring these chemicals to a state not party to the Convention.
- (b) Production, acquisition, retention, use or transfer of chemicals listed in Schedule 1 for purposes other than the purposes stated in paragraph (2) of Part VI of the Verification Annex.
- (c) Re-transfer of chemicals listed in Schedule 1, previously transferred to the Kingdom, to another state.

Article 4:

It is prohibited for any person to perform any of the following acts:

- (a) Transfer of chemicals listed in Schedule 2 to any person in a state not party to the Convention, or receiving such chemicals.
- (b) Transfer of chemicals listed in Schedule 3 to any person in a state not party to the Convention except in accordance with the provisions of paragraph (c) of Part VIII of the Verification Annex.

Chapter Three

Licenses for Chemical Activities for Non-prohibited Purposes

Article 5:

It is prohibited for any person to produce chemicals listed in Schedule 1 or to use, develop, acquire, retain or transfer any of them for purposes other than the prohibited purposes prior to obtaining a license from the Ministry in accordance with the provisions of Part VI of the Verification Annex.

Article 6:

It is prohibited for any person to transfer the chemicals listed in Schedule 1 prior to obtaining the permission of the Ministry and following approval of the Ministry of Interior.

Article 7:

It is prohibited for any person to produce the chemicals listed in Schedules 2 and 3, process or consume them for purposes other than the prohibited purposes - except after obtaining a license from the Ministry and the General Investment Authority in relation to foreign capital investment licenses (according to the Foreign Investment Law) provided that the license is issued in all cases in accordance with the provisions of (Part VII and Part VIII) of the Verification Annex.

Article 8:

It is prohibited for any person to import the chemicals listed in any of Schedules 2 and 3 or to export them prior to obtaining permission from the Ministry. The Regulations shall specify the procedures for obtaining such permission.

Chapter Four

Declarations and Documents

Article 9:

Any person engaged in activities related to the listed chemicals to which any of the provisions of (parts VI, VII and VIII) of the Verification Annex applies, or

produces a total of more than two hundred tons of one chemical or more of the discrete organic chemicals not listed in the Schedules during the year, or produces more than thirty tons of any discrete organic chemicals not listed in the Schedules containing phosphorus, sulfur or fluorine during the year to which any of the provisions of Part IX of the Verification Annex applies, shall do the following:-

- (1) Report to the Ministry activities relating to the chemicals listed and the facilities producing the discrete organic chemicals, using the form prepared for this purpose.
- (2) Maintain records relevant to the activities relating to the listed chemicals and the facilities producing the discrete organic chemicals in accordance with the Regulations.
- (3) Prepare annual reports - based on these records - concerning the activities relating to the listed chemicals and the facilities producing the discrete organic chemicals, using the form prepared for this purpose.
- (4) Forward these annual reports to the Ministry in accordance with the periods specified in the Regulations, and the Ministry shall then refer the same to the National Authority.

Article 10:

Any person required by the Ministry to provide information relating to the declarations required from the Kingdom or assist in implementing the Convention or in enforcing this Act shall provide the Ministry with such information.

Chapter Five

Inspection

Article 11:

All facilities producing the listed chemicals and the facilities producing the discrete organic chemicals are subject to inspection in accordance with the Verification Annex.

Article 12:

Any person in charge of any facility subject to inspection shall:

- (a) facilitate the inspection operations performed by the inspector in accordance with the provisions of the Convention.

(b) enable the escorting person to assist the inspector during inspection.

Article 13:

Inspectors and their assistants enjoy the privileges and immunities provided for in paragraph (b) of Part II of the Verification Annex.

Article 14:

The National Authority shall issue identification cards to inspectors and persons assigned to escort them.

Article 15:

The Head of the National Authority – in coordination with the authorities concerned – may order supervisors to enter the facilities concerned with the listed chemicals and the discrete organic chemicals and inspect them to ensure compliance with the provisions of the Convention.

Chapter Six

Handling Confidential Information

Article 16:

No person shall directly or indirectly disclose any confidential information relating to another person in accordance with this Act or the Convention. Such information may be disclosed with the consent of the person concerned or if disclosure enables the Kingdom to fulfill its obligations under the Convention, to implement this Act or to deal with an emergency relating to public safety.

Chapter Seven

Penalties

Article 17:

Any person violating any of the provisions of Article (2) of this Act shall be subject to a fine of not less than five hundred thousand riyals and not more than one

million riyals or imprisonment for a term of not less than five years and not more than twenty years or both, in addition to confiscation of the chemical weapons.

Article 18:

Any person violating any of the provisions of Articles (3, 5 and 6) of this Act shall be subject to a fine of not less than one hundred thousand riyals and not more than five hundred thousand riyals or imprisonment for a term of not less than three years and not more than ten years or with both.

Article 19:

Any person violating any of the provisions of paragraph (a) of Article (4) of this Act shall be subject to a fine of not more than three hundred thousand riyals or imprisonment for a term of not more than two years or both.

Article 20:

Any person violating any of the provisions of paragraph (b) of Article (4) and Article (16) of this Act shall be subject to a fine of not more than two hundred thousand riyals or imprisonment for a term of not more than one year or both.

Article 21:

Any person violating any of the provisions of Articles (7, 8, 9, 10 and 12) of this Act shall be subject to a fine of not more than one hundred thousand riyals.

Article 22:

A violator who repeats a violation of any provision of this Act within five years from the date the decision becomes final, shall be subject to a penalty not exceeding twice the maximum penalty prescribed for the violation.

Article 23:

The penalties provided for in this Act shall apply to any person who assists, encourages or induces another by any means to carry out activities prohibited by the Convention.

Article 24:

The infliction of any penalty provided for in this Act shall not prejudice the infliction of any harsher penalty provided for in other Acts and shall neither prejudice the right of a person aggrieved as a result of acts prohibited under Articles (2,3 and 4) of this Act to compensation.

Article 25:

Penalties provided for in this Act shall apply to any Saudi residing outside the Kingdom of Saudi Arabia in a state party unless punished for the same violation in the country where he resides, provided that such person has not been previously tried for the same violation.

Chapter Eight

General Provisions

Article 26:

The Bureau of Investigation and Public Prosecution shall have jurisdiction to investigate and prosecute violations provided for in this Act.

Article 27:

The Board of Grievances shall have jurisdiction to decide on violations and compensation claims arising out of the implementation of this Act.

Article 28:

This Act shall supercede the measures of implementing the "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction" issued pursuant to Royal Decree No. 34/M dated 25/06/1424H.

Article 29:

The National Authority shall draft the Regulations, which shall be issued by a decision of the Minister of Foreign Affairs.

Article 30:

This Act shall be published in the Official Gazette and shall come into force ninety days after the date of its publication.