



OPCW

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GENERAL OBLIGATIONS UNDER THE CHEMICAL WEAPONS CONVENTION AND RELATED TASKS

Prioritised checklist for non-possessor States Parties

1. In response to a request made by participants in a regional seminar, a checklist was prepared to help National Authorities streamline their work in order to fulfil their general obligations under the Chemical Weapons Convention. Although the great majority of States Parties do not possess chemical weapons, and although many have no declarable chemical industry, all States Parties will nevertheless need to undertake certain actions in order to be fully in compliance with their general obligations arising from the Convention.
2. The annexed checklist identifies the basic obligations with which all States Parties need to comply, regardless of whether or not they possess chemical weapons and have a declarable chemical industry. The checklist is prioritised chronologically. For each specific task associated with these basic obligations it gives the time frame, the Convention reference (when the time frame is stipulated in the Convention), and the name of the contact person in the Secretariat who can respond to questions which States Parties might have.

Annex: General obligations under the Chemical Weapons Convention and related tasks:
Prioritised checklist for non-possessor States Parties



GENERAL OBLIGATIONS UNDER THE CHEMICAL WEAPONS CONVENTION AND RELATED TASKS

(prioritised checklist for non-possessor¹ States Parties)

To do prior to entry into force of the Convention (for the State Party) ²		
	Convention reference	Contact person in the Secretariat
1. Adopt necessary national implementing legislation, measures:		
- prohibit persons from performing acts prohibited to a State Party (primarily those found under Article I and the Part VI, paragraphs 1-4, of the Verification Annex (VA))	Article VII, 1(a)	Rodrigo Yepes-Enríquez, Legal Adviser 31-70 416 3709 rodrigo.yepes@opcw.org
- enact penal legislation	Article VII, 1(a)	or
- extend penal legislation to cover extraterritorial activities of the State's nationals	Article VII, 1(c)	Lisa Tabassi, Legal Officer 31-70 416 3708 tabassi@opcw.org
- cooperation with and legal assistance to other States Parties: check whether domestic law and the treaties concerning legal assistance concluded with other States allow for the necessary degree of cooperation	Article VII, 2	“

¹ The additional obligations for possessor States Parties have been flagged with footnotes and the relevant Convention reference.

² Tasks are listed in order of the deadline stipulated in the Convention. However, depending upon the State Party's internal structure, some tasks with deadlines later in time may require significant advance preparations in order to meet the deadline, e.g., establishment of (and budget for) the National Authority, budget for the State's contribution to the OPCW, etc.

2. Adopt necessary measures to regulate scheduled chemicals and related facilities: Article VI, 2

- Schedule 1:

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|--|-----------|---|
| - Schedule 1 chemicals can only be produced, acquired, retained, transferred or used for research, medical, pharmaceutical or protective purposes, in justifiable types and quantities, in specified amounts | VA, VI, 2 | Rodrigo Yepes-Enríquez,
Legal Adviser
31-70 416 3709 rodrigo.yepes@opcw.org |
| - Schedule 1 chemicals can only be transferred to another State Party, and only for research, medical, pharmaceutical or protective purposes, and cannot be retransferred to third States | VA VI 3 | or

Lisa Tabassi, Legal Officer
31-70 416 3708 tabassi@opcw.org |
| - all transfers of Schedule 1 chemicals must be reported to the OPCW 30 days in advance (except saxitoxin, see task 22 below) | VA VI 5 | “ |
| - production of Schedule 1 chemicals for research, medical, pharmaceutical or protective purposes can only be carried out at one single small-scale facility (SSSF) approved by the State Party, except: | VA VI 8 | “ |
| - specified quantities of Schedule 1 chemicals for protective purposes may be produced at one approved facility outside the SSSF | VA VI 10 | “ |
| - specified quantities of Schedule 1 chemicals for research, medical or pharmaceutical purposes may be produced outside the SSSF at approved facilities | VA VI 11 | “ |
| - less than 100 g per year per facility of Schedule 1 chemicals may be synthesized for research, medical or pharmaceutical purposes at laboratories, not subject to declaration or verification | VA VI 12 | “ |

- Schedule 2:

- | | | |
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| - prohibit transfers of Schedule 2 chemicals to or from States not Party, effective 29 April 2000 | VA VII 32 | “ |
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-	Schedule 3:	VA VIII 26 VA VIII 27	Rodrigo Yepes-Enríquez, Legal Adviser 31-70 416 3709 rodrigo.yepes@opcw.org or Lisa Tabassi, Legal Officer 31-70 416 3708 tabassi@opcw.org
-	adopt the necessary measures to ensure that Schedule 3 chemicals transferred to States not Party shall only be used for purposes not prohibited, including the requirement for an end-user certificate		
3.	Review existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention	Article XI, 2(e)	“
4.	Identification of declarable activities: (Identify the companies/facilities which will be affected by the reporting responsibilities under the Convention) - import/export of scheduled chemicals; - production, processing and consumption of scheduled chemicals; - possession of facilities producing unscheduled discrete organic chemicals; - riot control agents		Carlos Trentadue Head of Declarations Branch 31-70 416 3015
To do at entry into force of the Convention (for the State Party)			
5.	National implementing legislation/measures: Notify the OPCW of the legislative and administrative measures taken to implement the Convention	Article VII, 5	Rodrigo Yepes-Enríquez, Legal Adviser 31-70 416 3709 rodrigo.yepes@opcw.org
6.	National Authority: Notify the OPCW who the National Authority is (and the date of the national holiday for the forthcoming year)	Article VII, 4	Michael Carling, Head of Operations and Planning Branch tel: 31-70 416 3361 OPB@opcw.org fax: 31-70 416 3408
7.	Point(s) of entry: Notify the OPCW of the designated point(s) of entry for inspections	VA II 16	“

8. Standing diplomatic clearance number: Notify the OPCW of the standing diplomatic clearance number for non-scheduled aircraft	VA II 22	Michael Carling, Head of Operations and Planning Branch tel: 31-70 416 3361 OPB@opcw.org fax: 31-70 416 3408
To do in the first 30 days after entry into force (for the State Party)		
9. Initial declarations³ (including nil declarations)	Article III	Carlos Trentadue Head of Declarations Branch 31-70 416 3015
(a) Declaration on chemical weapons (CW).⁴ Submit a declaration stating:	Article III 1(a)	“ “
- whether <i>or not</i> the State Party owns or possesses any CW; - whether <i>or not</i> any CW are located in any place under its jurisdiction or control; - any CW on its territory that are owned or possessed by another State and under the jurisdiction or control of another State; - whether <i>or not</i> the State Party has transferred or received, directly or indirectly, any CW since 1 January 1946		
(b) Declaration on old chemical weapons (OCW) and abandoned chemical weapons (ACW). Submit a declaration regarding:	Article III 1(b); VA IV(B) 3 VA IV(B) 8 VA IV(B) 10	“ “
- whether <i>or not</i> the State Party has OCW on its territory; and - whether <i>or not</i> there are ACW on its territory; - whether <i>or not</i> it has ACW on the territory of other States		

³ At the discretion of the State Party, this does not apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985 (Article III, paragraph 2).

⁴ Possessor States Parties should also refer to Article IV of the Convention and Part IV(A) of the Verification Annex for additional obligations.

9. Initial declarations⁵ (including nil declarations) [continued]	Article III	Carlos Trentadue Head of Declarations Branch 31-70 416 3015
(c) Declaration on chemical weapons production facilities (CWPFs).⁶ Submit a declaration regarding:		“
- whether <i>or not</i> the State Party has or has had any CWPF under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946;	Article III 1(c) VA V 1, 2 & 3 VA V 10	“
- report any CWPF on its territory that another State has or has had under its ownership and possession and that is or has been located in any place under the jurisdiction or control of another State at any time since 1 January 1946		“
- whether <i>or not</i> it has transferred or received, directly or indirectly, any CWPF equipment since 1 January 1946;		“
- provide its general plan for destruction of any CWPF;		“
- specify actions to be taken for closure of any CWPF it owns or possesses, or that is located in any place under its jurisdiction or control;		“
- provide its general plan for any temporary conversion of any CWPF into a CWDF.		
(d) Declaration on other facilities	Article III 1(d)	“
- specify other facilities designed, constructed or used since 1 January 1946 primarily for development of CW, including laboratories and test and evaluation sites		
(e) Declaration on riot control agents. Declare the chemicals which the State Party holds for riot control purposes.	Article III 1(e)	“
(f) Declarations on relevant chemicals and facilities	Article VI, 7	“
- Declare any Schedule 1 single small-scale facility existing at entry into force;	VA VI 13	“
- Declare any other Schedule 1 facilities existing at entry into force	VA VI 17	“

⁵ At the discretion of the State Party, this does not apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985 (Article III, paragraph 2).

⁶ Possessor States Parties should also refer to Article V of the Convention and Part V of the Verification Annex for additional obligations.

9. Initial declarations⁷ (including nil declarations) [continued]	Article III	Carlos Trentadue Head of Declarations Branch 31-70 416 3015
(f) Declarations on relevant chemicals and facilities [continued]	Article VI, 7	“
- initial declaration of Schedule 2 chemicals data and Schedule 2 plant sites ⁸	VA VII 2(a), 4(a), 5	“
- initial declaration of Schedule 3 chemicals data and Schedule 3 plant sites ⁹	VA VIII 2(a), 4(a), 5	“
- submit the list of other chemical production facilities producing unscheduled discrete organic chemicals (except sites exclusively producing explosives or hydrocarbons)	VA IX 3	“
To do in the early weeks		
10. Acknowledge lists received from the Secretariat. Immediately acknowledge receipt of the list of proposed inspector/ inspection assistants (within 30 days of the date of acknowledgement, the State Party should inform the Secretariat in writing of its acceptance of/objection to each proposed inspector/inspection assistant or the Secretariat will deem them accepted)	VA II 2	Michael Carling, Head of Operations and Planning Branch tel: 31-70 416 3361 OPB@opcw.org fax: 31-70 416 3408
11. Visas/access. Provide multiple entry/exit/transit visas (valid for at least two years) to each inspector/inspection assistant and such other documents to enable them to enter and remain on the State Party's territory for routine inspections	VA II 10	Nazir Hussain Head of Protocol Branch 31-70 416 3772
and grant access to facilities as required in the Verification Annex.	Article VI, 9 VA II	

⁷ At the discretion of the State Party, this does not apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985 (Article III, paragraph 2).

⁸ States Parties which produced at any time since 1 January 1946 a Schedule 2 chemical for CW purposes should also refer to VA VII 9 for additional obligations.

⁹ States Parties which produced at any time since 1 January 1946 a Schedule 3 chemical for CW purposes should also refer to VA VIII 9 for additional obligations.

12.	Special handling of confidential documents. Respond to the Director-General's request for details on the State Party's procedure for handling of information and data provided to it in confidence by the OPCW.	Article VII, 6 and Confidentiality Annex, para. 4	Andrew Beckett Head of Office of Confidentiality and Security, 31-70 416 3291
13.	Bilateral agreement on privileges and immunities. Bilateral agreement with the OPCW concerning the legal capacity of the OPCW and the privileges and immunities of the OPCW and persons referred to in Article VIII.	Article VIII, 50	Maria Luisa Martinod-Jacome, Legal Officer, 31-70 416 3782 legal@opcw.org or Samir Mechken, Legal Assistant 31-70 416 3732 legal@opcw.org
14.	Assessed contribution for OPCW activities	Article VIII, 7	Shamsul Haque, Budget Officer 31-70 416 3205 budget@opcw.org or Frans van Dalsum, Finance Assistant 31-70 416 3785
15.	Designation of the Permanent Representative. Submit credentials of the Permanent Representative to the Director-General and notify the Secretariat of the members of the mission.	Article VIII, 49	Nazir Hussain Head of Protocol Branch 31-70 416 3772

To do in the first 180 days ¹⁰			
16. Schedule 1 facility agreements	VA III 4 (VI,3) -VA VI 25 -VA VI 31	Faiza Patel King, Senior Policy Officer 31-70 416 3831	
- facility agreements for SSSFs - facility agreements for “other facilities”	VA VII 24		
[Schedule 2 facility agreements: to be completed not later than 90 days after completion of the initial inspection]		“	
17. Select the measure of assistance which the State Party will provide through the OPCW. OPTIONS:	Article X, 7	Hassan Mashhadi, Head, Assistance & Protection Branch, 31-70 416 3555 hassan.mashhadi@opcw.org	
- contribution to the Voluntary Fund for Assistance	Article X, 7(a)	“	
- Bilateral agreement for the procurement of assistance. Agreement with the OPCW concerning the procurement, upon demand, of emergency or humanitarian assistance (<u>if possible</u> not later than 180 days after entry into force)	Article X, 7(b)	“	
- Declaration of the kind of assistance it will provide (the kind of emergency and/or humanitarian assistance the State Party might provide in response to an appeal by the OPCW)	Article X, 7(c)	“	

¹⁰ Article IV and V facility agreements (except CWDF) shall be completed not later than 180 days after EIF for the State Party or not later than 180 days after the facility has been declared for the first time (see VA III 4 and 8).

To do annually ¹¹			
18. Annual declaration on anticipated activities.¹² Submit:			Carlos Trentadue Head of Declarations Branch 31-70 416 3015
	<u>Not less than 90 days before the beginning of the calendar year [3 October]</u>		
	- Schedule 1 single small-scale facility (SSSF). Detailed annual declaration regarding the projected activities and anticipated production at the SSSF for the coming calendar year	VA VI 16	“
	- “Other” Schedule 1 facilities. Detailed annual declaration on the projected activities and anticipated production for all other Schedule 1 facilities for the coming calendar year	VA VI 20	“
	<u>Not less than 60 days before beginning of the calendar year [2 November]</u>		
	- Anticipated activities in Schedule 2 plant sites	VA VII 4(c)	“
	- Anticipated activities in Schedule 3 plant sites	VA VIII 4(c)	“

¹¹ States Parties temporarily converting a CWPF to a CWDF should refer to VA V 20 for additional annual obligations.
States Parties which have completed conversion of a CWPF to purposes not prohibited should refer to VA V 85 for additional annual obligations.

¹² States Parties destroying CW should refer to Article IV(7)(a) and VA IV(A) 29 for additional annual obligations.
States Parties destroying a CWPF should refer to VA V 8 for additional annual obligations.

19. Annual declaration on previous year activities.¹³ Submit:

Carlos Trentadue
Head of Declarations Branch
31-70 416 3015

Not later than 90 days after the end of the calendar year [30 March]

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| - Schedule 1 chemicals and facilities | | “ |
| - detailed annual declaration regarding all transfers of Schedule 1 chemicals during the previous calendar year | VA VI 6 | “ |
| - detailed annual declaration regarding activities at the SSSF for the previous calendar year | VA VI 15 | “ |
| - detailed annual declaration on the activities of any other Schedule 1 facility for the previous calendar year | VA VI 19 | “ |
| - Schedule 2 chemicals and facilities: Annual declaration on aggregate national data for each Schedule 2 chemical, including imports and exports, and on plant site activities during the previous calendar year | VA VII 1
VA VII 2(b)
VA VII 4(b) | “ |
| - Schedule 3 chemicals and facilities: Annual declaration on aggregate national data for each Schedule 3 chemical, including imports and exports, and on plant site activities during the previous calendar year | VA VIII 1
VA VIII 2(b)
VA VIII 4(b) | “ |

Not later than 90 days after beginning of each calendar year [30 March]

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|---|--------------------|---|
| - “Other” chemical production facilities [OCPFs]. Annually update the list of other chemical production facilities producing unscheduled discrete organic chemicals over the threshold amount [only if changes in status of the OCPFs require updates] | VA IX 1
VA IX 3 | “ |
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¹³ States Parties destroying CW should refer to Article IV(7)(b) and VA IV(A) 36 for additional annual obligations. States Parties destroying a CWPF should refer to Article V(9)(b) and VA V 9 for additional annual obligations.

20. Annual submission of information on the State Party's national programme related to protective purposes	Article X, 4	Hassan Mashhadi, Head, Assistance & Protection Branch, 31-70 416 3555 hassan.mashhadi@opcw.org (and queries regarding the Databank on Protection against CW)
21. Assessed contribution for OPCW activities	Article VIII, 7	Shamsul Haque, Budget Officer 31-70 416 3205 budget@opcw.org or Frans van Dalsum, Finance Assistant 31-70 416 3785
Standing obligations for a State Party		
22. Report to the Secretariat all transfers of Schedule 1 chemicals 30 days in advance of the transfer, except saxitoxin which can be notified at the time of transfer ¹⁴	VA VI 5	Carlos Trentadue Head of Declarations Branch 31-70 416 3015
23. Priority of safety and protecting the environment	Articles IV, 10 and VII, 3	
24. Development and cooperation in the field of chemical activities	Article XI	Johan Santesson, Head of International Cooperation Branch 31-70 416 3773 johan.santesson@opcw.org or Sukanya Devarajan, Senior International Cooperation Officer, 31-70 416 3775 sukanya.devarajan@opcw.org

14

For transfers of the Schedule 1 chemical saxitoxin in quantities of 5 milligrams or less, effective 31 October 1999 the change made to the Convention under Article XV, paragraphs 4 and 5, entered into force:

New paragraph 5bis of Section B, Part VI of the Verification Annex to the Convention

“For quantities of 5 milligrams or less, the Schedule 1 chemical saxitoxin shall not be subject to the notification period in paragraph 5 if the transfer is for medical/diagnostic purposes. In such cases, the notification shall be made by the time of transfer.”

25.	Facilitate the fullest possible exchange concerning means of protection against chemical weapons	Article X, 3	Hassan Mashhadi, Head of Assistance & Protection Branch, 31-70-416 3555, hassan.mashhadi@opcw.org
26.	Confidentiality: Treat as confidential and afford special handling to information and data received in confidence from the OPCW	Article VII,6; Confidentiality Annex, para. 4	Andrew Beckett Head of Office of Confidentiality and Security, 31-70 416 3291
27.	Consultations, cooperation and fact-finding. Respond to requests for clarification	Article IX	Ron Manley Director of Verification Division 31-70 416 3711
28.	NOTIFY the Secretariat of all CHANGES made in relation to Tasks 5-8, 10, 12, and 15.		[as above]