



# Chemical Weapons Convention

## National implementing legislation

### Prohibitions Matrix I

	REFERENCE
<b>National implementing legislation shall prohibit any natural and legal person:</b>	
• to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone	Article I(1)(a)
• to use chemical weapons	Article I(1)(b)
• to engage in any military preparations to use chemical weapons	Article I(1)(c)
• to use riot control agents as a method of warfare	Article I(5)
• to produce, acquire, retain or use Schedule 1 chemicals outside the territories of States Parties or transfer such chemicals outside the State Party's territory except to a person in another State Party	Article VI(2); VA <sup>1</sup> Part VI(A)(1)
• to produce, acquire, retain, transfer or use Schedule 1 chemicals except for research, medical, pharmaceutical or protective purposes	Article VI(2); VA Part VI(A)(2)
• to retransfer Schedule 1 chemicals	Article VI(2); VA Part VI(B)(4)
• to transfer Schedule 1 chemicals without prior notification	Article VI(2); VA Part VI(B)(5) & (5bis)
• to produce Schedule 1 chemicals outside the regime established by VA Part VI(C)	Article VI(2); VA Part VI(C)
• to transfer to or receive from a person in a State not Party Schedule 2 chemicals	VA Part VII(C)(31); C-V/DEC.16
• to transfer to a person in a State not Party Schedule 3 chemicals without first receiving an end-user certificate from the competent government authority of such recipient State not Party	VA Part VIII (C)(26); C-III/DEC.6 & 7; C-VI/DEC.10
• to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the Convention	Article I(1)(d)

### Matrix I

<b>National implementing legislation shall contain the following definitions (or refer to them):</b>	
• chemical weapons	Article II(1)
• toxic chemicals	Article II(2)
• precursors	Article II(3)
• purposes not prohibited under the Convention	Article II(9)

<sup>1</sup> "VA" refers to the Annex to the Convention on Implementation and Verification (the Verification Annex).

<b>National implementing legislation shall provide for the basic requirements of the control regime for scheduled chemicals:</b>	VA
• Reporting on transfers of Schedule 1	VA Part VI(B)
• Reporting on transfers of Schedule 2	VA Part VII(C)
• Reporting on transfers of Schedule 3	VA Part VIII (C )
<b>National implementing legislation should provide prohibitions and penalties (see prohibitions matrix 1) with regards to:</b>	Article VII (1) (a)
• Chemical Weapons	
• Scheduled Chemicals	
<b>National implementing legislation shall provide for <u>other initial</u> requirements:</b>	
• National penal implementing legislation shall be given extraterritorial application to nationals	Article VII (1) (c )
• National legislation should set the legal basis for regulations to concretise the legislation (as required)	
• National implementing legislation may designate or establish the National Authority and briefly set out its mandate and enforcement powers (In some States Parties this requirement is rather fulfilled by means of regulations, in others the legislation creates the legal basis, which is complemented by regulations)	Article VII(4)

## Matrix II

	REFERENCE
<b>National implementing legislation should provide for the basic requirements of the control regime for scheduled chemicals:</b>	Article VI(2)
• Licensing of Schedule 1 chemical production facilities [related procedures normally set in regulations]	VA Part VI(A) & (C)
• Declaration of plant sites producing, processing and consuming Schedule 2 chemicals [criteria for Schedule 2 declarations (thresholds, low concentration mixtures) normally set in regulations]	VA Part VII(A)(5); C-V/DEC.19; C-7/DEC.14
• Declaration of plant sites producing Schedule 3 chemicals [criteria for Schedule 3 declarations (thresholds, low concentration mixtures) normally set in regulations]	VA Part VIII(A)(5); C-V/DEC.19; C-7/DEC.14
<b>National implementing legislation shall require mandatory reporting by natural and legal persons to the National Authority of information needed for declarations and notifications to the OPCW (further details including related procedures are normally set out in regulations):</b>	Article VI (2)
• Initial declarations of scheduled chemicals and facilities	VA Part VI(B)(6), (D)(13),(17)[Schedule 1]; VA Part VII(A)(2)(a) &

	(4)(a); C-8/DEC.7 [Schedule 2]; VA Part VIII(A)(2)(a) & (4)(a); C-8/DEC.7 [Schedule 3]; VA Part IX(A)(1) & (3) [OCPFs]
<ul style="list-style-type: none"> <li>Annual declarations of scheduled chemicals and facilities</li> </ul>	VA Part VI(B)(6),(D)(15)-(16), (19)-(20) [Schedule 1]; VA Part VII(A)(2)(b) & 4(b)-(c); C-8/DEC.7 [Schedule 2]; VA Part VIII(A)(2)(b) & 4(b)-(c); C-8/DEC.7 [Schedule 3]; VA Part IX(A)(3) [OCPFs]
<b>National implementing legislation shall contain provisions to enable and facilitate the conduct of international inspections, inter alia on:</b>	VA Part VI(E) [Schedule 1]; VA Part VII(B) [Schedule 2]; VA Part VIII(B) [Schedule 3]; VA Part IX(B) [OCPFs]
<ul style="list-style-type: none"> <li>Access to facilities and other inspection powers</li> </ul>	Article VI(9); Article IX(11)(b); VA Part II(E)(45)-(48)
<ul style="list-style-type: none"> <li>Obligations of operators and staff at the facility to support the inspection</li> </ul>	VA Part II(E)
National implementing legislation should contain provisions so as to ensure the protection of confidential information	Article VII(6); CA <sup>2</sup> (A)(4)

---

<sup>2</sup> “CA” refers to the Annex to the Convention on the Protection of Confidential Information (the Confidentiality Annex).