NOTE BY THE TECHNICAL SECRETARIAT

SURVEY ON THE IMPLEMENTATION OF NATIONAL MEASURES REGARDING THE COLLECTION AND DECLARATION OF IMPORT AND EXPORT DATA FOR SCHEDULE 2 AND 3 CHEMICALS

1. The Third Special Session of the Conference of the States Parties to Review the Operation of the Chemicals Weapons Convention (hereinafter “the Third Review Conference”) noted that discrepancies in transfers declared by States Parties were continuing, and encouraged the cluster on chemical-industry and other Article VI issues (hereinafter “the Industry Cluster”) to consult on the ways to reconcile such discrepancies (paragraph 9.93 of RC-3/3*, dated 19 April 2013).

2. The Third Review Conference called upon States Parties and the Technical Secretariat (hereinafter “the Secretariat”) to continue working to identify the causes of discrepancies related to Article VI declarations, such as those relating to aggregate national data for Schedule 2 and Schedule 3 transfers, as well as for other chemical production facilities declarations, and recommended possible solutions and alternatives to the policy-making organs (paragraph 9.95(g) of RC-3/3*).

3. The Twenty-First Session of the Conference of the States Parties (hereinafter “the Conference”) considered the question of discrepancies in the reporting of transfers of scheduled chemicals pursuant to Article VI of the Chemical Weapons Convention (hereinafter “the Convention”) and the Verification Annex to the Convention, and recommended that the Industry Cluster give this matter additional focused attention (paragraph 9.4 of C-21/5, dated 2 December 2016).

4. The Secretariat reviewed the causes of transfer discrepancies identified by the States Parties during resolution of these discrepancies for 2015. As a result of this review, the most common causes of discrepancies have been identified as the differences in national measures in the implementation of decisions made by the Conference\textsuperscript{1,2,3,4}

\textsuperscript{1} Guidelines Regarding Declaration of Import and Export Data for Schedule 2 and 3 Chemicals (C-13/DEC.4, dated 3 December 2008).

\textsuperscript{2} Guidelines Regarding Declarations of Aggregate National Data for Schedule 2 Chemical Production, Processing, Consumption, Import and Export and Schedule 3 Import and Export (C-7/DEC.14, dated 10 October 2002).
and different ways of data collection for the declarations of import and export of Schedule 2 and 3 chemicals.

5. In order to further analyse the ways to reconcile such discrepancies, the Secretariat invites States Parties to provide information on national measures in the implementation of the Conference decisions and on data collection through the survey annexed to this Note (see Annex 1).

6. States Parties are kindly requested to complete this survey and submit it to the Secretariat via the respective State Party’s National Authority or Permanent Representation to the OPCW, no later than 15 September 2017. Submissions should be addressed to the Head, Declaration Branch, Verification Division, OPCW, Johan de Wittlaan 32, 2517 JR The Hague, the Netherlands. Submissions may also be sent by email to deb@opcw.org or via SIX\(^5\) with the words “Survey on National Measures” indicated in the subject line.

7. Queries about the survey, if any, should be addressed to Ms Elza Metopishvili, Evaluation Officer, who can be reached by telephone at +31 (0)70 416 3069 or by email to deb@opcw.org.

Annex 1: Survey on the Implementation of National Measures Regarding the Collection and Declaration of Import and Export Data for Schedule 2 and 3 Chemicals
Annex 2: Correlation Table Between Harmonized System (HS) 2012 and HS 2017

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\(^3\) Guidelines Regarding Low Concentration Limits for Declarations of Schedule 2 and 3 Chemicals (C-V/DEC.19, dated 19 May 2000).

\(^4\) Guidelines Regarding Low-Concentration Limits for Declarations of Schedule 2A and 2A* Chemicals (C-14/DEC.4, dated 2 December 2009).

\(^5\) SIX = Secure Information Exchange.
Annex 1

SURVEY ON THE IMPLEMENTATION OF NATIONAL MEASURES REGARDING THE COLLECTION AND DECLARATION OF IMPORT AND EXPORT DATA FOR SCHEDULE 2 AND 3 CHEMICALS

State Party: _________________________________________________________

Date:   _________________________________________________________

Person whom the Secretariat may contact to discuss this survey:

Name:    _________________________________________________________

Telephone: _________________________________________________________

Fax:  _________________________________________________________

Email:   _________________________________________________________

Part 1: Data Collection

Identification of stakeholders (sources) by National Authority:

1. From which sources does the National Authority of your country collect import and export data for the purpose of making aggregate national data (AND) declarations (please select all that apply):

☐ From industrial facilities/companies

Please indicate below the nature of such facilities/companies, checking all that apply:

☐ Producer
☐ Processor
☐ Consumer
☐ Importer
☐ Exporter

☐ From importers and exporters
☐ From customs officials
☐ From end users
☐ From import and export licenses
☐ From other sources (please provide details below)
National regulations/legislation for data collection to declare import and export of Schedule 2/Schedule 3 chemicals:

2. Does your country have specific issues which prevent the National Authority from collecting the necessary import/export data for making AND declarations?

   Yes ☐  No ☐

   If “Yes”, please indicate why (please select all that apply):
   ☐ There is no legislation in place.
   ☐ The National Authority has not been established.
   ☐ Customs authorities have no mandate to provide import/export data to the National Authority.
   ☐ Other (please provide details below)

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

3. Does your country apply weight thresholds for collecting import and export data for making AND declarations?

   ☐ No, there is no weight threshold for collecting data. All data is collected.
   ☐ Yes, the State Party uses the following national weight thresholds for collecting import and export data:

   ☐ ________ (g/kg/tonne) for a chemical designated “*” in Schedule 2, Part A
   ☐ ________ (g/kg/tonne) for any other chemical listed in Schedule 2, Part A
   ☐ ________ (g/kg/tonne) for a chemical listed in Schedule 2, Part B
   ☐ ________ (g/kg/tonne) for a chemical listed in Schedule 3

4. Does your country apply national low-concentration limits (%) for collecting import and export data on mixtures for making AND declarations?

   ☐ No, there are no national low-concentration limits (%) for collecting data on mixtures. All data is collected.
   ☐ Yes, the following national low-concentration limits (%) are applied for collecting data on import and export of mixtures:

   ______ % for a chemical designated “*” in Schedule 2, Part A
   ______ % for any other chemical listed in Schedule 2, Part A
   ______ % for a chemical listed in Schedule 2, Part B
   ______ % for a chemical listed in Schedule 3
5. Has your country fully implemented the Harmonized System (HS) 2017 of the World Customs Organization (WCO), which includes the unique six-digit HS codes for the 33 most traded scheduled chemicals (effective from 1 January 2017)? Please see the Correlation Table between the HS 2012 and HS 2017 in Annex 2.

Yes ☐ No ☐

If “Yes”, please indicate for which annual declaration on past activities (ADPA) will your State Party use the unique six-digit HS 2017 codes as an identifier for the 33 most traded scheduled chemicals:

☐ ADPA 2017
☐ ADPA 2018
☐ ADPA 2019
☐ Later
☐ Not known

If “No”, please indicate:

Which HS codes are currently used: HS 2007 ☐ HS 2012 ☐

Expected date of implementation of HS 2017: _______________________________
Part 2: Declaring Imports and Exports

Definitions set forth in decision C-13/DEC.4 (dated 3 December 2008) regarding import/export/transit based on physical movement of the chemicals:

6. Has your country implemented decision C-13/DEC.4?
   Yes ☐ No ☐

   If “Yes”, in which ADPA did your country start to implement this decision?
   ☐ ADPA 2013  ☐ ADPA 2014  ☐ ADPA 2015  ☐ ADPA 2016  ☐ Earlier

   If “No”, when does your country intend to implement this decision in future?
   ☐ In 2017  ☐ In 2018  ☐ In 2019  ☐ Later  ☐ Not known

Comment(s) regarding this decision:
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

Declaration thresholds for import/export of Schedule 2 and Schedule 3 chemicals:

7. Does your country declare import and export data in AND declarations based on decision C-7/DEC.14 (dated 10 October 2002)?

   Data is only declared if the total for the year for imports or exports is more than:
   
   (a) 1 kg of a chemical designated “*” in Schedule 2, Part A ☐ Yes ☐ No
   (b) 100 kg of any other chemical listed in Schedule 2, Part A ☐ Yes ☐ No
   (c) 1 tonne of a chemical listed in Schedule 2, Part B ☐ Yes ☐ No
   (d) 30 tonnes of a Schedule 3 chemical ☐ Yes ☐ No
If you selected “No” one or more times, then please provide details below:
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

8. Does your country declare import and export of mixtures based on decisions C-V/DEC.19 (dated 19 May 2000) and C-14/DEC.4 (dated 2 December 2009) regarding low-concentration limits?

☐ Yes, mixtures are declared based on decisions C-V/DEC.19 and C-14/DEC.4:

(a) 1% for a chemical designated “*” in Schedule 2, Part A (C-14/DEC.4)

☐ Yes ☐ No

(b) 1% for any other chemical listed in Schedule 2, Part A (C-14/DEC.4)

☐ Yes ☐ No

(d) 30% for a chemical listed in Schedule 2, Part B (C-V/DEC.19)

☐ Yes ☐ No

(e) 30% for a chemical listed in Schedule 3 (C-V/DEC.19)

☐ Yes ☐ No

☐ No, mixtures are declared in the following ways:

☐ The total weight of the mixture is declared.

☐ Mixtures are declared based on national low-concentration limits as indicated above under question 4.

☐ Other (please provide details below):
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

9. Does your country inform the Secretariat when a chemical leaves the exporting State Party at the end of one year and arrives in the importing State Party in the following year?

Yes ☐ No ☐

If “No”, would your country be in a position to do so? ☐ Yes ☐ No
10. Comments and any other relevant information:

_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
### Annex 2

**CORRELATION TABLE BETWEEN HARMONIZED SYSTEM (HS) 2012 AND HS 2017**

<table>
<thead>
<tr>
<th>CAS</th>
<th>Chemical Name</th>
<th>Schedule</th>
<th>HS 2012</th>
<th>HS 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 170836-68-7</td>
<td>Mixture of (5-ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl)methyl methyl methylphosphonate (CAS RN 41203-81-0) and Bis[(5-Ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl)methyl] methylphosphonate (CAS RN 42595-45-9)</td>
<td>2B04</td>
<td>3824.90</td>
<td>3824.91</td>
</tr>
<tr>
<td>2. 18755-43-6</td>
<td>Dimethyl propylphosphonate</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.32</td>
</tr>
<tr>
<td>3. 41203-81-0</td>
<td>(5-Ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl)methyl methyl methylphosphonate</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.36</td>
</tr>
<tr>
<td>4. 42595-45-9</td>
<td>Bis[(5-Ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl)methyl] methylphosphonate</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.37</td>
</tr>
<tr>
<td>5. 68957-94-8</td>
<td>2,4,6-Tripropyl-1,3,5,2,4,6-</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.35</td>
</tr>
<tr>
<td>6. 756-79-6</td>
<td>Dimethyl methylphosphonate</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.31</td>
</tr>
<tr>
<td>7. 78-38-6</td>
<td>Diethyl ethylphosphonate</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.33</td>
</tr>
<tr>
<td>8. 84402-58-4</td>
<td>Methylphosphonic acid with</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.38</td>
</tr>
<tr>
<td>9. 84962-98-1</td>
<td>Sodium 3-(trihydroxysilyl)propyl</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.34</td>
</tr>
<tr>
<td>10. 76-93-7</td>
<td>2,2-Diphenyl-2-hydroxyacetic acid</td>
<td>2B08</td>
<td>2918.19</td>
<td>2918.17</td>
</tr>
<tr>
<td>11. 4261-68-1</td>
<td>2-(N,N-Diisopropylamino)ethylicloride</td>
<td>2B10</td>
<td>2921.19</td>
<td>2921.14</td>
</tr>
<tr>
<td>12. 4584-46-7</td>
<td>2-(N,N-Dimethylamino)ethylicloride</td>
<td>2B10</td>
<td>2921.19</td>
<td>2921.12</td>
</tr>
<tr>
<td>13. 869-24-9</td>
<td>2-(N,N-Diethylamino)ethylicloride</td>
<td>2B10</td>
<td>2921.19</td>
<td>2921.13</td>
</tr>
<tr>
<td>14. 96-80-0</td>
<td>2-(N,N-Diisopropylamino)ethanol</td>
<td>2B11</td>
<td>2922.19</td>
<td>2922.18</td>
</tr>
<tr>
<td>15. 100-38-9</td>
<td>2-(N,N-Diethylamino)ethanethiol</td>
<td>2B12</td>
<td>2930.90</td>
<td>2930.60</td>
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<tr>
<td>16. 111-48-8</td>
<td>Bis(2-hydroxyethyl)sulfide</td>
<td>2B13</td>
<td>2930.90</td>
<td>2930.70</td>
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<tr>
<td>17. 75-44-5</td>
<td>Carbonyl dichloride</td>
<td>3A01</td>
<td>2812.10</td>
<td>2812.11</td>
</tr>
<tr>
<td>18. 506-77-4</td>
<td>Cyanogen chloride</td>
<td>3A02</td>
<td>2853.00</td>
<td>2853.10</td>
</tr>
<tr>
<td>19. 74-90-8</td>
<td>Hydrogen cyanide</td>
<td>3A03</td>
<td>2811.19</td>
<td>2811.12</td>
</tr>
<tr>
<td>20. 76-06-2</td>
<td>Trichloronitromethane</td>
<td>3A04</td>
<td>2904.90</td>
<td>2904.91</td>
</tr>
<tr>
<td>21. 10025-87-3</td>
<td>Phosphorus oxychloride</td>
<td>3B05</td>
<td>2812.10</td>
<td>2812.12</td>
</tr>
<tr>
<td>22. 7719-12-2</td>
<td>Phosphorus trichloride</td>
<td>3B06</td>
<td>2812.10</td>
<td>2812.13</td>
</tr>
<tr>
<td>23. 10026-13-8</td>
<td>Phosphorus pentachloride</td>
<td>3B07</td>
<td>2812.10</td>
<td>2812.14</td>
</tr>
<tr>
<td>24. 121-45-9</td>
<td>Trimethyl phosphite</td>
<td>3B08</td>
<td>2920.90</td>
<td>2920.23</td>
</tr>
<tr>
<td>25. 122-52-1</td>
<td>Triethyl phosphite</td>
<td>3B09</td>
<td>2920.90</td>
<td>2920.24</td>
</tr>
<tr>
<td>CAS</td>
<td>Chemical Name</td>
<td>Schedule</td>
<td>HS 2012</td>
<td>HS 2017</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------------------------------------------------------------------------</td>
<td>----------</td>
<td>-----------</td>
<td>-----------</td>
</tr>
<tr>
<td>26. 868-85-9</td>
<td>Dimethyl phosphite</td>
<td>3B10</td>
<td>2920.90</td>
<td>2920.21</td>
</tr>
<tr>
<td>27. 762-04-9</td>
<td>Diethyl phosphite</td>
<td>3B11</td>
<td>2920.90</td>
<td>2920.22</td>
</tr>
<tr>
<td>28. 10025-67-9</td>
<td>Sulfur monochloride</td>
<td>3B12</td>
<td>2812.10</td>
<td>2812.15</td>
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<tr>
<td>29. 10545-99-0</td>
<td>Sulfur dichloride</td>
<td>3B13</td>
<td>2812.10</td>
<td>2812.16</td>
</tr>
<tr>
<td>30. 7719-09-7</td>
<td>Thionyl chloride</td>
<td>3B14</td>
<td>2812.10</td>
<td>2812.17</td>
</tr>
<tr>
<td>31. 139-87-7</td>
<td>Ethyldiethanolamine</td>
<td>3B15</td>
<td>2922.19</td>
<td>2922.17</td>
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<tr>
<td>32. 105-59-9</td>
<td>Methyldiethanolamine</td>
<td>3B16</td>
<td>2922.19</td>
<td>2922.17</td>
</tr>
<tr>
<td>33. 102-71-6</td>
<td>Triethanolamine</td>
<td>3B17</td>
<td>2922.13</td>
<td>2922.15</td>
</tr>
<tr>
<td>34. 108-02-1</td>
<td>2-((N,N-Dimethylamino)ethanethiol</td>
<td>2B12</td>
<td>2930.90</td>
<td>2930.90</td>
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<tr>
<td>35. 129788-86-9</td>
<td>Product from the reaction of Methylphosphonic acid and 1,3,5-</td>
<td>2B04</td>
<td>-</td>
<td>-</td>
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<td>36. 1619-34-7</td>
<td>3-Quinuclidinol</td>
<td>2B09</td>
<td>2933.39</td>
<td>2933.39</td>
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<td>37. 25333-42-0</td>
<td>R-(3-Quinuclidinol</td>
<td>2B09</td>
<td>2933.39</td>
<td>2933.39</td>
</tr>
<tr>
<td>39. 4708-04-7</td>
<td>Propylphosphonic dichloride</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.39</td>
</tr>
<tr>
<td>40. 676-97-1</td>
<td>Methylphosphonic dichloride</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.39</td>
</tr>
<tr>
<td>41. 7526-26-3</td>
<td>Diphenyl methylphosphonate</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.39</td>
</tr>
<tr>
<td>42. 849-29-6</td>
<td>O-(3-chloropropyl) O-[4-nitro-3-(trifluoromethyl)phenyl] methylphosphonothionate</td>
<td>2B04</td>
<td>2930.90</td>
<td>2931.39</td>
</tr>
<tr>
<td>43. 993-13-5</td>
<td>Methylphosphonic acid</td>
<td>2B04</td>
<td>2931.90</td>
<td>2931.39</td>
</tr>
<tr>
<td>44. 99580-93-5</td>
<td>Product from the reaction of methylphosphonic acid and 1,2-ethanediame</td>
<td>2B04</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>45. 294675-51-7</td>
<td>Phosphonic acid, methyl-, polyglycol ester (Exolit OP 560 TP)</td>
<td>2B04</td>
<td>-</td>
<td>3824.99</td>
</tr>
<tr>
<td>46. 663176-00-9</td>
<td>Phosphonic acid, methyl-, polyglycol ester (Exolit OP 560)</td>
<td>2B04</td>
<td>-</td>
<td>3824.99</td>
</tr>
<tr>
<td>47. 363626-50-0</td>
<td>Bis(polyoxyethylene) methylphosphonate</td>
<td>2B04</td>
<td>3907.20</td>
<td>3907.20</td>
</tr>
<tr>
<td>48. 63747-58-0</td>
<td>Poly(1,3-phenylene methyl phosphonate)</td>
<td>2B04</td>
<td>3911.90</td>
<td>3911.90</td>
</tr>
<tr>
<td>49. 70715-06-9</td>
<td>Dimethylmethylphosphonate, polymer with oxirane and phosphorus oxide</td>
<td>2B04</td>
<td>3824.90</td>
<td>3824.99</td>
</tr>
</tbody>
</table>