



OPCW

Organisation for the Prohibition of Chemical Weapons

Transfer Control - Chemical Weapons Convention

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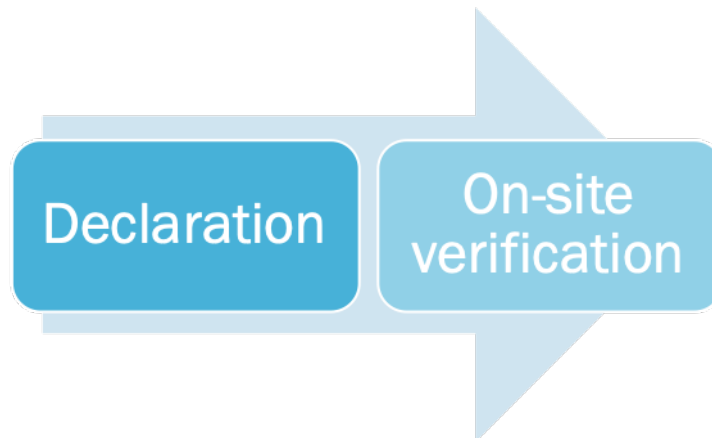
Organisation for the Prohibition of Chemical Weapons (OPCW)

19 September 2019

“Activities not prohibited under this Convention”

Article 6 – Chemical Weapons Convention

*Each State Party shall adopt the **necessary measures** to ensure that toxic chemicals and their precursors are **only developed, produced, otherwise acquired, retained, transferred or used** within its territory or in any other place under its jurisdiction or control **for purposes not prohibited under this Convention**.*



Verification cycle



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Chemicals regulated by CWC

Schedule 1

- High risk to the object & purpose of Chemical Weapons Convention
- Little or no use for purposes not prohibited

Schedule 2

- Significant risk
- Not produced in large quantities for purposes not prohibited

Schedule 3

- Risk
- May be produced in large quantities for purposes not prohibited

“Other Chemical Production Facilities” producing large quantities of “discrete organic chemicals (DOCs)”

- Engineering capability of the facility is important, rather than DOCs produced



Dual-use chemicals

Nitrogen Mustard (Schedule 1A)

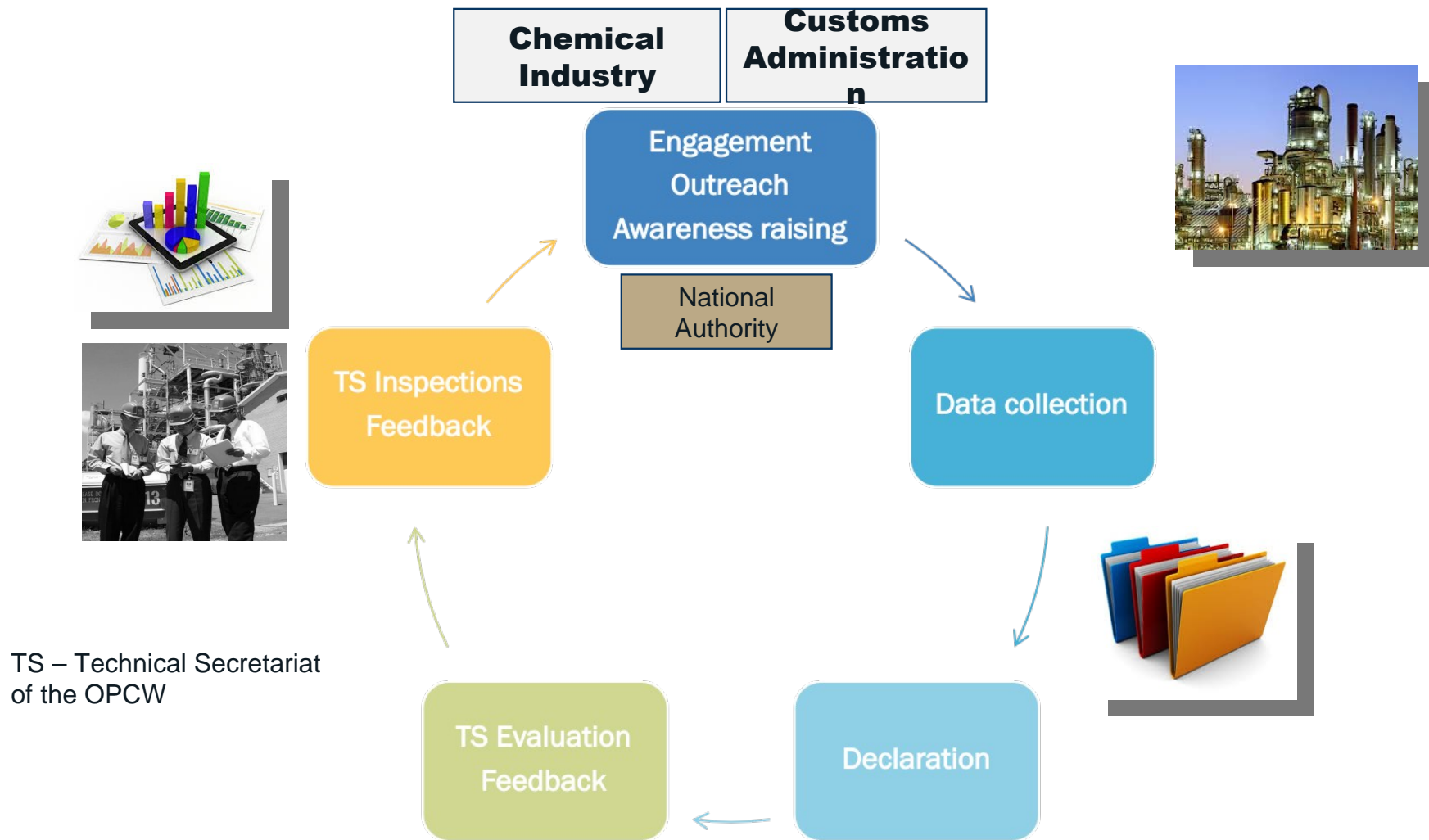
Anti-cancer chemotherapy
drug

Dimethyl methylphosphonate (Schedule 2B)

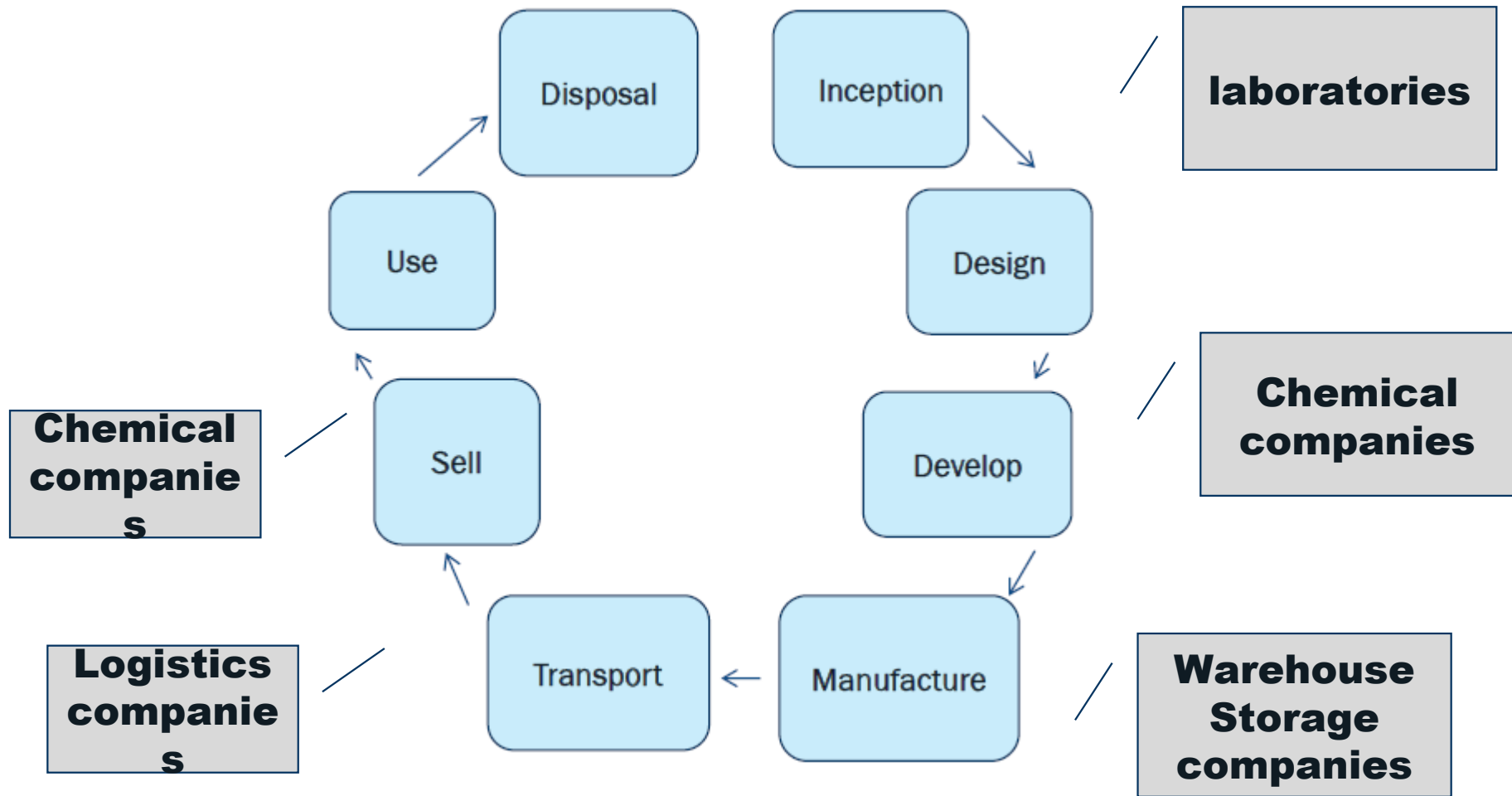
Flame retardant for building
materials, preignition additive
for gasoline, anti-floating
agent...



Verification cycle



Life-cycle of chemicals



Types of Declarations

(Reports to be submitted to the OPCW)

Initial Declaration

Annual Declaration on
Anticipated Activities

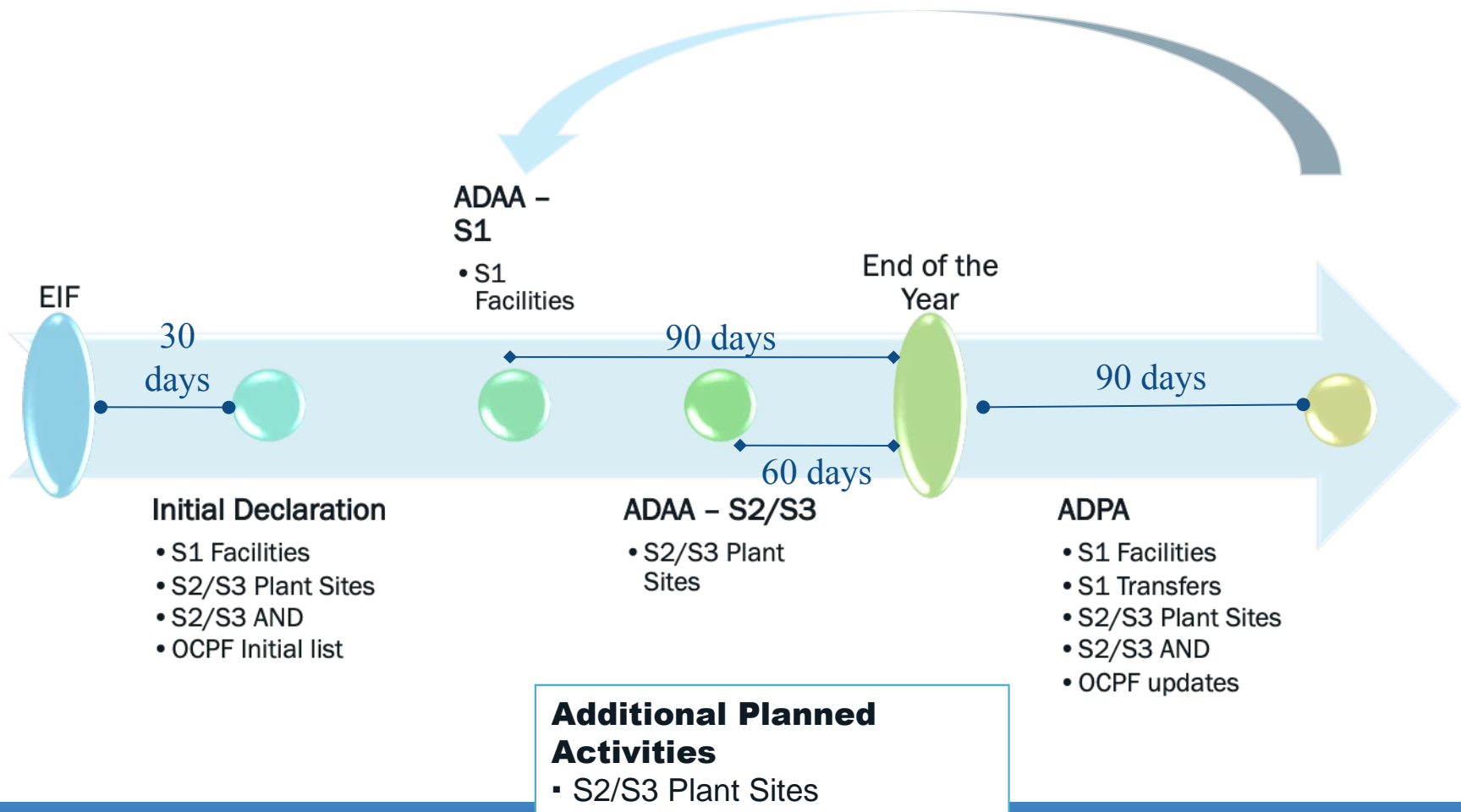
Annual Declaration on
Past Activities

The image shows a stack of three OPCW declaration forms. The top form is 'Form A-2 Primary Declaration' (Version 2002), which includes sections for 'Name of Country', 'Name of Chemical Agent', 'Name of Chemical Facility', and 'Name of Chemical Process'. Below these are checkboxes for 'Chemical Agent', 'Chemical Facility', and 'Chemical Process'. The middle form is 'Supplement to Form A-2 OPCW Declaration Checklist' (Version 2002), which contains a list of questions with checkboxes, such as 'Chemical Agent', 'Chemical Facility', 'Chemical Process', 'Chemical Agent', 'Chemical Facility', 'Chemical Process', 'Chemical Agent', 'Chemical Facility', 'Chemical Process'. The bottom form is 'Supplement to Form A-2 OPCW Declaration Checklist (continued)' (Version 2002), which continues the list of questions with checkboxes, such as 'Chemical Agent', 'Chemical Facility', 'Chemical Process', 'Chemical Agent', 'Chemical Facility', 'Chemical Process', 'Chemical Agent', 'Chemical Facility', 'Chemical Process'.



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Types of Declarations



Transfer control

S1

Notification to
OPCW before
transfer

Detailed annual
declaration

Transfer only to another
State Party

Only for Research,
Medical, Pharmaceutical
or Protective Purposes.

**Total ban on transfer of
any quantity to States Not
Party – no exceptions**

S2

Annual declaration on
quantities **produced,
processed, consumed,
imported and exported**

Quantitative specification
of **import and export** for
each country involved

Ban on transfers of
any quantity to or
from States Not
Party with some
exceptions

S3

Annual declaration on
quantities **produced,
imported and exported**

Quantitative specification
of **import and export** for
each country involved

No ban currently but
End Use Certificate
required for
transfers to States
Not Party with some
exceptions



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Transfer to States not Party

Schedule 3 chemicals

End-Use Certificate

Form T30
(For transfers of Schedule 3 chemicals to States not party to the Convention)

Exporter's Transfer Identification: Country Code Year Transfer Number

A. CHEMICAL TO BE TRANSFERRED:	
Type:	IUPAC chemical name
	CAS registry number
Total Quantity (Kilograms):	
B. END-USE(S) OF THE CHEMICAL:	
1.	
2.	
3.	
C. END-USER(S)	
I (we) certify that I (we) am (are) the end-user(s) of the chemical referred to under A above. I (we) will not export, resell or otherwise dispose of any amount thereof (1) outside the recipient State on whose territory the end-user(s) listed below is (are) located, or (2) to any other person, natural or legal. I (we) further certify that, to the best of my (our) knowledge and belief, all of the facts contained in this certificate are true, and that I (we) do not know of any additional facts that are inconsistent with this certificate.	
Name:	Quantity (Kg):
Position:	
Organisation:	
Address:	
Signature:	Date:
Name:	Quantity (Kg):
Position:	
Organisation:	
Address:	
Signature:	Date:
Name:	Quantity (Kg):
Position:	
Organisation:	
Address:	
Signature:	Date:
D. CERTIFICATION ON BEHALF OF THE RECIPIENT STATE	
It is hereby certified that the transferred chemical referred to above will be used only for purposes not prohibited under the Convention on the Prohibition of the Development, Stockpiling and Use of Chemical Weapons and on Their Destruction, and that it will not be re-transferred.	
Name:	
Position:	
Organisation:	
Address:	
Signature:	Date:



Reporting on transfers

Sample: Chemical Weapons (Prohibition) Act 2018 (Botswana)

Notification of Schedule 1 transfers

Section 20

1. Subject to subsection (2), any person who transfers a Schedule 1 chemical shall notify the Authority 45 days before the transfer of any such chemical to another State Party.
2. A person shall make a notification to the Authority at least five days before the transfer of the Schedule 1 chemical saxitoxin 1 if –
 - a. The transfer is for medical or diagnostic purposes; and
 - b. The transfer is for quantities of 5 milligrams or less.
3. A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P3 000 000 or to imprisonment for a term of 20 years, or to both.



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Reporting on transfers

Sample: Chemical Weapons Convention Act 2007 (Sri Lanka)

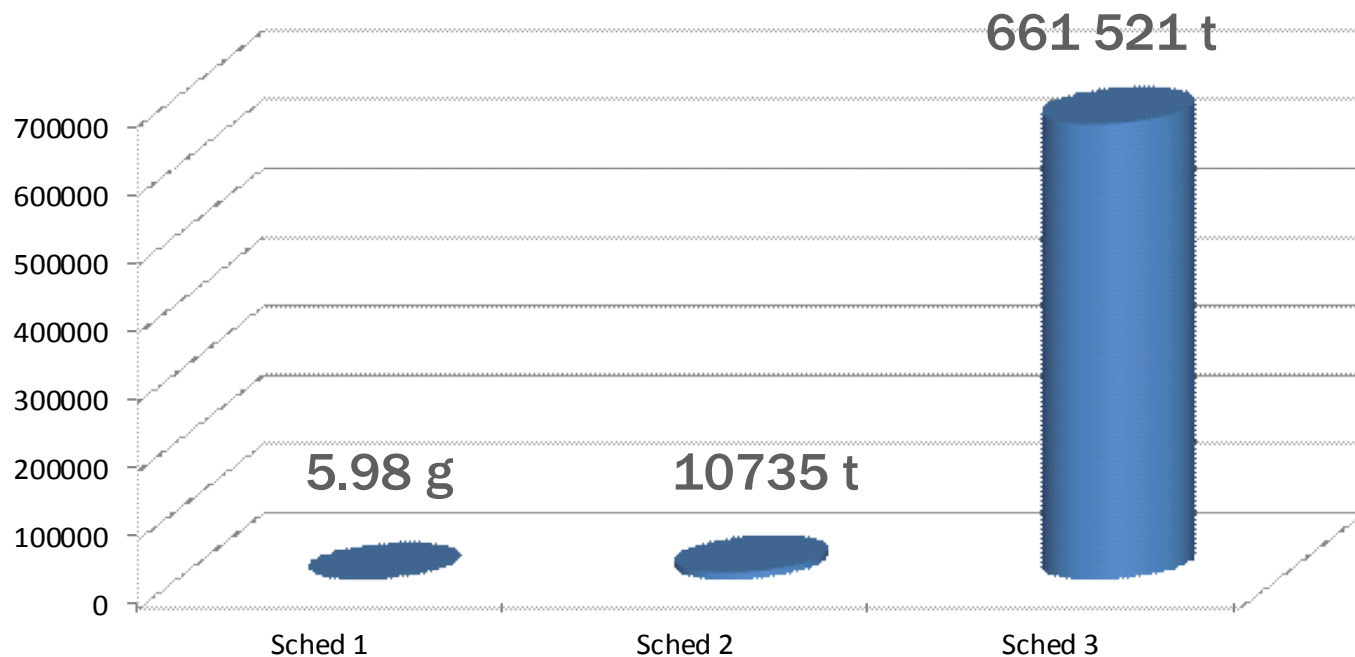
Section 13

The Authority shall prepare such initial, annual and other periodic declarations regarding toxic chemicals or precursors listed in Schedules I, II and III to this Act or any other declaration required to be made under the Convention and shall submit such declarations to the OPCW at such time or times as may be specified under the Convention.

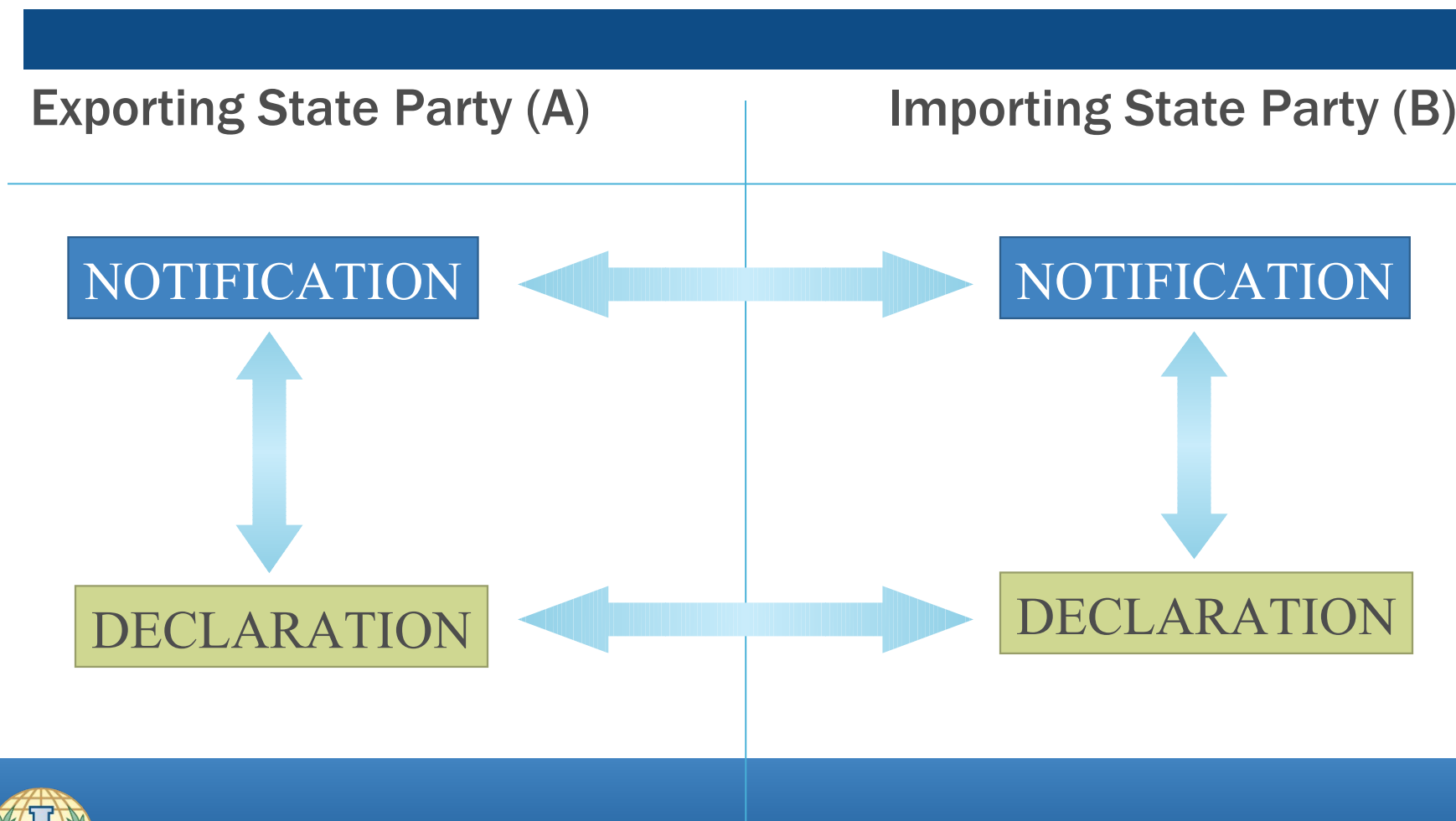


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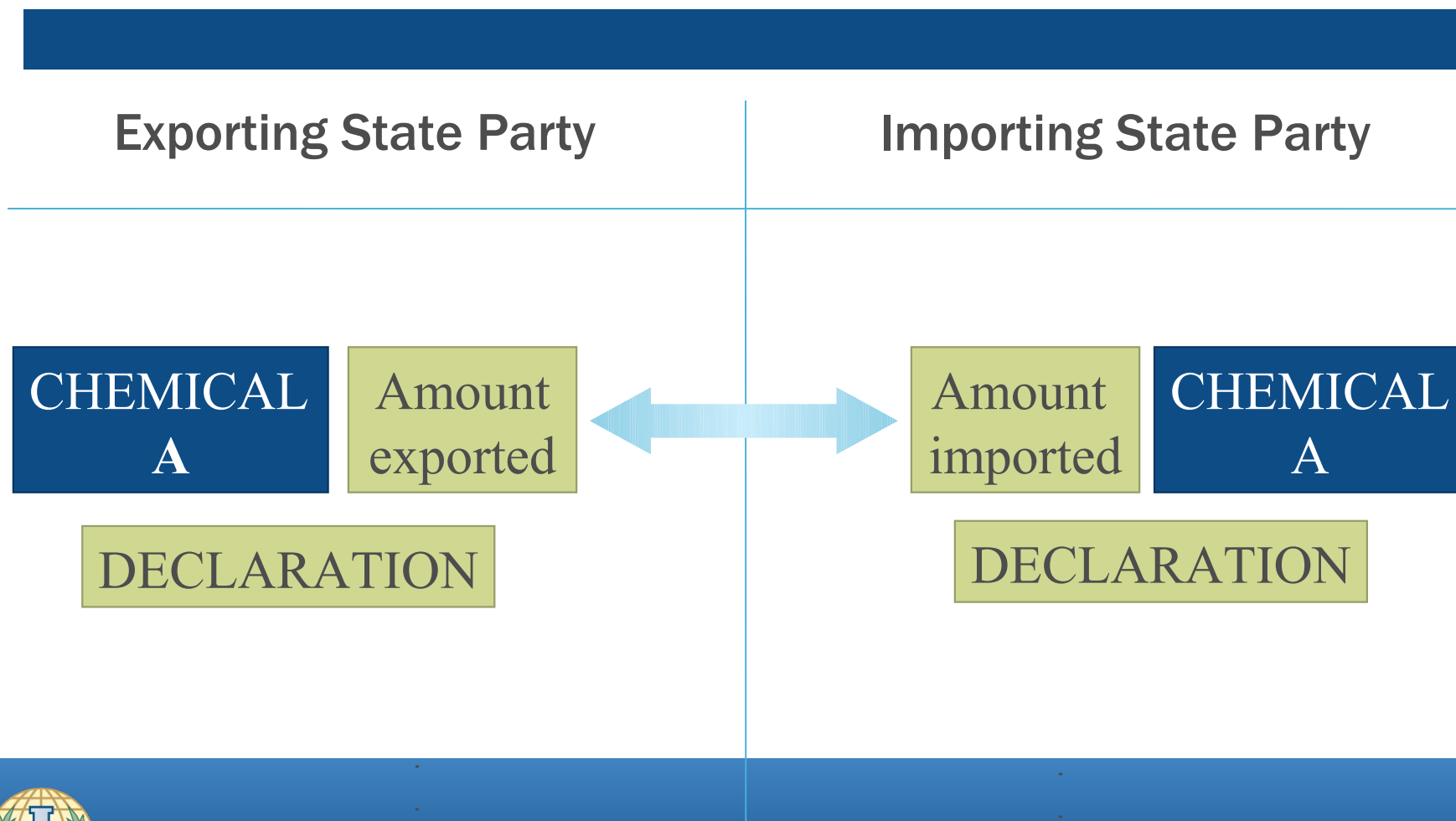
Chemicals Imported/Exported in 2018



Schedule 1 declaration/notification



Schedule 2 and 3 declarations



Verification of transfer

- Only assessed through annual declarations (reports)
- It is not subject to OPCW inspection
- Likelihood of “transfer discrepancies”

Causes of discrepancies:

- ✓ Lack of harmonisation in reporting
- ✓ Ineffective customs/border controls

Possible proliferation risk?



What parliamentarians could do

- ✓ Support adoption / revision of CWC implementing national legislation with all the “initial measures”
- ✓ Ensure **robust border /customs control** including resources
- ✓ Ensure **sufficient budget allocation to customs / border management**, as well as to the CWC National Authority
- ✓ Provide oversight to ensure that CWC provisions are implemented thoroughly



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South Pacific

State Party yet to submit the initial declaration

Tonga

State Party yet to designate/establish the National Authority

Timor-Leste

States Parties yet to have comprehensive CWC implementing legislation

Samoa, Timor-Leste, the Marshall Islands, Nauru, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu



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141st Assembly of the IPU

The Role of Parliamentarians in Enhancing National Implementation of the CWC (side event)

Monday, 14 October 2019, 1330 - 1445

Hall 15/1, 1st floor, Sava Centre

Belgrade, Serbia

- Panel discussion featuring parliamentarians from States Parties to the CWC and officials from the TS of the OPCW
- Participants will have an opportunity to enhance their understanding of State obligations under the Convention
- States Parties will share their experiences of national implementation and the role of parliamentarians



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منظمة حظر الأسلحة الكيميائية

禁止化学武器组织

Organisation for the Prohibition of Chemical Weapons

Organisation pour l'Interdiction des Armes Chimiques

Организация по запрещению химического оружия

Organización para la Prohibición de las Armas Químicas