



Office of the Legal Adviser

S/396/2004

22 January 2004

Original: ENGLISH

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 States intending to adhere to the Chemical Weapons Convention (hereinafter “the Convention”) and/or new National Authorities to streamline their work in order to fulfil their general obligations under the 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 fully comply with their general obligations under 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 or have a declarable chemical industry. The checklist is prioritised chronologically, and 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 Technical Secretariat (hereinafter “the Secretariat”) who can respond to any related questions.
3. Attention is drawn to the Plan of Action Regarding the Implementation of Article VII Obligations, adopted by the Conference of the States Parties at its Eighth Session (decision C-8/DEC.16) (“Article VII Action Plan”), which, *inter alia*, sets the overall time-frame of November 2005 for States Parties to: (a) designate or establish a National Authority and notify the Secretariat thereof; (b) enact the necessary legislation, including penal legislation, and/or adopt administrative measures to implement the Convention in accordance with their constitutional processes; and (c) provide the Secretariat with the full text of their national implementing legislation, including updates, or, in the case of States Parties with a monist legal system, with information on the specific measures they have taken to implement the Convention.
4. The Article VII Action Plan requested States Parties seeking assistance of any kind in meeting their national implementation obligations to inform the Secretariat of what assistance they require, preferably before 1 March 2004.

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



Annex
GENERAL OBLIGATIONS UNDER THE CHEMICAL WEAPONS CONVENTION
AND RELATED TASKS

(Prioritised checklist for non-possessor¹ States Parties)

	Convention reference	Contact person in the Secretariat
To do prior to entry into force of the Convention (for the State concerned)²		
<p>1. Identification of declarable activities: (Identify the companies/facilities which will be affected by the reporting responsibilities under the Convention)</p> <ul style="list-style-type: none"> - import/export of scheduled chemicals; - production, processing and consumption of scheduled chemicals; - possession of facilities producing unscheduled discrete organic chemicals; - riot control agents 		<p>Carlos Trentadue, Head, Declarations Branch 31-70 416 3015 deb@opcw.org</p>
<p>2. Adopt necessary national implementing legislation, measures:</p> <ul style="list-style-type: none"> - prohibit persons from performing acts prohibited to a State Party (primarily those found under Article I and the Verification Annex, Part VI, paragraphs 1-4, and Part VII, paragraph 31 - enact penal legislation - extend penal legislation to cover extraterritorial activities of the State's nationals - inform the OPCW of the legislative and administrative measures taken and submit the full text - cooperation with and legal assistance to other States Parties: check whether domestic law and the treaties concerning legal assistance allow for the necessary degree of cooperation with each State Party to the Chemical Weapons Convention 	<p>Article VII,1; C-8/DEC.16</p>	<p>Lisa Tabassi, Legal Officer 31-70 416 3708 lisa.tabassi@opcw.org</p>
	<p>Article VII, 1(a)</p>	“
	<p>Article VII, 1(a)</p>	“
	<p>Article VII, 1(c)</p>	“
	<p>Article VII,5 C-8/DEC.16</p>	“
	<p>Article VII, 2</p>	<p>Lisa Tabassi, Legal Officer 31-70 416 3708 lisa.tabassi@opcw.org</p>

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.

	Convention reference	Contact person in the Secretariat
3. Adopt necessary measures to regulate scheduled chemicals and related facilities:	Article VI, 2	“
<ul style="list-style-type: none"> - Schedule 1: 		
<ul style="list-style-type: none"> - Schedule 1 chemicals cannot be produced, acquired, retained or used outside the territories of States Parties 	VA, VI, 1	“
<ul style="list-style-type: none"> - 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	“
<ul style="list-style-type: none"> - 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. Transfers to or from States not party are prohibited. 	VA VI 1,3	“
<ul style="list-style-type: none"> - 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	“
<ul style="list-style-type: none"> - 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	“
<ul style="list-style-type: none"> - specified quantities of Schedule 1 chemicals for protective purposes may be produced at one approved facility outside the SSSF 	VA VI 10	“
<ul style="list-style-type: none"> - specified quantities of Schedule 1 chemicals for research, medical or pharmaceutical purposes may be produced outside the SSSF at approved facilities 	VA VI 11	“
<ul style="list-style-type: none"> - less than 100 g per year per facility of Schedule 1 chemicals may be synthesised for research, medical or pharmaceutical purposes at laboratories, not subject to declaration or verification 	VA VI 12	“

	Convention reference	Contact person in the Secretariat
<p>3. Adopt necessary measures to regulate scheduled chemicals and related facilities: [continued]</p> <ul style="list-style-type: none"> - Schedule 2: <ul style="list-style-type: none"> - Schedule 2 chemicals can only be transferred to or received from States Parties. Transfers to States not party are prohibited. (This obligation also applies to mixtures containing Schedule 2 chemicals in concentrations above 1% (Schedule 2A/A*) or 10% (Schedule 2B) respectively, except if identified as consumer goods packaged for retail sale for personal use or packaged for individual use) - Schedule 3: <ul style="list-style-type: none"> - adopt the necessary measures to ensure that Schedule 3 chemicals transferred to States not Party shall only be used for purposes not prohibited and an end-user certificate will be obtained from the competent government authority of the State not party. (This obligation also applies to mixtures containing Schedule 3 chemicals in concentrations above 30%, except if identified as consumer goods packaged for retail sale for personal use, or packaged for individual use) 	<p>Article VI, 2</p> <p>VA VII 31 VA VII 5+31 and decision C-V/DEC.16</p> <p>VA VIII 26 VA VIII 27 and decisions C-III/DEC.6, C-III/DEC.7, C-VI/DEC.10</p>	<p>“</p> <p>Lisa Tabassi, Legal Officer 31-70 416 3708 lisa.tabassi@opcw.org</p> <p>“</p>
<p>4. 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</p>	<p>Article XI, 2(c), (d) and (e)</p>	<p>Bijoy Chatterjee Head, International Cooperation Branch 31-70 416 3219 bchatterjee@opcw.org</p>

	Convention reference	Contact person in the Secretariat
To do at entry into force of the Convention (for the State concerned)		
5. National implementing legislation/measures: Notify the OPCW of the legislative and administrative measures taken to implement the Convention and submit the full text of the legislation, including updates, or in the case of States Parties with a monist legal system, with information on the specific measures they have taken to implement the Convention	Article VII, 5; C-8/DEC.16	Isaac K. Minta, Acting Legal Adviser 31-70 416 3212
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	Shigeyuki Urano, Head, 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	Shigeyuki Urano, Head, Operations and Planning Branch tel: 31-70 416 3361 OPB@opcw.org fax: 31-70 416 3408
9. Radio frequencies: Inform the OPCW of the radio frequencies available for use by the inspection teams for two-way communications between team members during inspections	VA II 44	“

	Convention reference	Contact person in the Secretariat
To do in the first 30 days after entry into force (for the State concerned)		
<p>10. Initial declarations³ (including nil declarations)</p> <p>(a) Declaration on chemical weapons (CW).⁴ Submit a declaration stating:</p> <ul style="list-style-type: none"> - 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 <p>(b) Declaration on old chemical weapons (OCW) and abandoned chemical weapons (ACW). Submit a declaration regarding:</p> <ul style="list-style-type: none"> - 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 <p>(c) Declaration on chemical weapons production facilities (CWPFs).⁵ Submit a declaration regarding:</p> <ul style="list-style-type: none"> - 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; 	<p>Article III</p> <p>Article III 1(a)</p> <p>Article III 1(b); VA IV(B) 3 VA IV(B) 8 VA IV(B) 10</p> <p>Article III 1(c) VA V 1, 2 & 3 VA V 10</p>	<p>Carlos Trentadue Head, Declarations Branch 31-70 416 3015 deb@opew.org</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>

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.

⁵ Possessor States Parties should also refer to Article V of the Convention and Part V of the Verification Annex for additional obligations.

	Convention reference	Contact person in the Secretariat
<p>10. Initial declarations⁶ (including nil declarations) [continued]</p> <ul style="list-style-type: none"> - 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. 	Article III	Carlos Trentadue Head, Declarations Branch 31-70 416 3015 deb@opcw.org “ “ “ “
<p>(d) Declaration on other facilities</p> <ul style="list-style-type: none"> - specify other facilities designed, constructed or used since 1 January 1946 primarily for development of CW, including laboratories and test and evaluation sites 	Article III 1(d)	“
<p>(e) Declaration on riot control agents Declare the chemicals which the State Party holds for riot control purposes.</p>	Article III 1(e)	“
<p>(f) Declarations on relevant chemicals and facilities</p> <ul style="list-style-type: none"> - Declare any Schedule 1 single small-scale facility existing at entry into force; - Declare any other Schedule 1 facilities existing at entry into force - initial declaration of Schedule 2 chemicals data and Schedule 2 plant sites⁷ - initial declaration of Schedule 3 chemicals data and Schedule 3 plant sites⁸ - submit the list of other chemical production facilities producing unscheduled discrete organic chemicals (except sites exclusively producing explosives or hydrocarbons) 	Article VI, 7 VA VI 13 VA VI 17 VA VII 2(a), 4(a), 5 VA VIII 2(a), 4(a), 5 VA IX 3	“ “ “ “ “

⁶ 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).

⁷ 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.

⁸ 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.

	Convention reference	Contact person in the Secretariat
To do in the early weeks		
<p>11. Acknowledge notifications received from the Secretariat.</p> <p>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)</p> <p>List of qualified experts for investigations of alleged use of chemical weapons: the experts included in the list will be regarded as designated unless the State Party, not later than 30 days after receipt of the list, declares its non-acceptance</p>	<p>VA II 2</p> <p>VA XI 7</p>	<p>Shigeyuki Urano, Head, Operations and Planning Branch tel: 31-70 416 3361 OPB@opcw.org fax: 31-70 416 3408</p> <p>Hassan Mashhadi, Head, Assistance & Protection Branch, 31-70 416 3555 hassan.mashhadi@opcw.org</p>
<p>12. 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</p> <p>and grant access to facilities as required in the Verification Annex.</p>	<p>VA II 10</p> <p>Article VI, 9 VA II</p>	<p>Nazir Hussain, Head, Protocol Branch 31-70 416 3772 protocol@opcw.org</p>
<p>13. 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.</p>	<p>Article VII, 6 and Confidentiality Annex, para. 4</p>	<p>Robert Simpson Head, Office of Confidentiality and Security, 31-70 416 3291</p>
<p>14. 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.</p>	<p>Article VIII, 50</p>	<p>Samir Mechken, Acting Legal Officer 31-70 416 3732 legal@opcw.org</p>
<p>15. Assessed contribution for OPCW activities</p>	<p>Article VIII, 7</p>	<p>Gracita Paras, Head, Accounts 31-70 416 3858 accounts@opcw.org or Frans van Dalsum, Finance Assistant 31-70 416 3785</p>

	Convention reference	Contact person in the Secretariat
16. 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, Protocol Branch 31-70 416 3772 protocol@opcw.org
To do in the first 180 days⁹		
17. Schedule 1 facility agreements - facility agreements for SSSFs - facility agreements for “other facilities” [Schedule 2 facility agreements: to be completed not later than 90 days after completion of the initial inspection]	VA III 4 (VI,3) -VA VI 25 -VA VI 31 VA VII 24	Faiza Patel King, Senior Policy Officer 31-70 416 3831 “
18. Select the measure of assistance which the State Party will provide through the OPCW (one or more). OPTIONS: - contribution to the Voluntary Fund for Assistance - Bilateral agreement for the procurement of assistance. Agreement with the OPCW concerning the procurement, upon demand, of emergency or humanitarian assistance (if possible not later than 180 days after entry into force of the Convention for the State concerned) - 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 Article X, 7(a) Article X, 7(b) Article X, 7(c)	Hassan Mashhadi, Head, Assistance & Protection Branch, 31-70 416 3555 hassan.mashhadi@opcw.org “ “ “

⁹ 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).

	Convention reference	Contact person in the Secretariat
To do annually¹⁰		
<p>19. Annual declaration on anticipated activities.¹¹ Submit:</p> <p><u>Not less than 90 days before the beginning of the calendar year [3 October]</u></p> <ul style="list-style-type: none"> - 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 - “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 <p><u>Not less than 60 days before beginning of the calendar year [2 November]</u></p> <ul style="list-style-type: none"> - Anticipated activities in Schedule 2 plant sites - Anticipated activities in Schedule 3 plant sites 	<p></p> <p>VA VI 16</p> <p>VA VI 20</p> <p></p> <p>VA VII 4(c)</p> <p>VA VIII 4(c)</p>	<p>Carlos Trentadue Head, Declarations Branch 31-70 416 3015 deb@opcw.org</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>

¹⁰ 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.

¹¹ 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.

	Convention reference	Contact person in the Secretariat
<p>20. Annual declaration on previous year activities.¹² Submit:</p> <p><u>Not later than 90 days after the end of the calendar year [30 March]</u></p> <ul style="list-style-type: none"> - Schedule 1 chemicals and facilities <ul style="list-style-type: none"> - detailed annual declaration regarding all transfers of Schedule 1 chemicals during the previous calendar year - detailed annual declaration regarding activities at the SSSF for the previous calendar year - detailed annual declaration on the activities of any other Schedule 1 facility for the previous calendar year - 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 - 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 <p><u>Not later than 90 days after beginning of each calendar year [30 March]</u></p> <ul style="list-style-type: none"> - “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] 	<p>VA VI 6</p> <p>VA VI 15</p> <p>VA VI 19</p> <p>VA VII 1 VA VII 2(b) VA VII 4(b)</p> <p>VA VIII 1 VA VIII 2(b) VA VIII 4(b)</p> <p>VA IX 1 VA IX 3</p>	<p>Carlos Trentadue Head, Declarations Branch 31-70 416 3015 deb@opcw.org</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>

¹² 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.

	Convention reference	Contact person in the Secretariat
21. 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)
22. Assessed contribution for OPCW activities	Article VIII, 7	Gracita Paras, Head, Accounts 31-70 416 3858 accounts@opcw.org or Frans van Dalsum, Finance Assistant 31-70 416 3785
Standing obligations for a State Party		
23. 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 ¹³	VA VI 5	Carlos Trentadue Head, Declarations Branch 31-70 416 3015 deb@opcw.org
24. In implementing the Convention, giving priority to ensuring the safety of people and to protecting the environment	Articles IV, 10 and VII, 3	Brian Davey Head, Health and Safety Branch 31-70 416 3501 bdavey@opcw.org
25. Development and cooperation in the field of chemical activities	Article XI	Bijoy Chatterjee Head, International Cooperation Branch 31-70 416 3219 bchatterjee@opcw.org
26. Facilitate the fullest possible exchange concerning means of protection against chemical weapons	Article X, 3	Hassan Mashhadi, Head, Assistance & Protection Branch, 31-70-416 3555, hassan.mashhadi@opcw.org

¹³ 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.”

	Convention reference	Contact person in the Secretariat
27. 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	Robert Simpson Head, Office of Confidentiality and Security, 31-70 416 3291
28. Consultations, cooperation and fact-finding Respond to requests for clarification	Article IX	Horst Reeps Director, Verification Division 31-70 416 3711
29. Notify amendments to national implementing legislation /measures	Article VII, 5	Isaac K. Minta, Acting Legal Adviser 31-70 416 3212
30. NOTIFY the Secretariat of all CHANGES ¹⁴ made in relation to tasks 2 -10, 13, and 16, 19, 23 above. In addition: <ul style="list-style-type: none"> - Chemical weapons discovered after the initial declaration shall be reported - Initial declarations of riot control agents shall be updated not later than 30 days after any change becomes effective - Planned changes to the initial declarations of Schedule 1 facilities shall be notified to the Secretariat not later than 180 days before the changes are to take place - Changes to annual declarations of anticipated activities at Schedule 2 & 3 plant sites: activities additionally planned shall be declared not later than 5 days before the activity begins - Changes to the point of entry will become effective 30 days after the Secretariat receives notification of the change 	<p>Article III(9)</p> <p>Art. III(1)(e)</p> <p>VA VI 14, 18</p> <p>VA VII 4(c) VA VIII 4(c) C-I/DEC.38</p> <p>VA II 17</p>	<p>[as above]</p> <p>Carlos Trentadue Head, Declarations Branch 31-70 416 3015 deb@opcw.org</p> <p>Shigeyuki Urano, Head, Operations and Planning Branch, tel: 31-70 416 3361</p>

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¹⁴ States Parties proposing changes to the destruction deadlines of chemical weapons should refer to VA IV(A) 22-27.