



## SECTION 5

# Declaration Regime



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## ARTICLE VI DATA MONITORING REQUIREMENTS

### Overview

- In order to ensure certain activities involving toxic chemicals and precursors are conducted for purposes not prohibited under the Convention, each State Party must subject Schedule 1, 2, and 3 chemicals and unscheduled discrete organic chemicals (DOCs) to verification measures.
- These verification measures include data monitoring and on-site verification as contained in Parts VI-IX of the Verification Annex of the Convention.

### Data Monitoring

- What is Data Monitoring?
  - Data Monitoring is the collection by a State Party of specific information from facilities involved with Scheduled chemicals and other chemical production facilities (OCPFs) involved with unscheduled discrete organic chemicals (DOCs).
- A State Party reviews and compiles information received from facilities and submits official declarations, as appropriate, to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (OPCW).
- The Technical Secretariat also reviews the accuracy and completeness of declarations received from States Parties for compliance with treaty requirements.
- The data monitoring provisions of the Convention are contained in the Verification Annex, which is divided as follows based on the types of chemicals and facilities:
  - Part VI: Schedule 1 Facilities;
  - Part VII: Schedule 2 Plant Sites;
  - Part VIII: Schedule 3 Plant Sites;
  - Part IX: Other Chemical Production Facilities.

### General Types of Declarations

This section briefly describes the types of declarations required under the Convention. It is organized by declaration type and subsequently by chemical regime.

*Note: The section entitled “Declaration Requirements” provides more specific information and the required forms for each chemical regime by declaration type.*

#### Initial Declarations

- Applicable to Schedule 1, 2, and 3 facilities, and Other Chemical Production Facilities (OCPFs).
- Declarations must be received by the Technical Secretariat not later than 30 days after the CWC enters into force for a State Party.
  - **Schedule 1 Initial Declaration for Existing Facility** entails a detailed Narrative Statement for each facility that produced Schedule 1 chemicals in the year prior to entry into force (EIF).



- **Planned Changes to Initial Declaration** entails information on any changes at the facility or its relevant parts during the year compared to the previously submitted detailed technical description of the facility to be submitted at least 180 days before the changes are to take place.

*Note: Some States Parties submit the 180 day advanced notification prior to commencement of the changes to the facility; while other States Parties submit the notification after the changes have been completed, but before implementing the changes.*

- **Schedule 1 Initial Declaration for New Facility** entails a detailed Narrative Statement for each facility that anticipates to produce Schedule 1 chemicals to be submitted at least 180 days before operations begin.
- **Schedule 2 Initial Declaration** entails information on plant sites with one or more plants that produced, processed or consumed more than the 1 kg of a Schedule 2A chemical, 100 kg of a Schedule 2A\* chemical, or 1 tonne of a Schedule 2B chemical during the three years prior to EIF.
  - Schedule 2 Aggregate National Data (AND) Declaration for production, processing, consumption, export and import, including each Schedule 2 chemical exported or imported by country.
- **Schedule 3 Initial Declaration** entails information on plant sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical during the year prior to EIF.
  - Schedule 3 AND Declaration for production, export and import, including each Schedule 3 exported or imported by country.
- **OCPF Initial Declaration** entails information on plant sites that produced by synthesis more than 200 tonnes of unscheduled discrete organic chemicals (DOCs) or one or more plants on a plant site that produced by synthesis more than 30 tonnes of DOCs containing phosphorous, sulfur or fluorine during the year prior to EIF.

### **Declarations of Past Production of Schedule 2 or 3 Chemicals for Chemical Weapons Purposes**

- Applicable to Schedule 2 and 3 plant sites.
- Declarations must be received by the Technical Secretariat not later than 30 days after the CWC enters into force for a State Party.
  - Declaration of Past Production of Schedule 2 chemicals for Chemical Weapons Purposes entails information on any amount of a Schedule 2 chemical produced by a plant site since 1946 for chemical weapons purposes.
  - Declaration of Past Production of Schedule 3 chemicals for Chemical Weapons Purposes entails information on any amount of a Schedule 3 chemical produced by a plant site since 1946 for chemical weapons purposes.



### **Declaration of Schedule 1 Transfers to/from the State Party During the Previous Calendar Year**

- Applicable to transfers (exports or imports) of any amount of a Schedule 1 chemical.
- Declaration must be received by the Technical Secretariat not later than 90 days after the end of the previous calendar year.
- Declaration entails detailed information on the supplier or receiver of each transfer of a Schedule 1 chemical, including quantity, purpose of transfer, and actual date of transfer.

### **Notification of Planned Transfer of Schedule 1 Chemicals to/from the State Party**

- Applicable to individual transfers (exports or imports) of any amount of a Schedule 1 chemical.
- Each State Party involved in a transfer must submit a Notification to the Technical Secretariat at least 30 days before the transfer can occur, except:
  - Transfers of 5 milligrams or less of saxitoxin for medical/diagnostic purposes may be made at the time of the transfer.
- The Technical Secretariat encourages each State Party to notify the other State Party of the planned transfer of a Schedule 1 chemical to ensure consistency and matching of the transactions.
- The notification entails detailed information on the supplier or receiver (exporting and importing parties) of each transfer of a Schedule 1 chemical.

### **Annual Declarations of Past Activities**

- Applicable to Schedule 1, 2, and 3 facilities, and can also be applied to Other Chemical Production Facilities (OCPFs).
  - **Schedule 1 Annual Declaration of Past Activities** entails information on each facility that produced more than an aggregate of Schedule 1 chemicals above the applicable quantity threshold in the previous calendar year. (See page 113 for the applicable quantity threshold that applies to different types of Schedule 1 facilities.)
  - **Schedule 1 Annual Declaration of Schedule 1 Transfers to/from the State Party During the Previous Calendar Year** entails information on any amount of transfer of a Schedule 1 chemical during the previous calendar year.
  - **Schedule 2 Annual Declaration of Past Activities** entails information on plant sites with one or more plants that produced, processed or consumed more than 1 kg of a Schedule 2A chemical, 100 kg of a Schedule 2A\* chemical, or 1 tonne of a Schedule 2B chemical during any of the three previous calendar years.
    - Schedule 2 Aggregate National Data (AND) Declaration for production, processing, consumption, export and import, including each Schedule 2 chemical exported to or imported from a State Party in the previous calendar year.



- **Schedule 3 Annual Declaration of Past Activities** entails information on plant sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical during the previous calendar year.
  - Schedule 3 AND Declaration for production, export and import, including each Schedule 3 exported to or imported from a State Party or a State not Party to the Convention.
- **OCPF Annual Update Declaration** entails information on plant sites that produced by synthesis more than 200 tonnes of unscheduled discrete organic chemicals (DOCs) or one or more plants on a plant site that produced by synthesis more than 30 tonnes of DOCs containing phosphorous, sulfur or fluorine during the previous calendar year. (See page 156 for additional information on the Annual Update Declaration.)
- Declarations of Schedule 1, 2, and 3 facilities and the OCPF Update Declaration must be received by the Technical Secretariat not later than 90 days after the end of the previous calendar year.

### **Annual Declarations of Anticipated Activities**

- Applicable to Schedule 1, 2, and 3 facilities.
  - **Schedule 1 Annual Declaration of Projected Activities and Anticipated Production** entails information on each facility that anticipates production of Schedule 1 chemicals above the applicable threshold quantity during the next calendar year. (See page 113 for the applicable quantity threshold that applies to different types of Schedule 1 facilities.)
  - **Schedule 2 Annual Declaration of Anticipated Activities** entails information on plant sites with one or more plants that anticipate producing, processing, or consuming more than the applicable quantity threshold of a Schedule 2 chemical during the next calendar year.
  - **Schedule 3 Annual Declaration of Anticipated Activities** entails information on plant sites with one or more plants that anticipate producing more than 30 tonnes of a Schedule 3 chemical during the next calendar year.
- Schedule 1 declarations must be received by the Technical Secretariat not later than 90 days before the beginning of the next calendar year.
- Schedule 2 and Schedule 3 declarations must be received not later than 60 days before the beginning of the next calendar year.

### **Declaration of Additionally Planned Activities**

- Applicable to Schedule 2 and 3 plant sites.
  - Schedule 2 Declaration of Additionally Planned Activities entails submission of information on new activities planned by the plant site after the Annual Declaration of Anticipated Activities was submitted (e.g., addition of a new plant, increase in quantity of production, etc.).
  - Schedule 3 Declaration of Additionally Planned Activities entails submission of information on new activities planned by the plant site



after the Annual Declaration of Anticipated Activities was submitted (e.g., addition of a new plant, change in production range production, etc.).

- Declarations must be received by the Technical Secretariat at least 5 days before the new activity is scheduled to begin.

### **Amended Declarations**

- Amended declarations are modifications to previously submitted declarations.
- Applicable to Schedule 1, 2, and 3 facilities, and Other Chemical Production Facilities (OCPFs).
- Submit amended declarations to the Technical Secretariat as soon as possible after the change to information has been identified.
- Amended declarations may include replacement page(s) or the addition of new pages to be added to the declaration.
  - Use a cover-sheet to identify each specific declaration type/year/chemical regime/plant site or facility code that is being amended.
  - Identify the original page number on the replacement page in the upper right hand corner of the page.
  - Number the total pages in the declaration package in the lower right-hand corner of the page (e.g., 1 of 15).

**Table on Declaration and Notification Types and Due Dates**

This table outlines the different types of declarations required under the Convention and the respective dates the declarations are due to the Technical Secretariat.

Type of Declaration	Due Date	Schedule 1	Schedule 2	Schedule 3	OCPF
Initial Declaration <sup>1</sup>	30 days after EIF	X	X	X	X
Planned Changes to Initial Declaration	180 days before change occurs	X			
Schedule 1 New Facility Declaration	180 days before facility begins operation	X			
Declaration of Schedule 1 Transfers to/from the State Party	90 days of year after activity occurred	X			
Schedule 1 Notification of Transfer	30 days before the transfer can occur, except transfers of 5 mgs or less of saxitoxin (see page 117 for additional information)	X			
Past Production of Chemicals for Chemical Weapons	30 days after EIF		X	X	

<sup>1</sup>Also includes Aggregate National Data (AND) declaration for Schedule 2 and Schedule 3 chemicals only. For Schedule 2, the AND declaration is required only for the year preceding entry into force for a State Party.



Aggregate National Data (AND) Declaration & Declaration of Schedule 1 Transfers <sup>2</sup>	Not later than 90 days after the end of the previous calendar year	X	X	X	
<ul style="list-style-type: none"> <li>• Production, Processing, Consumption</li> <li>• Export &amp; Import by Chemical and Country</li> </ul>					
Annual Declaration of Past Activities	Not later than 90 days after the end of the previous calendar year	X	X	X	X
Annual Declaration of Anticipated Activities	90/60 days <sup>3</sup> before the beginning of the following calendar year	X	X	X	
Additionally Planned Activities	5 days before the new activity occurs		X	X	
Amendment to Declaration	As soon as possible	X	X	X	X

<sup>2</sup>Schedule 1 Declaration of Transfers includes data on each chemical exported to or imported from each State Party during the previous as well as specific data on each individual transfer. Schedule 2 AND declaration includes data on production, processing, consumption, export, and import of each chemical. Schedule 3 AND declaration includes only production, export and import of each Schedule 3 chemical. Note that Schedule 3 AND for Schedule 3 production may be declared in ranges.

<sup>3</sup>Schedule 1 Anticipated Declarations are due 60 days before the beginning of the following calendar year. Schedule 2 and Schedule 3 Anticipated Declarations are due 90 days before the beginning of the following calendar year.



## DECLARATION REQUIREMENTS

### Schedule 1 Facilities

#### General Prohibitions

- No production, acquisition, retention or use of Schedule 1 chemicals outside a State Party's territories.
- No transfer of Schedule 1 chemicals outside a State Party's territory, except to another State Party.
- No production, acquisition, retention, transfer or use of Schedule 1 chemicals unless:
  - the chemicals are applied to research, medical, pharmaceutical or protective purposes;
  - the types and quantities of chemicals are strictly limited to those which can be justified for such purposes;
  - the aggregate amount of such chemicals at any given time for such purposes is equal to or less than 1 tonne; and
  - the aggregate amount for such purposes acquired by a State Party in any year through production, withdrawal from chemical weapons stocks and transfer is equal to or less than 1 tonne.
- No retransfer of Schedule 1 chemicals from one State Party to a third State Party.

#### Schedule 1 Types of Facilities Impacted

Single Small-Scale Facility (SSSF):

- A facility that produces Schedule 1 chemicals for research, medical, pharmaceutical or protective purposes.

Other facilities:

- Protective Purposes:
  - Facility outside the SSSF that produces Schedule 1 chemicals for protective purposes.
- Research, Medical, and Pharmaceutical (RMP):
  - Facilities limited to producing chemicals for research, medical, and pharmaceutical purposes.

Facilities, trading companies, and persons:

- An entity involved in exporting or importing Scheduled chemicals, and which may or may not produce the chemicals.

#### Schedule 1 Facility Prohibitions

- Single Small-Scale Facility (SSSF)
  - Production only for research, medical, pharmaceutical, or protective purposes at one facility in a State Party.
  - Production in reaction vessels in production lines may not be configured or continuous operation.



- Volume of a reaction vessel shall not exceed 100 litres.
  - Total volume of all reaction vessels with a volume exceeding 5 litres shall not be more than 500 litres.
  - Facility must be approved by the State Party.
  - Other facilities:
    - Production for protective purposes limited to one facility outside of the SSSF.
      - Production of Schedule 1 chemicals in aggregate quantities may not exceed 10 kilograms per year.
      - Facility must be approved by the State Party.
    - Production in all other facilities limited to research, medical, or pharmaceutical (RMP) purposes.
      - Production of Schedule 1 chemicals in aggregate quantities may not exceed 10 kilograms per year.
      - Facilities must be approved by the State Party to produce Schedule 1 chemicals in aggregate quantities exceeding 100 grams per year.
- Note:** *RMP facilities that produce less than 100 grams aggregate of Schedule 1 chemicals are not required to be approved and are not subject to data monitoring or on-site verification.*

### Activities that Trigger a Declaration

Single Small-Scale Facility (SSSF):

- Production of any amount of a Schedule 1 chemical.

Other Protective Purposes Facility:

- Production of any amount of a Schedule 1 chemical.

Other RMP Facilities:

- Production of 100 grams aggregate of all Schedule 1 chemicals.

Facilities, trading companies, and persons:

- Export or import of any amount of Schedule 1 chemicals.

**Note:** *All Schedule 1 facilities declared for production are subject to inspection. (For more information on Inspections, see Section 7 “Inspections”.)*

### Declaration Types

- Initial Declaration for Existing and New Facilities.
- Advance Notification of Planned Changes to the Initial Declaration.
- Annual Declaration of Past Activities.
  - Single Small-Scale Facility.
  - Protective Purposes Facility.
  - Research, Medical, and Pharmaceutical (RMP) Facilities.
- Notification of a Planned Transfer to/from the Notifying State Party.



- Annual Declaration Regarding Transfers.
  - Detailed Annual Declaration of Transfers to/from the State Party During the Pervious Calendar Year.
  - Detailed Annual Declaration of Each Transfer of Schedule 1 Chemical.
- Annual Declaration of Projected Activities and Anticipated Production.
  - Single Small-Scale Facility.
  - Protective Purposes Facility.
  - RMP Facilities.
- Amended Declarations.

### **Initial Declaration Requirements**

- Initial Declaration for Existing Facilities:
  - Entails submission to the Technical Secretariat of the following information for each facility type:
    - name of the facility;
    - unique code for the facility;
    - precise location of the facility; and
    - detailed technical description of the facility (including an inventory of equipment and detailed diagrams for SSSF purposes only).
  - Must be received by the Technical Secretariat not later than 30 days after the CWC enters into force for a State Party.
- Initial Declaration for New Facilities (declared after entry into force):
  - Declaration entails submission to the Technical Secretariat of the following information for each facility type:
    - name of the facility;
    - unique code for the facility;
    - precise location of the facility; and
    - detailed technical description of the facility (including an inventory of equipment and detailed diagrams for SSSF purposes only).
  - Declarations must be received by the Technical Secretariat not later than 180 days before operations at the new facility(ies) begin.

### **Advance Notification of Planned Changes to Initial Declaration**

- Planned Changes to Initial Declaration:
  - Entails submission of an advance notification for any planned changes related to the initial declaration.
  - Must be received by the Technical Secretariat not less than 180 days before the changes are to take place.



## **Annual Declaration of Past Activities (ADPA)**

### **Single Small-Scale Facility (SSSF)**

- Required regardless of the quantity of Schedule 1 chemicals produced during the previous calendar year.
- Entails submission to the Technical Secretariat of detailed information regarding the facility's activities that occurred during the previous calendar year, including:
  - Identification of the facility:
    - Unique name and unique facility code (e.g., Red Mountain Arsenal Facility, ABC00123).
  - For each Schedule 1 chemical produced, acquired, consumed or stored at the facility, the following information must be declared:
    - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
    - Methods employed and quantity produced;
    - Name and quantity of precursors listed in Schedules 1, 2, or 3, used for production of Schedule 1 chemicals;
    - Quantity consumed at the facility and the purpose(s) of the consumption;
    - Quantity received from or shipped to other facilities in the State Party. For each shipment the quantity, recipient and purpose should be included;
    - Maximum quantity stored at any time during the year; and
    - Quantity stored at the end of the year.
  - Information on any changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

### **Other Facility - Protective Purposes**

- Required regardless of the quantity of Schedule 1 chemicals produced during the previous calendar year.
- Entails submission to the Technical Secretariat of detailed information regarding the facility's activities during the previous calendar year, including:
  - Identification of the facility:
    - Unique name and unique facility code (e.g., Blue Moon Facility, ABC00123).
  - For each Schedule 1 chemical produced, acquired, consumed or stored at the facility, the following information must be declared:
    - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
    - Methods employed and quantity produced;



- Name and quantity of precursors listed in Schedules 1, 2, or 3, used for production of Schedule 1 chemicals;
  - Quantity consumed at the facility and the purpose(s) of the consumption;
  - Quantity transferred (shipped) to other facilities in the State Party. For each shipment, the quantity, recipient and purpose should be included;
  - Maximum quantity stored at any time during the year; and
  - Quantity stored at the end of the year.
- Information on any changes at the facility during the year compared to previously submitted detailed technical description of the facility.

**Other Facility - Research, Medical or Pharmaceutical (RMP) Purposes**

- Required only if the aggregate quantity of Schedule 1 production at a RMP Facility exceeded 100 grams during the previous calendar year.

**Note:** *Some States Parties submit an Annual Declaration on Past Activities for any amount of Schedule 1 chemical produced, stored, or consumed by a declared facility or until the Initial Declaration for the declared facility has been withdrawn; while other States Parties submit a declaration only if the declared facility produced more than an aggregate of 100 grams of Schedule 1 chemicals.*

- Entails submission to the Technical Secretariat of detailed information regarding the facility's activities during the previous calendar year, including:
  - Identification of the facility:
    - Unique name and unique facility code (e.g., Ajax Technologies Inc., ABC00456).
  - For each Schedule 1 chemical produced, acquired, consumed or stored at the facility, the following information must be declared:
    - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
    - Quantity produced;
    - Name(s) and quantity of precursors listed in Schedules 1, 2, or 3, used for production of Schedule 1 chemicals;
    - Quantity consumed and the purpose(s) of the consumption;
    - Quantity transferred (shipped) to other facilities in the State Party. For each shipment, the quantity, recipient and purpose should be included;
    - Maximum quantity stored at any time during the year; and
    - Quantity stored at the end of the year.
  - Information on any changes at the facility during the year compared to previously submitted detailed technical description of the facility.



### **Notification of Planned Transfer to/from the Notifying State Party**

- Each State Party that will be involved in a transfer of a Schedule 1 chemical must submit a Notification to the Technical Secretariat.
  - Sending State Party and Receiving State Party must submit.
- The Technical Secretariat compares the Notifications submitted by both States Parties to verify the consistency of the planned transfer, including:
  - Verifying the same chemical is reported;
  - Verifying the same quantity of the chemical is reported; and
  - Verifying the same supplier and recipient parties to the transaction are reported.
- It is suggested, though not required, that National Authorities of the States Parties involved in a planned transfer exchange Notifications prior to submitting them to the Technical Secretariat.
  - This step would ensure coordination, accuracy and consistency of the information before the Technical Secretariat is involved.
- The Technical Secretariat encourages States Parties to apply a unique number between themselves as well as a unique number per notification that should be cross-referenced in the Detailed Annual Declaration of Each Transfer of Schedule 1 Chemicals, and that of the other State Party.
- Notifications are due to the Technical Secretariat at least 30 days before the transfer occurs, except:
  - Notifications of transfers of 5 milligrams or less of saxitoxin for medical/diagnostic purposes may be made at the time of transfer per Part VI of the Verification Annex, Para. 5bis (see ECMII/DEC.1, dated 15 January 1999; EC-XV/DEC.5, dated 29 April 1999; and EC-XVII/DG.6, dated 10 November 1999).
- Notifications should contain the following information:
  - State Party submitting the Notification (use Country Code designation);
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
  - Quantity of Schedule 1 chemical involved in the transfer;
  - Planned date of the transfer;
  - Purpose of the transfer:
    - Research (C01);
    - Medical (C02);
    - Pharmaceutical (C03);
    - Protective Purposes (C04);
    - Waste Disposal (C05); or
    - Production of other Schedule 1 chemicals (C06).



- Source (exporter) of the chemical, including:
  - Source country name and country code;
  - Name of the supplier; and
  - Address.
- Recipient (importer) of the chemical, including:
  - Recipient country name and country code;
  - Name of the recipient; and
  - Address.

### **Annual Declaration Regarding Transfers**

- An “Annual Declaration Regarding Transfers” must be submitted to the Technical Secretariat if a State Party was involved in a transfer (export or import) of any amount of a Schedule 1 chemical during the previous calendar year.
  - Supplying State Party and Receiving State Party must submit.
- If a State Party previously submitted a Notification of Planned Transfer of a Schedule 1 Chemical to the Technical Secretariat, it will be expected to submit an “Annual Declaration Regarding Transfers” to declare specific information on the actual transfer.

**Note:** *If the actual transfer of the Schedule 1 chemical did not occur, it is recommended that the State Party inform the Technical Secretariat of this fact. This action may alleviate the Technical Secretariat from issuing a clarification request to reconcile the Notification with the annual declaration.*

- The Schedule 1 “Annual Declaration Regarding Transfers” consists of two individual declarations, as follows:
  - Detailed Annual Declaration of Transfers to/from the Declaring State Party During the Previous Calendar Year.
    - Entails Aggregate National Data on the total quantity exported or imported of each Schedule 1 Chemical. (For rounding requirements, see EC-XIX/DEC.5).
  - Detailed Annual Declaration of Each Transfer of a Schedule 1 Chemical.
    - Entails specific information on the actual transfer of the chemical.

### **Detailed Annual Declaration of Transfers to/from the Declaring State Party During the Previous Calendar Year**

- This declaration must be submitted to the Technical Secretariat for each Schedule 1 chemical that was transferred (exported or imported) to or from a State Party in the previous calendar year.
- The declaration includes Aggregate National Data for each Schedule 1 chemical on a country-by-country basis on the total amount supplied (exported) or received (imported) by the Declaring State Party.
- The declaration includes the following information:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the



- Schedule 1 chemical is not listed in the Handbook on Chemicals;
- Country Code for the supplying or receiving State Party;
- Aggregate quantity of chemical supplied; and
- Aggregate quantity of chemical received.

### **Detailed Annual Declaration of Each Transfer of a Schedule 1 Chemical**

- In addition to a “Detailed Annual Declaration of Transfers to/from the Declaring State Party During the Previous Calendar Year,” a declaration must also be submitted to the Technical Secretariat for each individual transfer of a Schedule 1 chemical that the State Party supplied (exported) or received (imported) during the previous calendar year.
- A State Party must declare detailed information regarding each individual transfer (export or import), including:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
  - Country Code for the supplying or receiving State Party;
  - Name of the recipient or source (e.g., name of company, organization or person) that received the chemical from the declaring State Party or exported the chemical to the declaring State Party;
  - Street address of the recipient or source;
  - Purpose of the transfer:
    - Research (C01);
    - Medical (C02);
    - Pharmaceutical (C03);
    - Protective Purposes (C04);
    - Waste Disposal (C05); or
    - Production of other Schedule 1 chemicals (C06).
  - Quantity of Schedule 1 chemical transferred; and
  - Date of the transfer.

**Note:** *The date of export declared by the supplying State Party may be different than the date of import declared by the receiving State Party because of the time involved in transporting the chemical. It is recommended to use the date on the shipping documents.*

### **Annual Declaration of Projected Activities and Anticipated Production**

#### **Single Small-Scale Facility (SSSF)**

- The anticipated declaration for the SSSF entails submission to the Technical Secretariat of detailed information regarding the facility’s projected activities and anticipated production in the next calendar year, including:
  - Identification of the facility:



- Unique name and unique facility code (e.g., New Chemicals, Inc., ABC00123).
- For each Schedule 1 chemical anticipated to be produced, consumed or stored at the facility:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
  - Quantity anticipated to be produced; and
  - Purposes of production.
- Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

#### **Other Facility - Protective Purposes**

- The anticipated declaration for the Protective Purposes Facility entails submission to the Technical Secretariat of detailed information regarding the facility's projected activities and anticipated production in the next calendar year, including:
  - Identification of the facility:
    - Unique name and unique facility code (e.g., New Technologies, Inc., ABC00123).
  - For each Schedule 1 chemical anticipated to be produced at the facility:
    - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
    - Quantity anticipated to be produced;
    - Time period(s) when the anticipated production will occur during the next calendar year; and
    - Purposes of the production.
  - Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility.

#### **Other Facility - Research, Medical or Pharmaceutical (RMP) Purposes**

- If the aggregate quantity of Schedule 1 production at the RMP Facility is anticipated to exceed 100 grams during the next calendar year, an anticipated declaration specifying the following is required:
  - Identification of the facility:
    - Unique name and unique facility code (e.g., Ajax Technologies Inc., ABC00456).
  - For each Schedule 1 chemical anticipated to be produced at the facility:
    - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 1 Chemical is not listed in the Handbook on Chemicals;
    - Quantity anticipated to be produced;



- Time period(s) when the anticipated production will occur during the next calendar year; and
- Purposes of the production.
- Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility.

### **Amended Declarations**

- Amended declarations may be required to be submitted to the Technical Secretariat for all types of Schedule 1 declarations.
- Amended declarations are modifications to previously submitted declarations (e.g., Annual Declarations regarding Transfers, Annual Declarations of Past Activities).
- Amendments to previously submitted declarations may be required as the result of various types of circumstances, including:
  - Internal company audits conducted on a facility, trading company or person to verify compliance with the Convention's requirements or for other reasons such as financial or export control;
  - Findings that resulted from an on-site inspection at the Schedule 1 facility that was conducted by the Technical Secretariat and noted in the Final Inspection Report;
  - Clarification requests from the Technical Secretariat on missing or incomplete information; and
  - Clarification requests from other States Parties regarding a facility's declaration or a discrepancy in aggregate national data reported by two States Parties.
- Submit amended declarations to the Technical Secretariat as soon as possible after the change or addition to information has been identified.
- Amended declarations may include replacement page(s) or addition of new pages to be added to the declaration.
  - Use a cover-sheet to identify each specific declaration type/chemical regime that is being amended.
  - Identify the original page number on the replacement page in the upper right hand corner of the page.
  - Number the total pages in the declaration package in the lower right-hand corner of the page (e.g., 1 of 15).

### **Forms Required for Schedule 1 Declarations**

- The following is a list of the specific forms for each type of Schedule 1 declaration requirement that must be contained in each declaration package that is transmitted to the Technical Secretariat. Note that certain declaration packages may be combined (e.g., Annual Declarations of Past Activities and Transfers).
  - Initial Declaration for Existing Facilities



- Initial Declaration for New Facilities
- Planned Changes to Initial Declaration
- Annual Declaration of Past Activities
  - Single Small-Scale Facility
  - Protective Purposes Facility
  - Research, Medical, and Pharmaceutical (RMP) Facilities
- Annual Declaration Regarding Transfers
- Annual Declaration of Projected and Anticipated Production
  - Single Small-Scale Facility
  - Protective Purposes Facility
  - Research, Medical, and Pharmaceutical (RMP) Facilities
- Notification of Planned Transfer to/from the Notifying State Party
- The following is a list of forms, including the declaration identification forms and each specific Schedule 1 declaration form, by form number and name:
  - Form C-1 Initial Declaration of Existing Schedule 1 Facilities
  - Form C-2 Initial Declaration of New Schedule 1 Facilities
  - Form C-3 Annual Declaration of Schedule 1 Chemicals and Activities at Schedule 1 Facilities During the Previous Year
  - Form C-4 Annual Declaration of Projected Activities and Anticipated Production
  - Attachment I Declaration of the Single Small-Scale Facility to C Forms
  - Attachment II Declaration of Other Schedule 1 Facilities to C Forms
  - Form CN-1 Primary Notification of Schedule 1 Chemicals and Facilities: Advance Notification of Planned Changes to the Initial Declaration of Declared Facilities
  - Form CN-2 Notifications for Transfers of Schedule 1 Chemicals  
Notification of a Planned Transfer to or from the Notifying State Party
  - Attachment I Detailed Notification of a Planned Transfer of a Schedule 1 to Form CN-2 Chemical to or from the Notifying State Party
  - Form 1.1 Annual Declaration of Schedule 1 Chemicals at the SSSF as well as at Other Schedule 1 Facilities During the Previous Year
  - Form 1.1.1 Annual Declaration of Schedule 1 Chemicals at the SSSF and Other Schedule 1 Facilities: Name and Quantity of Precursors Listed in Schedule 1, 2 or 3 Used for the Production of Schedule 1 Chemicals



- Form 1.1.2 Annual Declaration of Schedule 1 Chemicals at the SSSF: Transfer of Schedule 1 Chemical to or from Other Facilities Within the State Party
- Form 1.1.3 Annual Declaration of Other Schedule 1 Facilities: Supply of Schedule 1 Chemical to Other Facilities Within the State Party
- Form 1.2 Detailed Annual Declaration of Transfers to or from the Declaring State Party During the Previous Year
- Form 1.2.1 Detailed Annual Declaration of Each Transfer of Schedule 1 Chemicals
- Form 1.3 Declaration of Projected Activities and Anticipated Production of Schedule 1 Chemicals at the SSSF
- Form 1.4 Declaration of Projected Activities and Anticipated Production of Schedule 1 Chemicals at Other Schedule 1 Facilities

### **Certification of a Nil-Declaration Requirement (Optional)**

- The Convention does not require a State Party to submit a “Nil-Declaration” to the Technical Secretariat if it has no declarable activities.
- It is recommended, however, that each State Party without a Schedule 1 facility declaration obligation inform the Technical Secretariat of this fact.
- The suggested methods to inform the Technical Secretariat, include:
  - Transmittal Letter:
    - Include an affirmative statement in the State Party’s letter that transmitted its declaration pursuant to Part VI-IX of the CWC’s Verification Annex (e.g., Annual Declaration of Past Activities, Annual Declaration of Anticipated Activities) to the Technical Secretariat.
    - If the State Party does not have a declaration obligation under Parts VI-IX of the CWC’s Verification Annex, it is recommended that a letter be transmitted to the Technical Secretariat stating this fact.
  - For the Annual Declaration of Past Activities, complete Form C-3 by checking “NO” for each of the facility types.
  - For the Annual Declaration of Projected Activities and Anticipated Production, complete Form C-4 by checking “NO” for each of the Schedule 1 facility types.

## **Schedule 2 Plant Sites**

### **General Prohibitions**

- No exports to or imports from States not Party to the Convention of Schedule 2 chemicals, except:
  - Mixtures containing 1 percent or less of Schedule 2A and 2A\* chemicals;
  - Mixtures containing 10 percent or less of Schedule 2B chemicals; or



- Consumer goods packaged for retail sale for personal use, or packaged for individual use.

### **Types of Facilities/Persons Impacted**

- Plant sites with one or more plants that produced, processed, or consumed more than the applicable threshold quantity of a Schedule 2 chemical, as follows:
  - 1 kg: Schedule 2A\* chemical;
  - 100 kg: Schedule 2A chemicals; and
  - 1 tonne: Schedule 2B chemicals.

**Note 1:** *The OPCW has not established a mixture rule for declaring Schedule 2A/2A\* chemicals. In the absence of such a decision, a State Party may establish its own low concentration exemption for declaring Schedule 2A/2A\* chemicals, except in cases where the ease of recovery from the mixture of the Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention.*

**Note 2:** *Mixtures containing 30% or less of a Schedule 2B chemical are not subject to declaration.*

**Note 3:** *Some States Parties have chosen to use a quantity threshold that is lower than the above listed thresholds to “trigger” a declaration requirement for its plants/plant sites. Some States Parties collect all production, processing or consumption information, but only submit declarations to the Technical Secretariat for plants/plant sites that have exceeded the above thresholds. States Parties use the remaining information from other plant sites/trading companies/persons for compiling the Aggregate National Data (AND) Declaration.*

A State Party must decide whether to use the specific quantity thresholds in the Convention or lower thresholds to trigger a declaration for production, processing, consumption, as well as export and import, from its plant sites, trading companies, and persons. This decision may be made at national discretion.

- Plant sites, trading companies or persons that exported or imported a Schedule 2 chemical.

**Note 1:** *There is no consensus on the applicable threshold quantity “trigger” for exports and imports of Schedule 2 chemicals. States Parties have implemented thresholds ranging from “0” to the applicable threshold quantity for production, processing, consumption. Consequently, use of these varying quantity thresholds has led to considerable discrepancies in AND declared by States Parties.*

A State Party should establish the applicable threshold quantity for which it will require export/import information to be declared and make this known to the Technical Secretariat and other States Parties.

### **Activities that Trigger a Declaration Requirement**

#### **Activities that occur by a plant site, trading company or a person**

- The following activities “trigger” a declaration requirement for a plant site, trading company or a person, if more than the *applicable quantity threshold* of



the Schedule 2 chemical has been exceeded:

- Import; and
- Export.

#### **Activities that occur by a plant on a plant site**

- The following activities “trigger” a plant site declaration requirement, if one or more plants on the plant site exceeds the applicable quantity threshold for the Schedule 2 chemical:
  - Production;
  - Processing; and
  - Consumption.
- Once a Schedule 2 declaration requirement has been triggered for production, processing or consumption, information regarding other activities for the declared plant site, plant or chemical are required, including for example:
  - Product Group Codes that describe the main activities of the declared plant(s) or which describe the purposes for which the chemical was/will be processed or consumed;
  - Whether the declared plant(s) is/are dedicated to the declared activities or are multipurpose;
  - Whether the declared plant(s) is/are used for storage, repackaging, distribution, research and development;
  - Production capacity for declared plant(s) that produced/will produce a Schedule 2 chemical;
  - Whether the chemical was/will be transferred off the plant site, exported or imported; and
  - What were/are the final types of products derived from the Schedule 2 chemical by plant sites/facilities within the State Party.

**Note:** *Plant sites that produced, processed or consumed or anticipate to produce, process or consume more than ten times the applicable quantity threshold of a Schedule 2 chemical are subject to inspection (e.g., 10 tonnes of a Schedule 2B chemical). (For more information on Inspections, see Section 7 “Inspections”).*

#### **Declaration Types**

- Initial Declaration:
  - Aggregate National Data (AND) Declaration for the year prior to entry into force on the quantities produced, processed, consumed, exported, and imported of each Schedule 2 chemical, and a specification of exports and imports of the Schedule 2 chemical by country; and
  - Plant site production, processing, and consumption activities for the three (3) previous calendar years prior to entry into force.
- Declaration of Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes.



- Annual AND Declaration:
  - Declaration of Schedule 2 Chemical (production, processing, consumption, export, and import); and
  - Specification of Imports and Exports of the Schedule 2 Chemical by Country.
- Annual Declaration of Past Activities.
- Annual Declaration of Anticipated Activities.
- Declaration of Additionally Planned Activities.
- Amended Declarations.

**Initial Declaration of Aggregate National Data (for the year prior to entry into force)**

- Each State Party is required to submit an Initial Declaration to the Technical Secretariat on Aggregate National Data (AND) for the year prior to entry into force on the quantities produced, processed, consumed, exported, and imported of each Schedule 2 chemical, as well as the aggregate quantity of exports and imports of each Schedule 2 chemical by country.
- The Initial AND Declaration consists of two individual declarations, as follows:
  - Declaration of Schedule 2 Chemical; and
  - Declaration of Specification of Imports or Exports of the Schedule 2 Chemical by Country.
- The Initial AND Declaration must be submitted to the Technical Secretariat not later than 30 days after the Convention enters into force for the State Party.

**Initial Aggregate National Data Declaration**

**Initial Declaration of a Schedule 2 Chemical**

- Entails the aggregate quantity of each Schedule 2 chemical from all plant sites, trading companies, and persons within the State Party.
- Includes data on the following types of activities above the applicable threshold quantity:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 Chemical is not listed in the Handbook on Chemicals;
  - Production aggregate quantity;
  - Processing aggregate quantity;
  - Consumption aggregate quantity;
  - Import aggregate quantity; and
  - Export aggregate quantity.
- If the State Party collects information from plant sites, trading companies or persons on quantities of Schedule 2 chemicals that are below the applicable threshold quantity and the aggregate quantity for the chemical from all plant



sites, trading companies or persons within the State Party is also below *the applicable threshold quantity*, it does not have to declare such quantities in this declaration. If, however, the State Party chooses to include such quantities in its declaration, it should declare the quantities as below applicable threshold quantity (< (relevant threshold quantity)).

Example:

CAS 111-48-8 - Thiodiglycol: BIS(2-hydroxyethyl)sulfide:

Production: 3.5 tonnes

Processing:

Consumption: <1 tonne

Export: <1 tonne

Import:

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

#### **Initial Declaration of Specification of Imports or Exports of the Schedule 2 Chemical by Country**

- Declaration must be submitted to the Technical Secretariat for each Schedule 2 chemical that was exported from or imported by the State Party based on aggregate data received from all plant sites, trading companies, and persons within the State Party.
- Declaration includes the following information:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 Chemical is not listed in the Handbook on Chemicals;
  - Country Code for the exporting or importing State Party;
  - Aggregate quantity of chemical exported to other States Parties; and
  - Aggregate quantity of chemical imported from other States Parties.
- If the aggregate quantity of all exports or imports of a Schedule 2 chemical exported to or imported from a State Party is below *the applicable threshold quantity*, the quantity or amount of chemical should be declared as below the applicable threshold quantity (< (relevant threshold quantity)).

Example:

Thiodiglycol: BIS(2-hydroxyethyl)sulfide, CAS 111-48-8

Country Code: ROM

Quantity imported: 2.1 tonnes

Quantity exported:

Country Code: FIN

Quantity imported:

Quantity exported: < 1 tonne



Country Code: IND  
Quantity imported: 3.4 tonnes  
Quantity exported:

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

#### **Initial Declaration of Plant Site Activities for the Three (3) Previous Calendar Years Prior to Entry Into Force**

- Each State Party is required to submit an Initial Declaration to the Technical Secretariat on plant sites with one or more plants that produced, processed or consumed more than the applicable threshold quantity of a Schedule 2 chemical(s) during any of the three (3) previous calendar years prior to entry into force.
- The Initial Declaration on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 3 plants within the plant site pursuant to Part VIII of the Verification Annex.
  - Identification of each declared plant which is located within the plant site and exceeds the *applicable quantity thresholds* for a Schedule 2 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any;
    - Main activities of the plant in terms of product group codes;
    - Whether the plant:
      - Produces, processes, or consumes the declared Schedule 2 chemical(s);
      - Is dedicated to such activities or multi-purpose; and
      - Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that other activity (i.e., storage, repackaging/distribution, research and development).
    - Production capacity of the plant for each declared Schedule 2 chemical that was produced (not required for chemicals that were only processed or consumed).



- Identification of each Schedule 2 Chemical that was produced, processed or consumed above the *applicable threshold quantity* during any of the three (3) previous calendar years prior to entry into force:
  - Chemical name, common or trade name used by the plant site, structural formula, and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 chemical is not listed in the Handbook on Chemicals;
  - Total amount produced, processed, consumed, exported and imported by the plant site in each of the three previous calendar years; (for rounding requirements, see EC-XIX/DEC.5); and
  - Purposes for which the chemical was produced, processed or consumed:
    - Processing and consumption (only) of the chemical on site with a specification of the types of product by product group codes;
    - Sale or transfer of the chemical within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types by product group codes;
    - Direct export, with a specification of the States involved; or
    - Other purposes (i.e., storage, repackaging distribution, and research and development).

**Note:** *Each Schedule 2 chemical must be separately declared for the three years prior to entry into force, even if the quantity for one of these years was below the applicable threshold quantity – in which case, declare “< relevant quantity threshold” or “0”.*

Example:

The Convention entered into force for the State Party on June 30, 2004.

- A plant site within the State Party produced Thiodiglycol, CAS 111-88-11, during the three years prior to entry into force, as listed below. A separate Form 2.4 must be completed for each of these three years as part of the plant site’s Initial Declaration.
  - 2003 - production: 3.9 tonnes;
  - 2002 - production: 0; and
  - 2001 - production: 2.3 tonnes.

**Note:** *On the Form 2.4 for the activities processing and consumption, mark N/A or leave blank. Do not mark “0” because the use of “0” should not indicate that the chemical is being declared for the activity and that there was either below threshold activity or no activity for the reporting year.*

- The Initial Declaration must be submitted to the Technical Secretariat not later than 30 days after the Convention enters into force for the State Party.



### Declaration of Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes

- Each State Party shall declare all plant sites comprising plants that produced at any time since 1 January 1946 a Schedule 2 chemical for chemical weapons purposes.
- Each State Party shall provide the following information to the Technical Secretariat.
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site; and
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available).
  - Identification of each declared plant which was located within the plant site that produced a Schedule 2 chemical for chemical weapons purposes, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any;
    - Main activities of the plant in terms of product group codes;
    - Whether the plant:
      - Produces, processes, or consumes the declared Schedule 2 chemical(s);
      - Is dedicated to such activities or multi-purpose; and
      - Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that other activity (i.e., storage, repackaging/distribution, research and development.
    - Production capacity of the plant for each declared Schedule 2 chemical that was produced (not required for chemicals that were only processed or consumed).
  - Identification of each Schedule 2 Chemical which was produced for chemical weapons purposes:
    - Chemical name, common or trade name used by the plant site, structural formula, and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 chemical is not listed in the Handbook on Chemicals;
    - Dates when the chemical was produced;
    - Total amount produced (for rounding requirements, see EC-XIX/DEC.5); and
    - Location to which the chemical was delivered and the final product produce at this location, if known.



- The declaration must be submitted to the Technical Secretariat within 30 days of entry of force for the State Party.

#### **Annual Declaration of Aggregate National Data**

- Each State Party is required to submit an Annual Declaration of Aggregate National Data (AND) to the Technical Secretariat for activities that occurred within the State Party during the previous calendar year on the quantities produced, processed, consumed, exported, and imported of each Schedule 2 chemical, as well as the aggregate quantity of exports and imports of each Schedule 2 chemical by country.
- The Annual AND Declaration consists of two individual declarations, as follows:
  - Declaration of Schedule 2 Chemical; and
  - Declaration of Specification of Imports or Exports of the Schedule 2 Chemical by Country.
- The AND Declaration must be submitted to the Technical Secretariat not later than 90 days after the end of the previous calendar year.

#### **Aggregate National Data Declaration**

##### **Declaration of Schedule 2 Chemicals**

- Declaration entails the aggregate quantity of each Schedule 2 chemical from all plant sites, trading companies, and persons within the State Party during the previous calendar year.
- Declaration includes data on the following types of activities above the *applicable threshold quantity*:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. Structural formula is required only if the Schedule 2 Chemical is not listed in the Handbook on Chemicals;
  - Production aggregate quantity;
  - Processing aggregate quantity;
  - Consumption aggregate quantity;
  - Import aggregate quantity; and
  - Export aggregate quantity.
- If the State Party collects information from plant sites, trading companies/houses or persons on quantities of Schedule 2 chemical that are below the *applicable threshold quantity* and the aggregate quantity for the chemical from all plant sites, trading companies or persons within the State Party is also below the *applicable threshold quantity*, it does not have to declare such quantities in this declaration. If, however, the State Party chooses to include such quantities in its declaration, it should declare the quantities as below applicable threshold quantity (< (relevant threshold quantity)).

Example:

CAS 111-48-8 – Thiodiglycol: BIS(2-hydroxyethyl)sulfide:



Production: 3.5 tonnes  
Processing:  
Consumption: <1 tonne  
Export: <1 tonne  
Import:

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

#### Declaration of Specification of Imports or Exports of the Schedule 2 Chemical by Country

- Declaration must be submitted to the Technical Secretariat for each Schedule 2 chemical that was exported from or imported by the State Party based on aggregate data received from all plant sites, trading companies, and persons within the State Party.
- The declaration includes the following information:
  - Chemical name, structural formula and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 Chemical is not listed in the Handbook on Chemicals;
  - Country Code for the exporting or importing State Party;
  - Aggregate quantity of chemical exported to other States Parties; and
  - Aggregate quantity of chemical imported from other States Parties.
- If the aggregate quantity of all exports or imports of a Schedule 2 chemical exported or imported is below the *applicable threshold quantity*, the quantity or amount of chemical should be declared as below the applicable threshold quantity (< (relevant threshold quantity)).

Example:

Thiodiglycol: BIS(2-hydroxyethyl)sulfide, CAS 111-48-8

Country Code: ROM  
Quantity imported: 2.1 tonnes  
Quantity exported:  
Country Code: FIN  
Quantity imported:  
Quantity exported: < 1 tonne  
Country Code: IND  
Quantity imported: 3.4 tonnes  
Quantity exported:

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.



### Annual Declaration of Past Activities

- Each State Party is required to submit an Annual Declaration of Past Activities (ADPA) to the Technical Secretariat on plant sites with one or more plants that produced, processed or consumed more than the *applicable threshold quantity* of Schedule 2 chemical(s) during any of the three (3) previous calendar years or, if appropriate, anticipates to produce, process or consume more than the applicable threshold quantity in the next calendar year.
- The ADPA on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 3 plants within the plant site pursuant to Part VIII of the Verification Annex.
  - Identification of each declared plant which is located within the plant site and exceeds the *applicable quantity thresholds* for a Schedule 2 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any;
    - Main activities of the plant in terms of product group codes;
    - Whether the plant:
      - Produces, processes, or consumes the declared Schedule 2 chemical(s);
      - Is dedicated to such activities or multi-purpose; and
      - Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that other activity (i.e., storage, repackaging/distribution, research and development).
    - Production capacity of the plant for each declared Schedule 2 chemical that was produced (not required for chemicals that were only processed or consumed).
  - Identification of each Schedule 2 Chemical that was produced, processed or consumed above the *applicable threshold quantity* during any of the three (3) previous calendar years:
    - Chemical name, common or trade name used by the plant site, structural formula, and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 chemical is not listed in the Handbook on Chemicals;



- Total amount produced, processed, consumed, exported, and imported by the plant site in each of the three previous calendar years (for rounding requirements, see EC-XIX/DEC.5); and
- Purposes for which the chemical was produced, processed or consumed:
  - Processing and consumption (only) of the chemical on site with a specification of the types of product by product group codes;
  - Sale or transfer of the chemical within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types by product group codes;
  - Direct exports, with a specification of the States involved; or
  - Other purposes (i.e., storage, repackaging/distribution, and research and development).

Example: The reporting year for the ADPA is 2004:

- A plant site with one plant processed Arsenic Trichloride, CAS 7784-34-1, above the applicable threshold quantity during the three previous calendar years, as listed below. A Form 2.4 must be completed for the chemical as part of the plant site's ADPA for calendar year 2004.

Arsenic Trichloride, CAS 7784-34-1

ADPA for CY 2004 - processing: 3.9 tonnes;  
ADPA for CY 2003 - processing: 1.5 tonnes; and  
ADPA for CY 2002 - processing: 3.3 tonnes.

**Note 1:** *Unlike an Initial Schedule 2 Declaration, only one Form 2.4 is required for the ADPA for reporting year 2004 for processing 3.9 tonnes of Arsenic Trichloride.*

**Note 2:** *If the Schedule 2 chemical was produced, processed or consumed above the applicable quantity threshold during any of the three previous calendar years, an ADPA is required, even if the quantity involved for the previous calendar year (reporting year) was below the threshold quantity – in which case, declare “< relevant quantity threshold” or “0”.*

- An ADPA for a Schedule 2 plant site is no longer required when no plants on the plant site had declarable activities above the applicable threshold in any of the three previous calendar years or anticipates declarable activities in the next calendar year.
- See the chart on the next page for an example of when an ADPA or an ADAA is not required.



Declaration Type	Reporting Year/ Calendar Year	Declared Activity(ies)	Date Declaration is Due to the Technical Secretariat	Quantity declared to the Technical Secretariat
ADPA	2007	Processing < 1 tonne <u>or</u> "0"	31 March 2008	No declaration required <sup>1</sup>
ADAA	2008	No processing anticipated	31 October 2007	No declaration required <u>or</u> "0" <sup>2</sup>
ADPA	2006	Processing < 1 tonne <u>or</u> "0"	31 March 2007	< 1 tonne <u>or</u> "0"
ADAA	2007	No processing anticipated	31 October 2006	No declaration required <u>or</u> "0" <sup>2</sup>
ADPA	2005	Processing < 1 tonne <u>or</u> "0"	31 March 2006	< 1 tonne <u>or</u> "0"
ADAA	2006	No processing anticipated	31 October 2005	No declaration required <u>or</u> "0" <sup>2</sup>
ADPA	2004	Processing 3.9 tonnes	31 March 2005	3.9 tonnes
ADAA	2005	No processing anticipated	31 October 2004	No declaration required <u>or</u> "0" <sup>2</sup>
ADPA	2003	Processing 1.5 tonnes	31 March 2004	1.5 tonnes
ADPA	2002	Processing 3.3 tonnes	31 March 2003	3.3 tonnes

**Note:** States Parties use different methodologies for determining when a "0" ADPA or "0" ADAA should be submitted to the Technical Secretariat or when there is no requirement for a plant site. Either method is currently acceptable. However, the Technical Secretariat is reviewing this issue and further guidance should be issued in the future.

<sup>1</sup>Since the plant site did not engage in declarable activity(ies) in any of the previous three years (i.e., CYs 2007, 2006 or 2005), or does not anticipate engaging in any declarable activities in the next calendar year (i.e., CY 2007), an ADPA for CY 2007 activities is not required.

<sup>2</sup>Since the plant site does not anticipate engaging in a declarable activity(ies) during the next calendar year (i.e., CYs 2006, 2007, or 2008), an ADAA for is not required. However, some States Parties submit a "0" declaration. See Note to the table.



- The ADPA must be submitted to the Technical Secretariat not later than 90 days after the end of the previous calendar year (i.e., 31 March).

#### **Annual Declaration of Anticipated Activities**

- Each State Party is required to submit an Annual Declaration of Anticipated Activities (ADAA) to the Technical Secretariat on plant sites with one or more plants that anticipate to produce, process or consume more than the *applicable threshold quantity* of Schedule 2 chemical(s) during the next calendar year.
- The ADAA for a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 3 plants within the plant site pursuant to Part VIII of the Verification Annex.
  - Identification of each declared plant which is located within the plant site and exceeds the *applicable quantity threshold* for a Schedule 2 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any;
    - Main activities of the plant in terms of product group codes; and
    - Whether the plant:
      - Produces, processes, or consumes the declared Schedule 2 chemical(s);
      - Is dedicated to such activities or multi-purpose; and
      - Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that other activity (i.e., storage, repackaging/distribution, research and development).
    - Production capacity of the plant for each declared Schedule 2 chemical that will be produced (not required for chemical that will only be processed or consumed).
  - Identification of each Schedule 2 Chemical that is anticipated to be produced, processed or consumed above the applicable threshold quantity during the next calendar year:
    - Chemical name, common or trade name used by the plant site, structural formula, and Chemical Abstracts Service registry number, if assigned. A structural formula is required only if the Schedule 2 chemical is not listed in the Handbook on Chemicals;



- Total amount anticipated to be produced, processed, and consumed by the plant site during the next calendar year (for rounding requirements, see EC-XIX/DEC.5);
- Time periods for which the chemical is anticipated to be produced, processed, or consumed; and
- Purposes for which the chemical will be produced, processed or consumed:
  - Processing and consumption (only) of the chemical on site with a specification of the types of product by product group codes;
  - Sale or transfer of the chemical within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types by product group codes;
  - Direct exports, with a specification of the States involved; or
  - Other purposes (i.e., storage, repackaging/distribution, and research and development).

**Note:** *There is no requirement to submit an ADAA if the plant site does not anticipate producing, processing or consuming the Schedule 2 chemical above the applicable threshold quantity during the next calendar year.*

**Note 2:** *See the chart on page 135 for additional information on when a “0” ADAA may be required.*

- The ADAA must be submitted to the Technical Secretariat not later than 60 days before the beginning of the following calendar year.

#### **Declaration of Additionally Planned Activities**

- After submission of the Annual Declaration of Anticipated Activities (ADAA), a State Party must declare to the Technical Secretariat additionally planned activities.
- The Declaration of Additionally Planned Activities includes:
  - Any additionally planned activity during the year which is covered by the ADAA that involves:
    - addition of a Schedule 2 plant;
    - addition of a Schedule 2 chemical;
    - addition of a new type of activity related to a declared Schedule 2 chemical (production, processing, consumption, direct export, or sale or transfer); and
    - any other non-quantitative change in relation to the ADAA, except for those to which paragraph 9 of PC-V/B/WP.15 applies (e.g., change to owner name or plant site).
  - Any quantitative upward change that changes the status of a plant (crossing of the declaration or verification threshold);
  - Any additional time period when a declarable activity in relation to a



Schedule 2 chemical takes place (should be accurate to within a 3 month period); and

- Any increase in the declared anticipated production, processing, or consumption figure for a Schedule 2 chemical.
- The Declaration of Additionally Planned Activities should be submitted to the Technical Secretariat at least 5 days before the new activities occur.

#### **Amended Declarations**

- Amended declarations may be required to be submitted to the Technical Secretariat for all types of Schedule 2 declarations.
- Amended declarations are modifications to previously submitted declarations (e.g., Aggregate National Data declarations, Annual Declarations of Past Activities).
- Amendments to previously submitted declarations may be required as the result of various types of circumstances, including:
  - Internal company audits conducted on a plant site, trading company or person to verify compliance with the Convention's requirements or for other reasons such as financial or export control;
  - Findings that resulted from an on-site inspection at the Schedule 2 plant site that was conducted by the Technical Secretariat and noted in the Final Inspection Report;
  - Clarification requests from the Technical Secretariat on missing or incomplete information; and
  - Clarification requests from other States Parties regarding a plant site's declaration or a discrepancy in aggregate national data reported by two States Parties.
- Submit amended declarations to the Technical Secretariat as soon as possible after the change or addition to information has been identified.
- Amended declarations may include replacement page(s) or addition of new pages to be added to the declaration.
  - Use a cover-sheet to identify each specific declaration type/chemical regime that is being amended.
  - Identify the original page number on the replacement page in the upper right hand corner of the page.
  - Number the total pages in the declaration package in the lower right hand corner of the page (e.g., 1 of 15).

#### **Forms Required for Schedule 2 Declarations**

- The following is a list of the specific forms for each type of Schedule 2 declaration requirement that must be contained in each declaration package that is transmitted to the Technical Secretariat. Note that certain declaration packages may be combined (e.g., Annual Declarations of Past Activities and Aggregate National Data).



- Initial Declaration
- Initial Aggregate National Data Declaration
- Declaration of Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes
- Annual Declaration of Past Activities
- Annual Aggregate National Data Declaration
- Annual Declaration of Anticipated Activities
- Declaration of Additionally Planned Activities
- The following is a list of forms, including the declaration identification forms and each specific Schedule 2 declaration form, by form number and name:
  - Form B Primary Declaration Identification for Section B: Initial Declaration
  - Form B-1 Primary Declaration Identification for Section B: Annual Declaration of Past Activities
  - Form B-2 Primary Declaration Identification for Section B: Annual Declaration of Anticipated Activities
  - Form B-3 Primary Declaration Identification for Section B: Declaration of Additionally Planned Activities
  - Form 2.1 Aggregate National Data: Declaration of Schedule 2 Chemicals
  - Form 2.1.1 Aggregate National Data: Specification of Imports or Exports of the Schedule 2 Chemical by Country
  - Form 2.2 Declaration of Schedule 2 Plant Sites
  - Form 2.3 Declaration of Schedule 2 Plant(s)
  - Form 2.3.1 Plant Activities in Relation to Declared Scheduled 2 Chemicals
  - Form 2.3.2 Production Capacity of the Plant for Each Declared Schedule 2 Chemical
  - Form 2.4 Information on Each Schedule 2 Chemical Above the Declaration Threshold at the Plant Site
  - Form 2.5 Anticipated Activities Related to Schedule 2 Chemicals Above the Declaration Threshold at the Plant Site
  - Form 2.6 Declaration of Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes
  - Form 2.7 Declaration of Plants that Produced Schedule 2 Chemicals for Chemical Weapons Purposes
  - Form 2.7.1 Present Schedule 2 Plant Activities at a Facility Used for the Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes



- Form 2.7.2 Present Production Capacity of the Plant Used for Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes
- Form 2.8 Declaration of Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes
- Form 2.8.1 Locations to Which Schedule 2 Chemicals Produced at the Plant Site for Chemical Weapons Purposes Were Delivered

### **Certification of a Nil-Declaration Requirement (Optional)**

- The Convention does not require a State Party to submit a “Nil-Declaration” to the Technical Secretariat if it has no declarable activity.
- It is recommended, however, that each State Party without a Schedule 2 declaration obligation inform the Technical Secretariat of this fact.
- The State Party should notify the Technical Secretariat regarding each declaration requirement for each year.
- The suggested methods to inform the Technical Secretariat, include:
  - Transmittal Letter:
    - Include an affirmative statement in the State Party’s letter transmitting declarations pursuant to Parts VI-IX of the Convention’s Verification Annex (e.g., Initial Declaration, Annual Declaration of Past Activities, Annual Declaration of Anticipated Activities) to the Technical Secretariat.
    - If the State Party does not have a declaration obligation under Parts VI-IX of the Convention’s Verification Annex, it is recommended that a letter be transmitted to the Technical Secretariat affirmatively stating this fact.
  - For the Initial Declaration, complete Form B by checking “NO” for each type of Schedule 2 declaration for which the State Party does not have an obligation.
  - For the Annual Declaration of Past Activities, complete Form B-1 by checking “NO” for each type of Schedule 2 declaration for which the State Party does not have an obligation.
  - For the Annual Declaration of Anticipated Activities, complete Form B-2 by checking “NO” to indicate the State Party does not have an obligation.

## **Schedule 3 Plant Sites**

### **General Prohibitions**

- Exports to States not Party to the Convention are prohibited, unless an End-Use Certificate is obtained from a competent government authority of the State not Party to the Convention.
  - Any quantity of export of a Schedule 3 chemical requires an End-Use Certificate;



- The OPCW has not established a mixture rule for exports of low concentrations of Schedule 3 chemicals to non-States Parties. Absent such a decision, a State Party may establish its own low concentration exemption.
- Consumer goods packaged for retail sale for personal use, or packaged for individual use.

**Note:** See the IAP Element entitled “Export and Import Obligations” for additional information regarding Schedule 3 End-Use Certificate requirements.

### **Types of Plant Sites, Trading Companies, and Persons Impacted**

- Plant sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical.
- Plant sites, trading companies, and persons that exported or imported a Schedule 3 chemical above a State Party’s applicable quantity threshold.
- Mixtures containing 30 percent or less of a Schedule 3 chemical are exempt.

**Note:** Plant sites with one or more plants that produced or anticipate to produce in the previous or next calendar year more than 200 tonnes of a Schedule 3 chemical are subject to inspection. (For more information on Inspections, see Section 7 “Inspections”).

### **Activities and Quantities of Schedule 3 Chemical that Trigger a Declaration Requirement**

- The following activities “trigger” a declaration requirement for a plant site, trading company or a person, if more than the *applicable quantity threshold* of a Schedule 3 chemical has been exceeded:
  - Export; and
  - Import.

**Note:** There is no consensus on the *applicable quantity threshold* that triggers an export/import declaration requirement for plant sites, trading companies or persons.

Examples of quantity thresholds used by States Parties to collect data, include:

- Any amount of a Schedule 3 chemical exported or imported (i.e., “0” threshold);
  - Ten percent of the production threshold (i.e., 3 tonnes); or
  - The production threshold (i.e., 30 tonnes).
- A Schedule 3 declaration is required if one or more plants on the plant site produced more than 30 tonnes of a Schedule 3 chemical.
    - Once a Schedule 3 declaration requirement has been triggered for production, information regarding other activities for the declared plant site are required, including:
      - Product group codes that describe the main activities of the declared plant(s); and
      - Purposes for which the chemical was/will be produced.



### **Declaration Types**

- Initial Declaration:
  - Aggregate National Data (AND) Declaration for the year prior to entry into force on the quantities produced, exported, and imported of each Schedule 3 chemical, and a specification of exports and imports of the Schedule 3 chemical by country; and
  - Plant site production for the year prior to entry into force.
- Declaration of Past Production of Schedule 3 Chemicals for Chemical Weapons Purposes.
- Annual AND Declaration.
  - Declaration of Schedule 3 Chemical (production, export, and import); and
  - Specification of Imports and Exports of the Schedule 3 Chemical by Country.
- Annual Declaration of Past Activities.
- Annual Declaration of Anticipated Activities.
- Declaration of Additionally Planned Activities.
- Amended Declarations.

#### **Initial Declaration of Aggregate National Data (for the year prior to entry into force)**

- Each State Party is required to submit an Initial Declaration to the Technical Secretariat of Aggregate National Data (AND) for the year prior to entry into force on the quantities produced, exported, and imported of each Schedule 3 chemical, as well as the aggregate quantity of exports and imports of each Schedule 3 chemical by country.
- The Initial AND Declaration consists of two individual declarations, as follows:
  - Initial Declaration of Schedule 3 Chemical; and
  - Initial Declaration of Specification of Imports or Exports of the Schedule 3 Chemical by Country.
- The Initial AND Declaration must be submitted to the Technical Secretariat not later than 30 days after the Convention enters into force for the State Party.

#### **Initial Aggregate National Data Declaration**

##### **Initial Declaration of Schedule 3 Chemicals**

- Entails the aggregate quantity of each Schedule 3 chemical from all plant sites, trading companies, and persons within the State Party.
- Includes data on the following types of activities for each Schedule 3 chemical:
  - Chemical name and Chemical Abstracts Service registry number;
  - Production aggregate quantity;
  - Import aggregate quantity; and



- Export aggregate quantity.

**Note:** *The method for declaring aggregate data for production has not been decided. Examples of methods used by States Parties to declare aggregate production, include:*

- Declaring the number of plant sites whose production was within each of the ranges listed in Paragraph 8(b) of Part VIII of the Convention's Verification Annex, as follows:
  - 30 to 200 tonnes (B21);
  - above 200 to 1,000 tonnes (B22);
  - above 1,000 to 10,000 tonnes (B23);
  - above 10,000 to 100,000 tonnes (B24); and
  - above 100,000 tonnes (B25).
- Declaring aggregate data of production based upon actual production quantities collected from plants sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical; and
- Declaring aggregate data of production based upon data collected from plants sites that produced any amount of a Schedule 3 chemical.

If the State Party collects information from plant sites, trading companies or persons on quantities involving less than 30 tonnes of a Schedule 3 chemical and the aggregate quantity for the chemical from all plant sites, trading companies or persons within the State Party is also less than 30 tonnes, declare such quantities as less than 30 tonnes (< 30 tonnes).

Example:

Phosphorus oxychloride, CAS 10025-87-3

Production: 1200 tonnes

Export: 250 tonnes

Import: <30 tonnes

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

### **Initial Declaration of Specification of Exports and Imports of the Schedule 3 Chemical by Country**

- A declaration must be submitted to the Technical Secretariat for each Schedule 3 chemical that was exported from or imported by the State Party based on aggregate data received from all plant sites, trading companies, and persons within the State Party.
- The declaration must include the following information:
  - Chemical name and Chemical Abstracts Service registry number;
  - Country Code for the exporting or importing countries;



- Aggregate quantity of chemical exported to other countries; and
- Aggregate quantity of chemical imported from other countries.
- If the aggregate quantity of all exports or imports of a Schedule 3 chemical to or from a country is less than 30 tonnes, declare the quantity as less than 30 tonnes (< 30 tonnes).

Example:

Triethanolamine, CAS 102-71-6

Country Code:	ARG
Quantity imported:	49.2 tonnes
Quantity exported:	< 30 tonnes
Country Code:	CMR
Quantity imported:	
Quantity exported:	< 30 tonnes
Country Code:	ROM
Quantity imported:	32.4 tonnes
Quantity exported:	

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

#### **Initial Declaration of Plant Site Activities (for the year prior to entry into force)**

- Each State Party is required to submit an Initial Declaration to the Technical Secretariat on plant sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical(s) during the year prior to entry into force.
- The Initial Declaration on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 2 plants within the plant site pursuant to Part VII of the Verification Annex.
  - Identification of each declared plant which is located within the plant site and produced more than 30 tonnes of a Schedule 3 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any; and



- Main activities of the plant in terms of product group codes.
- Identification of each Schedule 3 Chemical that was produced above 30 tonnes, including:
  - Chemical name, common or trade name used by the plant site, and Chemical Abstracts Service registry number;
  - The appropriate range of production for the plant site. To calculate the production range of a Schedule 3 chemical on the plant site, take the following steps:
    - Add the production amounts from all plants that produced more than 30 tonnes of the Schedule 3 chemical; and
    - Determine the appropriate production range for the plant site:
      - 30 to 200 tonnes (B21);
      - above 200 to 1,000 tonnes (B22);
      - above 1,000 to 10,000 tonnes (B23);
      - above 10,000 to 100,000 tonnes (B24); and
      - above 100,000 tonnes (B25).
  - Purposes for which the chemical was produced:
    - In line consumption as produced (captive use) (B11);
    - Synthetic intermediate stored and/or used on the site (B12); and/or
    - Transfer to other industry (B13).
- The Initial Declaration must be submitted to the Technical Secretariat not later than 30 days after the Convention enters into force for the State Party.

#### **Declaration of Past Production of Schedule 3 Chemicals for Chemical Weapons Purposes**

- Each State Party shall declare all plant sites comprising plants that produced at any time since 1 January 1946 a Schedule 3 chemical for chemical weapons purposes.
- Each State Party shall provide the following information to the Technical Secretariat:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site; and
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available).
  - Identification of each declared plant which is located within the plant site that produced a Schedule 3 chemical for chemical weapons purposes, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the



- specific building or structure number, if any; and
- Main activities of the plant in terms of product group codes.
- Identification of each Schedule 3 Chemical which was produced for chemical weapons purposes:
  - Chemical name, common or trade name used by the plant site, and Chemical Abstracts Service registry number;
  - Dates when the chemical was produced;
  - Total amount produced (for rounding requirements, see EC-XIX/DEC.5);
  - Location to which the chemical was delivered; and
  - Final product produced at this location, if known.
- The declaration must be submitted to the Technical Secretariat within 30 days of entry of force for the State Party.

#### **Annual Declaration of Aggregate National Data**

- Each State Party is required to submit an Annual Declaration of Aggregate National Data (AND) to the Technical Secretariat on the quantities produced, exported, and imported of each Schedule 3 chemical, as well as the aggregate quantity of exports and imports of each Schedule 3 chemical by country.
- The Annual AND Declaration consists of two individual declarations, as follows:
  - Annual Declaration of Schedule 3 Chemical; and
  - Annual Declaration of Specification of Imports or Exports of the Schedule 3 Chemical by Country.
- The Annual AND Declaration must be submitted to the Technical Secretariat not later than 90 days after the end of the previous calendar year.

#### **Annual Aggregate National Data Declaration**

##### **Annual Declaration of Schedule 3 Chemicals**

- Declaration entails the aggregate quantity of each Schedule 3 chemical from all plant sites, trading companies, and persons within the State Party.
- Declaration includes data on the following types of activities for each Schedule 3 chemical:
  - Chemical name and Chemical Abstracts Service registry number;
  - Production aggregate quantity;
  - Import aggregate quantity; and
  - Export aggregate quantity.

**Note:** *The method for declaring aggregate data for production has not been decided. Examples of methods used by States Parties to declare aggregate production include:*

- Declare the number of plant sites whose production was within each of the ranges listed in Paragraph 8(b) of Part VIII of the Convention's Verification Annex, as follows:



- 30 to 200 tonnes (B21);
- above 200 to 1,000 tonnes (B22);
- above 1,000 to 10,000 tonnes (B23);
- above 10,000 to 100,000 tonnes (B24); and
- above 100,000 tonnes (B25).
- Declare aggregate data of production based upon actual production quantities collected from plants sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical; or
- Declare aggregate data of production based upon data collected from plants sites that produced any amount of a Schedule 3 chemical.

If the State Party collects information from plant sites, trading companies or persons on quantities involving less than 30 tonnes of a Schedule 3 chemical and the aggregate quantity for the chemical from all plant sites, trading companies or persons within the State Party is also less than 30 tonnes, declare the quantities as less than 30 tonnes (< 30 tonnes).

Example:

Phosphorus oxychloride, CAS 10025-87-3	
Production:	1200 tonnes
Export:	250 tonnes
Import:	<30 tonnes

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

### **Annual Declaration of Specification of Exports or Imports of the Schedule 3 Chemical by Country**

- Declaration must be submitted to the Technical Secretariat for each Schedule 3 chemical that was exported from or imported by the State Party based on aggregate data received from all plant sites, trading companies, and persons within the State Party.
- Declaration includes the following information:
  - Chemical name and Chemical Abstracts Service registry number;
  - Country Code for the exporting or importing country;
  - Aggregate quantity of chemical exported to other countries; and
  - Aggregate quantity of chemical imported from other countries.
- If the aggregate quantity of all exports or imports of a Schedule 3 chemical to a country is less than 30 tonnes, declare the quantity as less than 30 tonnes (< 30 tonnes).



Example:

Triethanolamine, CAS 102-71-6

Country Code: ARG  
Quantity imported: 49.2 tonnes  
Quantity exported: < 30 tonnes

Country Code: CMR  
Quantity imported:  
Quantity exported: < 30 tonnes

Country Code: ROM  
Quantity imported: 32.4 tonnes  
Quantity exported:

- Conference of States Parties Decision C-7/DEC.14 provides more specific information regarding the requirements for declaring AND. This decision does not, however, instruct a State Party on what data it should collect, but rather instructs on how the State Party should declare AND in its declaration.

#### **Annual Declaration of Past Activities**

- Each State Party is required to submit an Annual Declaration of Past Activities (ADPA) to the Technical Secretariat on plant sites with one or more plants that produced more than 30 tonnes of a Schedule 3 chemical(s) during the next calendar year or produced more than 30 tonnes in the past calendar year.
- The ADPA on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 2 plants within the plant site pursuant to Part VII of the Verification Annex.
  - Identification of each declared plant which is located within the plant site and produced more than 30 tonnes of a Schedule 3 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;
    - Precise location of the plant within the plant site, including the specific building or structure number, if any; and
    - Main activities of the plant in terms of product group codes.
  - Identification of each Schedule 3 Chemical that was produced above 30 tonnes, including:



- Chemical name, common or trade name used by the plant site, and Chemical Abstracts Service registry number;
- The appropriate production range for the plant site. To calculate the production range of a Schedule 3 chemical on the plant site, take the following steps:
  - Add the production amounts from all plants that produced more than 30 tonnes of the Schedule 3 chemical; and
  - Determine the appropriate production range for the plant site:
    - 30 to 200 tonnes (B21);
    - above 200 to 1,000 tonnes (B22);
    - above 1,000 to 10,000 tonnes (B23);
    - above 10,000 to 100,000 tonnes (B24); and
    - above 100,000 tonnes (B25).
- Purposes for which the chemical was produced:
  - In line consumption as produced (captive use) (B11);
  - Synthetic intermediate stored and/or used on the site (B12); and/or
  - Transfer to other industry (B13).
- The ADPA must be submitted to the Technical Secretariat not later than 90 days after the end of the previous calendar year.

#### **Annual Declaration of Anticipated Activities**

- Each State Party is required to submit an Annual Declaration of Anticipated Activities (ADAA) to the Technical Secretariat on plant sites with one or more plants that are anticipated to produce more than 30 tonnes of a Schedule 3 chemical(s) during the next calendar year or produced more than 30 tonnes in the past calendar year.
- The ADAA on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
    - Number of declared Schedule 2 plants within the plant site pursuant to Part VII of the Verification Annex.
  - Identification of each declared plant which is located within the plant site and produced more than 30 tonnes of a Schedule 3 chemical, including:
    - Name of the plant and unique plant code (e.g., Unit 22, ABC00123-001);
    - Name of the owner, company, or enterprise operating the plant;



- Precise location of the plant within the plant site, including the specific building or structure number, if any; and
- Main activities of the plant in terms of product group codes.
- Identification of each Schedule 3 Chemical that will be produced above 30 tonnes, including:
  - Chemical name, common or trade name used by the plant site, and Chemical Abstracts Service registry number;
  - Identify the appropriate production range for the plant site. To calculate the anticipated production range of a Schedule 3 chemical on the plant site, take the following steps:
    - Add the amounts of Schedule 3 chemical from all plants that are anticipating to produce more than 30 tonnes of the Schedule 3 chemical; and
    - Determine the appropriate anticipated production range for the plant site:
      - 30 to 200 tonnes (B21);
      - above 200 to 1,000 tonnes (B22);
      - above 1,000 to 10,000 tonnes (B23);
      - above 10,000 to 100,000 tonnes (B24); and
      - above 100,000 tonnes (B25).
  - Purposes for which the chemical was produced:
    - In line consumption as produced (captive use) (B11);
    - Synthetic intermediate stored and/or used on the site (B12); and/or
    - Transfer to other industry (B13).
- The ADAA must be submitted to the Technical Secretariat not later than 60 days before the beginning of the next calendar year.

#### **Declaration of Additionally Planned Activities**

- After submission of the Annual Declaration of Anticipated Activities (ADAA), a State Party must declare to the Technical Secretariat additionally planned activities.
- The Declaration of Additionally Planned Activities includes:
  - Any additionally planned activity during the year which is covered by the ADAA that involves:
    - addition of a Schedule 3 plant;
    - addition of a Schedule 3 chemical;
    - increasing the production range of a declared Schedule 3 chemical; and
    - any other non-quantitative change in relation to the anticipatory declarations, except for those to which paragraph 9 of PC-V/B/WP.15 applies (e.g., change to owner name or plant site).



- Any quantitative upward change that changes the status of a plant (crossing of the declaration or verification threshold).
- The Declaration of Additionally Planned Activities must be submitted to the Technical Secretariat at least 5 days before the new activities occur.

#### **Amended Declarations**

- Amended declarations may be required to be submitted to the Technical Secretariat for all types of Schedule 3 declarations.
- Amended declarations are modifications to previously submitted declarations (e.g., Aggregate National Data declarations, Annual Declarations of Past Activities).
- Amendments to previously submitted declarations may be required as the result of various types of circumstances, including:
  - Internal company audits conducted on a plant site, trading company or person to verify compliance with the Convention's requirements or for other reasons such as financial or export control;
  - Findings that resulted from an on-site inspection at the Schedule 3 plant site that was conducted by the Technical Secretariat and noted in the Final Inspection Report;
  - Clarification requests from the Technical Secretariat on missing or incomplete information; and
  - Clarification requests from other States Parties regarding a plant site's declaration or a discrepancy in aggregate national data.
- Submit amended declarations to the Technical Secretariat as soon as possible after the change or addition to information has been identified.
- Amended declarations may include replacement page(s) or addition of new pages to be added to the declaration.
  - Use a cover-sheet to identify each specific declaration type/chemical regime that is being amended.
  - Identify the original page number on the replacement page in the upper-right hand corner of the page.
  - Number the total pages in the declaration package in the lower right-hand corner of the page (e.g., 1 of 15).

#### **Forms Required for Schedule 3 Declarations**

- The following is a list of the specific forms for each type of Schedule 3 declaration requirement that must be contained in each declaration package that is transmitted to the Technical Secretariat. Note that certain declaration packages may be combined (e.g., Annual Declarations of Past Activities and Aggregate National Data).
  - Initial Declaration
  - Initial Aggregate National Data Declaration



- Declaration of Past Production of Schedule 3 Chemicals for Chemical Weapons Purposes
- Annual Aggregate National Data Declaration
- Annual Declaration of Past Activities
- Annual Declaration of Anticipated Activities
- Declaration of Additionally Planned Activities
- The following is a list of forms, including the declaration identification forms and each specific Schedule 3 declaration form, by form number and name:
  - Form B Primary Declaration Identification for Section B: Initial Declaration
  - Form B-1 Primary Declaration Identification for Section B: Annual Declaration of Past Activities
  - Form B-2 Primary Declaration Identification for Section B: Annual Declaration of Anticipated Activities
  - Form B-3 Primary Declaration Identification for Section B: Declaration of Additionally Planned Activities
  - Form 3.1 Aggregate National Data: Declaration of Schedule 3 Chemicals
  - Form 3.1.1 Aggregate National Data: Specification of Imports or Exports of the Schedule 3 Chemical by Country
  - Form 3.2 Declaration of Schedule 3 Plant Sites
  - Form 3.3 Declaration of Schedule 3 Plant(s)
  - Form 3.4 Information on Each Schedule 3 Chemical Above the Declaration Threshold at the Plant Site
  - Form 3.5 Declaration of Past Production Schedule 3 Chemicals for Chemical Weapons Purposes
  - Form 3.6 Declaration of Plants that Produced Schedule 3 Chemicals for Chemical Weapons Purposes
  - Form 3.7 Declaration of Past Production of Schedule 3 Chemicals for Chemical Weapons Purposes
  - Form 3.7.1 Locations to Which Schedule 3 Chemicals Produced at the Plant Site for Chemical Weapons Purposes Were Delivered

#### **Certification of a Nil-Declaration Requirement (Optional)**

- The Convention does not require a State Party to submit a “Nil-Declaration” to the Technical Secretariat if it has no declarable activities.
- It is recommended, however, that each State Party without a Schedule 3 declaration obligation inform the Technical Secretariat of this fact.
- The suggested methods to inform the Technical Secretariat that the State Party does not have a declaration obligation, include:



- Transmittal Letter:
  - Include an affirmative statement in the State Party's letter transmitting any declarations pursuant to Parts VI-IX of the Convention's Verification Annex (e.g., Initial Declaration, Annual Declaration of Past Activities, Annual Declaration of Anticipated Activities) to the Technical Secretariat;
  - If the State Party does not have a declaration obligation under Parts VI-IX of the Convention's Verification Annex, it is recommended that a letter be transmitted to the Technical Secretariat affirmatively stating this fact.
- For the Initial Declaration, complete Form B by checking "NO" for each type of Schedule 3 declaration for which the State Party does not have an obligation;
- For the Annual Declaration of Past Activities, complete Form B-1 by checking "NO" for each type of Schedule 3 declaration for which the State Party does not have an obligation; and
- For the Annual Declaration of Anticipated Activities, complete Form B-2 by checking "NO" to indicate the State Party does not have an obligation.

## **Other Chemical Production Facilities**

### **General Prohibitions**

- The Convention does not include any specific prohibitions regarding the production by synthesis of unscheduled discrete organic chemicals (DOCs) except that a State Party should ensure that "Other Chemical Production Facilities" produce DOCs only for non-prohibited purposes.
- There are no export or import prohibitions for DOCs (or related declaration requirements).

### **Types of Facilities/Persons Impacted**

- "Other Chemical Production Facilities" (herein referred to as OCPFs) that produced by synthesis unscheduled discrete organic chemicals (DOCs).
  - DOC means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulfides, and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstract Service registry number, if assigned.
- OCPFs that comprise one or more plants which produced by synthesis DOCs containing the elements phosphorus, sulfur or fluorine (hereinafter referred to as "PSF-plants" and "PSF-chemical").
- OCPFs are exempt if they:
  - EXCLUSIVELY produced hydrocarbons (i.e., chemicals containing only carbon and hydrogen, irrespective of the number of carbon atoms in the compound); or
  - EXCLUSIVELY produced explosives.



### **Activities and Quantities of DOCs that Trigger a Declaration Requirement**

- The following activity “triggers” a declaration requirement for an OCPF plant site:
  - production by synthesis.
- OCPF plant sites that produced by synthesis more than 200 tonnes of DOCs, including any amount of PSF chemicals in a calendar year; or
- OCPF plant sites that comprise one or more plants which produced by synthesis more than 30 tonnes of an individual DOC containing the elements phosphorus, sulfur or fluorine in a calendar year.

**Note:** *Plant sites that produced more than 200 tonnes of DOCs are subject to inspection. (For more information on Inspections, see Section 7 “Inspections”).*

- The following types of chemicals and plants are exempt from declaration:
  - Oxides and sulfides of carbon and metal carbonates;
  - Oligomers and polymers;
  - Compounds containing only carbon and metal;
  - Compounding/processing plants (e.g., polymer compounding plants or formulating plants); and
  - Extraction or purification activities where no chemical change occurs to the chemical in question during the activity.

### **Declaration Types**

#### **Initial Declaration**

- Each State Party should submit an Initial Declaration to the Technical Secretariat for the year prior to entry into force on the following:
  - Plant sites that produced by synthesis more than 200 tonnes of unscheduled discrete organic chemicals (DOCs) (including any amount of PSF chemicals); and/or
  - Plants on a plant site that produced by synthesis more than 30 tonnes of an individual PSF chemical.
- The Initial Declaration on a plant site entails detailed information, including:
  - Identification of the plant site:
    - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
    - Name of the owner, company, or enterprise operating the plant site;
    - Precise location of the plant site, including the address and the geographical coordinates/latitude and longitude, if available); and
    - Main activities of the plant site in terms of product group codes.
  - For plant sites producing more than 200 tonnes of DOCs:
    - Provide the aggregate amount of production by synthesis of DOCs at the plant site in the previous calendar year, expressed in the ranges:



- 200 tonnes to 1,000 tonnes (B31);
- above 1,000 to 10,000 tonnes (B32); and
- above 10,000 tonnes (B33).
- Provide the “*approximate number*” of plants on the plant site that produced by synthesis any amount of DOCs, including PSF chemicals.
- For plant sites with one or more plants that produced an individual PSF chemical:
  - Provide the “exact number” of plants at the plant site that produced by synthesis an “individual” PSF chemical over 30 tonnes in the previous calendar year; and
  - Provide the number of PSF plants whose aggregate production by synthesis of all PSF chemicals falls within each of the below listed production ranges:
    - 30 tonnes to 200 tonnes;
    - above 200 tonnes to 1,000 tonnes;
    - above 1,000 to 10,000 tonnes; and
    - above 10,000 tonnes.

**Note:** *The identification or name of DOCs or PSF chemicals is not included in the declaration. However, when classifying a chemical to determine if it is an unscheduled DOC, the State Party must have the name of the chemical and relevant other information (e.g., CAS registry number, structural formula) to make this determination.*

- The Initial Declaration must be submitted to the Technical Secretariat not later than 30 days after the Convention enters into force for the State Party.

#### **Annual Declaration of Past Activities**

- Each State Party should submit an Annual Declaration of Past Activities (ADPA) or an Annual Update Declaration to the Initial Declaration or previously submitted ADPA to the Technical Secretariat for activities that occurred during the previous calendar year.
- Paragraph 3 of Part IX of the Convention’s Verification Annex states that a State Party shall “provide annually the information necessary to update the list [of declarations on declared facilities].”
- There is no consensus on the best method for a State Party to meet its annual obligation to declare OCPFs to the Technical Secretariat. States Parties generally use one of the following procedures:
  - **Annual Update Declaration:** This declaration provides information necessary to update the list of declared OCPFs in the initial declaration or the previous calendar year’s declaration by adding new ADPAs for previously undeclared OCPFs (new OCPFs), changing declarations for previously declared OCPFs, or removing OCPFs from the declaration because they are no longer declarable.



- Easily processed by the Technical Secretariat.
- **Annual Declaration of Past Activities:** The complete ADPA for all declared OCPFs is submitted to the Technical Secretariat. This declaration replaces the most recently submitted declaration in its entirety.
  - Time consuming to process by the Technical Secretariat.
- The Annual Update Declaration or the ADPA must be submitted to the Technical Secretariat not later than 90 days after the end of the previous calendar year.

#### **Annual Update Declaration**

- Each State Party should submit an Annual Update Declaration to the Technical Secretariat for Other Chemical Production Facilities (OCPFs) on the following:
  - Plant sites that produced by synthesis more than 200 tonnes of unscheduled discrete organic chemicals (DOCs) (including any amount of PSF chemicals); and
  - Plants on a plant site that produced by synthesis more than 30 tonnes of an individual PSF chemical.
- The Annual Update Declaration should include detailed information in order to alleviate any possible question regarding a plant site, including:
  - List of plant sites, by unique plant site code and plant site name, for which the most recently submitted declaration has not changed;
  - List of plant sites, by unique plant site code and plant site name, that are no longer declared and which are being removed from a State Party's list of OCPFs;
  - List of plants sites, by unique plant site code and plant site name, for which a "Full" Annual Declaration of Past Activities (ADPA) is being submitted to replace the declaration currently on file with the Technical Secretariat; and
  - List of "new" plant sites, by unique plant site code and plant site name, for which an ADPA is being submitted for the first time.

**Note:** *Detailed information required for an ADPA is provided separately under the declaration type called "Annual Declaration of Past Activities."*

#### **"Full" Annual Declaration of Past Activities**

- Each State Party should submit a "Full" Annual Declaration of Past Activities (ADPA) to the Technical Secretariat on Other Chemical Production Facilities (OCPFs) on the following:
  - Plant sites that produced by synthesis more than 200 tonnes of unscheduled discrete organic chemicals (DOCs) (including any amount of PSF chemicals); and
  - Plants on a plant site that produced by synthesis more than 30 tonnes of an individual PSF chemical.
- The ADPA on a plant site entails detailed information, including:



- Identification of the plant site:
  - Name of the plant site and unique plant site code (e.g., Chemical Synthesis Ltd., Somewherea Plant Site, ABC00123);
  - Name of the owner, company, or enterprise operating the plant site;
  - Precise location of the plant site, including the address (and the geographical coordinates/latitude and longitude, if available); and
  - Main activities of the plant site in terms of product group codes.
- For plant sites producing more than 200 tonnes of DOCs:
  - Provide the aggregate amount of production by synthesis of DOCs at the plant site in the previous calendar year, expressed in the ranges:
    - 200 tonnes to 1,000 tonnes (B31);
    - above 1,000 to 10,000 tonnes (B32); and
    - above 10,000 tonnes (B33).
  - Provide the “*approximate number*” of plants on the plant site that produced by synthesis any amount of DOCs, including PSF chemicals.
- For plant sites with one or more plants that produced an individual PSF chemical:
  - Provide the “*exact number*” of plants at the plant site that produced by synthesis an “*individual*” PSF chemical over 30 tonnes in the previous calendar year; and
  - Provide the number of PSF plants whose aggregate production by synthesis of all PSF chemicals falls within each of the below listed production ranges:
    - 30 tonnes to 200 tonnes;
    - above 200 tonnes to 1,000 tonnes;
    - above 1,000 to 10,000 tonnes; and
    - above 10,000 tonnes.

**Note:** *The identification or name of DOCs or PSF chemicals are not included in the declaration. However, when classifying a chemical to determine if it is an unscheduled DOC, the State Party must have the name of the chemical and relevant other information (e.g., CAS registry number, structural formula) to make this determination.*

#### **Amended Declarations**

- Amended declarations may be required to be submitted to the Technical Secretariat to correct Other Chemical Production Facility (OCPF) Initial Declarations or Annual Declarations of Past Activities.
- Amended declarations are modifications to previously submitted declarations.
- Amendments to previously submitted declarations may be required as the result of various types of circumstances, including:
  - Internal company audits conducted on a plant site or plant to verify



- compliance with the Convention's requirements or for other reasons such as product assessments financial audits;
- Findings that resulted from an on-site inspection at the OCPF that was conducted by the Technical Secretariat and noted in the Final Inspection Report; and
- Clarification requests from the Technical Secretariat on missing or incomplete information.
- Submit amended declarations to the Technical Secretariat as soon as possible after the change or addition to information has been identified.
- Amended declarations may include replacement page(s) or addition of new pages to be added to the declaration.
  - Use a cover-sheet to identify each specific declaration type/chemical regime that is being amended.
  - Identify the original page number on the replacement page in the upper-right hand corner of the page.
  - Number the total pages in the declaration package in the lower right-hand corner of the page (e.g., 1 of 15).

#### **Forms for "Other Chemical Production Facilities"**

- The following is a list of the specific forms for each type of "Other Chemical Production Facilities" declaration requirement that must be contained in each declaration package that is transmitted to the Technical Secretariat.
    - Initial Declaration
    - Annual Declaration of Past Activities
    - Annual Update Declaration
- Note: If a previously declared plant site is no longer declarable, an update declaration is still required to "remove" the plant site from the State Party's declaration. Unless the Technical Secretariat receives an instruction to remove a plant site from the State Party's OCPF declaration, the plant site will remain declarable, and perhaps also inspectable.*
- The following is a list of forms, including the declaration identification forms and the "Other Chemical Production Facilities" form, by form number and name:
    - Form B Primary Declaration Identification for Section B: Initial Declaration
    - Form B-1 Primary Declaration Identification for Section B: Annual Declaration of Past Activities
    - Form 4.1 Declaration of "Other Chemical Production Facilities"

#### **Certification of a Nil-Declaration Requirement (Optional)**

- The Convention does not require a State Party to submit a "Nil-Declaration" to the Technical Secretariat if it has no declarable activities.



- It is recommended, however, that each State Party without an Other Chemical Production Facility (OCPF) declaration obligation inform the Technical Secretariat of this fact.
- The suggested methods to inform the Technical Secretariat that the State Party does not have a declaration obligation, include:
  - Transmittal Letter:
    - Include an affirmative statement in the State Party's letter transmitting any declarations pursuant to Parts VI-VIII of the Convention's Verification Annex (e.g., Initial Declaration, Annual Declaration of Past Activities, Annual Declaration of Anticipated Activities) to the Technical Secretariat.
    - If the State Party does not have a declaration obligation under Parts VI-IX of the Convention's Verification Annex, it is recommended that a letter be transmitted to the Technical Secretariat affirmatively stating this fact.
  - For the Initial Declaration, complete Form B by checking "NO" for Other Chemical Production Facilities (DOC/PSF) to indicate the State Party does not have an obligation; and
  - For the Annual Declaration of Past Activities, complete Form B-1 by checking "NO" for Other Chemical Production Facilities (DOC/PSF) to indicate the State Party does not have an obligation.

## DETERMINING PRODUCT GROUP CODES FOR DECLARATIONS

- Product Group Codes (PGCs), see Appendix 4 of the OPCW Declaration Handbook, are used within declarations for the following reasons:

**Note:** *PGCs are also known as Standard Industry Trade Classification (SITC) codes.*

  - Schedule 2 and 3 Plant Sites and Plant:
    - To describe the main activities of a plant site or a plant.
  - Schedule 2 Chemicals:
    - To describe the final types of products that were/will be processed or consumed by a plant site; and
    - To describe the final types of products that were received by another plant site, trading company or person within the State Party.
  - Other Chemical Production Facilities:
    - To describe the types of end-product that was produced by a plant site.
- It is important that a plant site use the correct PGCs within its declaration because the Technical Secretariat uses them as a weighting factor for determining the risk a plant site poses to the object and purpose of the Convention. PGCs are one of several factors used in selection of Schedule 3 plant sites and "Other Chemical Production Facilities" for inspection.



- Selecting the appropriate PGCs to describe products can be a difficult choice. See the paper entitled “Produce Group Codes – Industry Descriptions” which provides a generic description of the types of industries to which PGCs may apply, thereby making them more relevant to a declaration.

## **ESTABLISHING A DECLARATION REGIME FOR INDUSTRY**

- Each State Party should establish a declaration regime for facilities (including plant sites), trading companies, and persons to declare Scheduled chemicals and unscheduled discrete organic chemicals (DOCs), as required by the Convention.
- A first step that a State Party can take for establishing a declaration regime is to publish and distribute the following types of documents, which will assist your industry to comply with its obligations under the Convention:
  - List of Scheduled chemicals and the definition of unscheduled DOCs that are subject to declaration;
  - Directives or other informational documents that clearly establish and describe declaration requirements, including:
    - Threshold requirements;
    - Exemptions;
    - Due dates for submission to the National Authority (different than due date for the Technical Secretariat); and
    - Inspection threshold requirements. (For more information on Inspections, see Section 7 “Inspections”.)
  - Declaration forms or other means to collect information from industry, including:
    - The use of OPCW forms with instructions on how to complete them and definitions of unique Convention terms;
    - Alternatively, a State Party could create its own forms with instructions on how to complete them and definitions of unique Convention terms; and
    - Requirement that industry provide information on declaration points of contact (D-POC), such as telephone and fax numbers, e-mail address, and mailing address to answer any follow-up questions.
  - General informational materials to educate industry on the requirements of the Convention.

**Note:** See the IAP Element entitled “Tools” for general educational publications that can be distributed to your industry, including:

- Obligations for Non-Prohibited Activities under the Convention (IAP-001);
- A Guide to the Chemical Weapons Convention (IAP-002);
- The Organisation for the Prohibition of Chemical Weapons (IAP-003); and
- Introduction to Article VI Implementation (IAP-004).



- In many cases, a State Party may need to assist its industry in determining whether a chemical is subject to declaration under the Convention. The following information should be collected from industry and considered when making a classification on determining whether a chemical is declarable:
  - Chemical
  - Activity
  - Threshold level
  - Exemptions

**Note:** See the IAP Element entitled “Chemicals” (*How to Determine if a Chemical is Subject to Declaration*) for more detailed information on classifying chemicals.

- A useful tool for distributing information is through a website or another method for industry to easily locate treaty-related information. For example, publish information that identifies which government organization is responsible for CWC implementation, including contact information, such as address and telephone and facsimile numbers.
  - The list of CWC Member States on the OPCW website includes links to States Parties’ websites at: [http://www.opcw.org/html/db/members\\_frameset.html](http://www.opcw.org/html/db/members_frameset.html).
- Finally, a critical piece to implementing any regulatory regime is to provide training programs or seminars for industry to ensure they adequately understand the requirements of the Convention.

**Note:** See the IAP Element entitled “Industry Outreach” (*Overview*) for additional information on training industry to comply with its declaration obligations.

## STATE PARTY PROCEDURES FOR RECEIVING AND PROCESSING DECLARATIONS

- Once a State Party has established a declaration regime for its industry to comply with declaration obligations under the Convention, the State Party also should establish internal procedures for processing declarations received from industry.
- A first step that a State Party can take for establishing internal procedures is to decide whether the process will be a “manual” operation or an electronic system (software application). In some cases, the procedure may be a hybrid of both manual and computer processing depending on the sophistication of the computer software.
- If a State Party does not have available a specially designed software application for processing declarations, it may choose to use the “free” software application that is included in the IAP compact disc:
  - Swiss Declaration Database.



This application allows a State Party to input information received from industry, generate an official declaration for submission to the Technical Secretariat, and store data.

**Note:** See the IAP element entitled “Tools” for information about this software application.

- An important first step in processing declarations on a consistent basis is to assign a unique code to each facility (plant site), trading company or person that has submitted information. It is suggested that this code include the country code for the State Party and a unique number. These codes should be used on all future declarations submitted to the Technical Secretariat to ensure consistency in the monitoring of the data. Also, the State Party should inform each declarant in writing of its respective code(s).

- Example:

ROM00010	Romanian Starch Ltd.
ROM00011	Ajax Inc.
ROM00012	International Chemicals Inc.

- Each declaration submitted by a facility (plant site), trading company or person should be reviewed for completeness and accuracy. If there is incomplete information or a discrepancy, the State Party should contact the Declaration Point of Contact (D-POC) to clarify the information.
- The declaration package should be compiled using the applicable declaration identification form (e.g., B-1 for the Annual Declaration of Past Activities) and the correct declaration forms for each type of declaration. It is also suggested that a State Party include a transmittal letter with its declaration package.

**Note 1:** See the IAP Element entitled “Declaration Requirements” (Forms Required for Schedule 1, 2, 3 Declarations and unscheduled Discrete Organic Chemicals) for the specific forms required for each declaration type.

**Note 2:** See Section A, Part 4 of the OPCW’s Declaration Handbook for further instructions on how to prepare declarations (e.g., page numbering) and where to transmit the declaration.

## COMPILING THE DECLARATION FOR SUBMISSION TO THE OPCW

After you have reviewed and verified the information contained in each declaration submitted by industry, compile your State Party’s official declaration for submission to the Technical Secretariat. The following is a suggested method for accomplishing this task:

### **First Step:**

- Organize declarations by declaration regime (i.e., Schedule 1, Schedule 2, Schedule 3, and Other Chemical Production Facilities (OCPFs)); and



- Organize declarations by Plant Site Code in ascending order (e.g., Schedule 3: Plant Site Code ROM00009, ROM00014, ROM00022; OCPFs: Plant Site Code ROM00002, ROM00008, ROM00024) or by whatever numbering nomenclature you have chosen to implement.

**Second Step** (Applies only to Initial Declarations and Annual Declarations of Past Activities):

- For the Aggregate National Data Declarations for Schedule 1, 2, and 3 chemicals that are included in the Initial Declaration and the Annual Declaration of Past Activities, compile the data as follows:
  - Schedule 1
    - Detailed Annual Declaration of Transfers to/from the Declaring State Party During the Previous Calendar Year.
      - Add the total quantity exported or imported of each Schedule 1 Chemical (for rounding requirements, see EC- XIX/DEC.5).
    - Detailed Annual Declaration of Each Transfer of a Schedule 1 Chemical.
      - Provide detailed information on each actual transfer of the chemical.
  - Schedule 2
    - Declaration of Schedule 2 Chemicals.
      - Add the total quantity produced, processed, consumed, exported or imported of each Schedule 2 chemical from all plant sites, trading companies, and persons within the State Party during the previous calendar year (for rounding requirements, see EC-XIX/DEC.5).
    - Declaration of Specification of Imports or Exports of the Schedule 2 Chemical by Country.
      - Add the total quantity of each Schedule 2 chemical “by country” that was exported from or imported by the State Party based on aggregate data received from all plant sites, trading companies, and persons within the State Party (for rounding requirements, see EC-XIX/DEC.5).
  - Schedule 3
    - Declaration of Schedule 3 Chemicals.
      - Add the total quantity produced, exported or imported of each Schedule 3 chemical from all plant sites, trading companies, and persons within the State Party during the previous calendar year (for rounding requirements, see EC-XIX/DEC.5).
    - Declaration of Specification of Imports or Exports of the Schedule 3 Chemical by Country.
      - Add the total quantity of each Schedule 3 chemical “by country” that was exported from or imported by the State Party based on



aggregate data received from all plant sites, trading companies, and persons within the State Party (for rounding requirements, see EC-XIX/DEC.5).

**Third Step:**

- Prepare the applicable declaration identification form (e.g., Form B-1 for Annual Declaration of Past Activities for Schedules 2 and 3 and “Other Chemical Production Facilities”), which identifies the specific types of declarations that are included in a package. This form is extremely useful to the Technical Secretariat for assisting them in managing the numerous declaration packages received from States Parties.

**Fourth Step:**

- Compile the declaration package, including the specific forms that are required for the type of declaration that is being transmitted to the Technical Secretariat.

**Note 1:** See the IAP Element entitled “Declaration Requirements” (identify the applicable chemical regime(s) for which you are compiling a declaration(s), and then select “Forms Required for Declarations”).

**Note 2:** See Section A, Part 4 of the OPCW’s Declaration Handbook for further instructions on how to prepare declarations (e.g., page numbering) and where to transmit the declaration.

**Fifth Step:**

- Create a list of facilities and plant sites, by chemical regime, that were declared to the Technical Secretariat in previously submitted declarations, but which are not being declared in the current declaration package. This step may alleviate the Technical Secretariat from issuing a clarification request to verify the status of a facility or plant site.

**Sixth Step:**

- Classify the declaration and review the package to ensure it is complete and accurate, including page numbering, before sending it to the Technical Secretariat.

**Seventh Step:**

- Prepare a cover letter to transmit the declaration package to the Technical Secretariat, bearing in mind the applicable declaration due dates.

## CLASSIFYING THE STATE PARTY DECLARATION

- A State Party should clearly mark the confidentiality classification on its declarations to ensure that the Technical Secretariat (and any other States Parties that may receive copies of the declarations) properly handle the declarations.
- The confidential classification marking is generally placed on the “header line” of each page within a declaration package, including on the declaration identification form.



- There are currently three levels of confidentiality classification that are used by States Parties to mark declarations, as follows:
  - OPCW UNCLASSIFIED
  - OPCW RESTRICTED
  - OPCW PROTECTED
  - OPCW HIGHLY PROTECTED
- Conference of States Parties Decision C-I/DEC.13 (and corrigenda thereto) provides information on criteria that a State Party can use for determining the appropriate confidentiality classification for its declarations. This decision also includes guidelines for procedures on the release of classified information by the Technical Secretariat.

## **TRANSMITTING THE DECLARATION TO THE TECHNICAL SECRETARIAT**

Declaration packages, regardless of type, should either be mailed or hand-delivered to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons, as follows:

Mail/Postal: Declarations Branch (DEB)  
Johan de Wittlaan 32  
2517 JR The Hague  
The Netherlands

Hand-delivery: Contact the Information Processing and Validation Unit of the Declarations Branch at 31-070-416-3031 to arrange an appointment to hand-deliver a declaration package.



## Product Group Codes – Industry Descriptions

Product Group Codes (PGCs) (also known as Standard Industry Trade Classification (SITC) Codes) are required for completing declarations. The following is a generic description of certain PGCs that may be used as a reference when selecting appropriate ones to describe products relating to a plant site, plant or chemical when completing declarations. These descriptions are an attempt to clarify the PGCs identified in the OPCW's Declaration Handbook (Product Group Codes – Appendix 4) by making them more relevant to the types of industries that may be involved in a particular category of products. No description is provided for those PGCs that are self-explanatory. These descriptions are based on coordinating two classification systems: the North American Industry Classification System (NAICS, 1997 version) and the Standard Industry Classification System (SIC, 1987 version).

- 511 Hydrocarbons, N.E.S.\*, and their halogenated, sulphonated, nitrated or nitrosated derivatives

This industry comprises establishments primarily engaged in manufacturing chemicals using basic processes, such as thermal cracking and distillation. The chemicals manufactured in this industry group are usually separate chemical elements or separate chemically-defined compounds and include:

(1) acyclic (i.e., aliphatic) hydrocarbons such as ethylene, propylene, and butylene made from refined petroleum or liquid hydrocarbon; and/or

(2) cyclic aromatic hydrocarbons such as benzene, toluene, styrene, xylene, ethyl benzene, and cumene made from refined petroleum or liquid hydrocarbons.

- 512 Alcohols, phenols, phenol-alcohols, and their halogenated, sulphonated, nitrated or nitrosated derivatives

This industry comprises establishments primarily engaged in distilling coal tars and/or manufacturing cyclic crudes, or cyclic intermediates from refined petroleum or natural gas.

- 513 Carboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives

This industry comprises establishments primarily engaged in manufacturing basic organic chemical products (except aromatic petrochemicals, industrial gases, synthetic organic dyes and pigments, cyclic crudes and intermediates, and ethyl alcohol).

- 514 Nitrogen-function compounds

This industry comprises establishments primarily engaged in manufacturing acyclic and cyclic nitrogen-containing organic compounds, including nitrates, amides, amino acids.

- 515 Organo-inorganic compounds. heterocyclic compounds. nucleic acids and their salts. and



sulphonamides

This industry comprises establishments primarily engaged in manufacturing acyclic and heterocyclic organic-inorganic chemical products.

516 Other organic chemicals

This industry comprises establishments engaged in manufacturing organic chemicals that do not fit into any of the other categories.

522 Inorganic chemical elements, oxides and halogen salts

523 Metal salts and peroxy salts of inorganic acids

524 Other inorganic chemicals; organic and inorganic compounds of precious metals

525 Radioactive and associated materials

Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products.

531 Synthetic organic coloring matter and color lakes, and preparations based thereon

This industry comprises establishments primarily engaged in manufacturing synthetic organic and inorganic dyes and pigments, such as color lakes and toners (except electrostatic and photographic).

532 Dyeing and tanning extracts and synthetic tanning materials

This industry comprises establishments primarily engaged in natural dyestuffs, and natural tanning extracts, as well as synthetic organic tanning materials.

533 Pigments, paints, varnishes and related materials

This industry comprises establishments primarily engaged in manufacturing paints (in paste and ready-mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products.

541 Medicinal and pharmaceutical products, other than medicaments of Group 542

This industry comprises establishments primarily engaged in one or more of the following:

(1) manufacturing uncompounded biological and medicinal chemicals and their derivatives



(e.g., generally for use by pharmaceutical preparation manufacturers); and/or  
(2) processing (e.g., grading, grinding, and milling) uncompounded botanical herbs.

542 Medicaments (including veterinary medicaments)

This industry comprises establishments primarily engaged in manufacturing, processing and packaging medicinal chemicals and pharmaceutical products intended for human and animal internal and external use.

551 Essential oils, perfume and flavor materials

This industry comprises establishments engaged in manufacturing perfumes and flavor materials (natural and synthetic), cosmetics, and other toilet preparations.

553 Perfumery, cosmetic or toilet preparations (excluding soaps)

This industry comprises establishments primarily engaged in blending and compounding perfume bases and cosmetics; and those manufacturing toilet preparations, shampoos and shaving products.

554 Soap, cleansing and polishing preparations

This industry comprises establishments primarily engaged in manufacturing and packaging soap and other cleaning compounds, surface active agents, laundry detergents, dishwashing detergents, natural glycerin, and agents used to reduce tension or speed the drying process.

562 Fertilizers (other than those in Group 272)

This industry comprises establishments primarily engaged in one or more of the following:

- (1) manufacturing nitrogenous or phosphatic fertilizer materials;
- (2) manufacturing fertilizers from sewage or animal waste;
- (3) manufacturing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; and
- (4) mixing ingredients made elsewhere into fertilizers.

571 Polymers of ethylene, in primary forms

572 Polymers of styrene, in primary forms

573 Polymers of vinyl chloride or of other halogenated olefins in primary forms

574 Polyacetals, other polyethers and epoxide resins, in primary forms; polycarbonates, alkyd resins, polyallyl esters and other polyesters

579 Waste, parings and scrap, of plastics



581 Tubes, pipes and hoses, and fittings therefor, of plastics

582 Plates, sheets, film, foil, and strip of plastics

583 Monofilament of which any cross-sectional dimension exceeds 1mm, rods, sticks, and profile shapes, whether or not surface-worked but not otherwise worked, of plastics

591 Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (e.g., sulphur-treated bands, wicks and candles, and fly-papers)

This industry comprises establishments primarily engaged in the formulation and preparation of agricultural and household pest control chemicals.

592 Starches, inulin and wheat gluten; albumenoidal substances; glues

This industry is primarily engaged in wet milling corn and other vegetables.

593 Explosives and pyrotechnic products

597 Prepared additives for mineral oils and the like; prepared liquids for hydraulic transmission; anti-freezing preparations and prepared de-icing fluids; lubricating preparations

This industry comprises establishments primarily engaged in blending or compounding refined petroleum to make lubricating oils and greases and/or re-refining used petroleum-lubricating oils.

598 Miscellaneous chemicals products, N.E.S.\*

This industry includes miscellaneous inorganic-organic chemical products that do not fit into any of the other categories.

599 Others

\* N.E.S. = not elsewhere specified



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**NOTE BY THE TECHNICAL SECRETARIAT**

**SECOND REPORT ON THE PROJECT TO ASSIST STATES PARTIES  
IN IDENTIFYING NEW DECLARABLE FACILITIES  
UNDER ARTICLE VI OF THE CHEMICAL WEAPONS CONVENTION**

**1. Introduction**

- 1.1 This report provides an update on the efforts undertaken by the Technical Secretariat (hereinafter “the Secretariat”) to assist States Parties in their efforts to identify activities and facilities that might be subject to declaration under Article VI of the Chemical Weapons Convention (hereinafter “the Convention”), and is a follow-on to the previous report on a project, known as “the Article VI project”, that was presented to the Executive Council (hereinafter “the Council”) at its Twenty-Ninth Session (EC-29/S/6, dated 13 June 2002).
- 1.2 The Article VI project was initiated by the Secretariat in June 2001. Its goal is to provide technical assistance to States Parties through the identification of new potentially declarable plant sites under Article VI and Parts VII, VIII, and IX of the Verification Annex to the Convention.
- 1.3 The First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention encouraged the Secretariat to continue these efforts, in close consultation with the States Parties and their National Authorities.

**2. Methodology adopted**

- 2.1 The Secretariat viewed it as important to carry out the project in as transparent and even-handed a fashion as possible. Therefore, the methodology it adopted in developing the project included the following steps:
  - (a) identifying, from open sources and for all Member States, facilities likely to be engaged in activities related to discrete organic, Schedule 2, and Schedule 3 chemicals;
  - (b) checking the total number of declared facilities (if any) against the number of potentially declarable facilities identified by the Secretariat, for the purpose of deciding the order in which the various States Parties would be approached;





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- (c) transmitting relevant information to the National Authority of the State Party concerned for its consideration so that it can take any appropriate action in relation to its Article VI industry declarations. At this stage, the States Parties were informed that the names of the companies gleaned from public sources had not been checked against the names of already-declared plant sites. This statement was meant as a clear indication that the objective of the Article VI project was not to challenge the completeness of the declarations that had already been submitted by the States Parties, but to identify potentially new declarable facilities.
- 2.2 The project has been pursued in two parts:
- (a) In part 1, which was initiated in 2001, the Secretariat assisted those States Parties that had not submitted any Article VI industry declarations as at May 2001 in identifying new declarable facilities.
  - (b) In part 2, which was initiated in 2002, the Secretariat started to include in the Article VI project those States Parties that had previously submitted Article VI declarations.
- 2.3 Both parts of the project are currently ongoing. Paragraph 3 below provides a chronology of events related to its development.

### **3. Part 1: assistance to States Parties that had not yet made Article VI declarations<sup>1</sup>**

- 3.1 In July and August 2001, information about the chemical industry in those States Parties that had not made any Article VI declarations was collected from open sources available to the Secretariat. Two States Parties that had made some Article VI declarations were also included in part 1, because, in the Secretariat's view, they would benefit from the additional assistance provided under the auspices of the Article VI project. A review of the available information on the chemical industries of 145 States Parties at that time suggested that 52 probably did not have any potentially declarable facilities. Of the remaining 93, 51 had already submitted Article VI declarations, and the other 42 seemed likely to have some declarable facilities.
- 3.2 From September 2001 to February 2002, representatives from the above-mentioned 44 States Parties (42 plus 2) were contacted by the Secretariat, and bilateral meetings were arranged at which the Article VI project was explained and packets containing the information that had been collected from public sources about the chemical industry in these States Parties were passed on to them. Representatives of these States Parties were requested to provide the information to their respective National Authorities, given that, according to the Convention, the National Authority is the entity that is assigned to identify declarable activities and facilities and that compiles the appropriate declarations, if necessary.

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<sup>1</sup> As at May 2001, when the information was assessed



**4. Part 2: assistance to States Parties that had previously made Article VI declarations**

4.1 In March 2002, part 2 of the Article VI project was initiated as an extension of part 1. It covered States Parties that had already made Article VI declarations, but that might, according to the information gleaned from open sources, have some additional declarable facilities. This assumption was based on the difference between the total number of facilities that had been declared by a given State Party and the number of facilities that, according to the Secretariat's analysis of the information acquired from public sources, might have declarable activities under Article VI. If the latter figure was greater than the former by more than 25%, the Secretariat considered it worthwhile to contact the State Party in question and provide it with an information packet. A number of States Parties to which the 25% criterion did not apply also requested the information packets.

4.2 Since July 2002, the project team has identified information in public sources for 55 out of the current 60 States Parties that have submitted Article VI declarations. No public-source information was available for 5 States Parties. For 3 others, the number of potentially declarable facilities for which information was available was smaller than the number of facilities actually declared. It was thought that these States Parties would not benefit from the information acquired by the Secretariat. Of the remaining 52 States Parties, 41 have so far been provided with information about potentially declarable facilities. The assessment of publicly available information for 2 States Parties is ready and will be delivered in close consultation with, and with the agreement of, their National Authorities in the near future. An assessment of the remaining 9 States Parties is in progress.

4.3 The objective of the project has been and remains close and productive cooperation with the States Parties. In the majority of cases, States Parties have responded with appreciation to the Secretariat's effort. Some of these 41 States Parties were found to have at least 25% more potentially declarable facilities than they had actually declared. The Secretariat consults States Parties concerned on how best to proceed.

4.4 During the meeting of National Authorities held in The Hague in October 2002, some States Parties with less than a 25% difference between declared and potentially declarable plant sites indicated that they would appreciate receiving the information packets, and four of these have since been provided with them.

**5. Assessment of the results of the Article VI project**

5.1 This section summarises the results of both parts of the Article VI project.

5.2 Of the 151 States Parties to the Convention as at 30 May 2003, the survey of open sources available to the Secretariat suggests that 55 are not likely to have any potentially declarable facilities under Article VI.

5.3 Currently, 19 State Parties have not been approached. The Secretariat is of the view that there is little or no information to justify approaching 8 of these. The Secretariat, will, upon agreement, contact the remaining 11 as soon as the project team has finalised its assessments.



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- 5.4 Of the remaining 77 States Parties approached so far, 16 have not yet responded. The responses received from the remaining 61 States Parties can be categorised as follows:
- (a) Ten States Parties—Azerbaijan, Cuba, Georgia, Greece, Indonesia, Kuwait, Pakistan, Peru, Uzbekistan, and Viet Nam—have submitted their first declarations of Article VI-related facilities.
  - (b) Seven declaring States Parties have provided declarations in addition to those they had already submitted prior to the Article VI project.
  - (c) Thirty-two States Parties have either provided partial information or have reported that they are working on providing information.
  - (d) Twelve States Parties have reaffirmed that no additional declarations are required.
- 5.5 Since the project began, there has been a significant increase in the number of declaring States Parties which is a welcomed indication that the project has been worth the effort and is achieving its purpose. When the project began in June 2001, there were 51 declaring States Parties. By the time of the first report to the Council in June 2002, there were 55; and that number had risen to 61 by the time of writing of the present report—an increase of 19.6% over the June 2001 figure.
- 5.6 These figures suggest that the Article VI project is helping to increase the number of newly declaring States Parties—an assessment confirmed both by the correspondence received from, and by informal discussions with, the overwhelming majority of States Parties concerned.

## **6. Observations on States Parties' responses to the Article VI project**

- 6.1 As indicated above, most States Parties involved in the Article VI project have reacted positively to it and understood the goal behind it: to provide information available to the Secretariat that might be useful to the States Parties in their efforts to implement the Convention. Nevertheless, a small number of States Parties have voiced some concerns about the project. These are detailed below:
- (a) Two States Parties have expressed concerns about the methodology used by the Secretariat to identify potentially declarable facilities and would favour a more proactive approach by the Secretariat.
  - (b) One State Party has indicated that it does not believe that the Convention authorises the Secretariat to undertake the initiative and thus finds it unacceptable.
  - (c) One State Party has expressed concerns about the possible dissemination of confidential information to other States Parties.



- 6.2 Over the course of the Article VI project, representatives of some States Parties have conveyed to the Secretariat certain difficulties they have faced in making Article VI declarations. These include:
- (a) a lack of implementing legislation in their countries;
  - (b) a lack of funding for implementation; and
  - (c) limitations on the human resources available to National Authorities, which would make it difficult for them to liaise with the representatives of facilities and with other local authorities, even if the Secretariat were to provide technical assistance.
- 7. Follow-up actions on the Article VI project**
- 7.1 The Secretariat intends to continue evaluating public-source industry information on the remaining 11 States Parties and on any newly ratifying States Parties, and to provide information packs with the mutual consent of these States Parties.
- 7.2 The Secretariat will continue to use all available opportunities, such as National Authority courses, seminars and workshops, to organise bilateral meetings with representatives of States Parties to update the progress of the Article VI project.
- 7.3 When officially requested to do so by a State Party, the Secretariat will put at its disposal qualified staff to assist it in identifying declarable activities and facilities. Any such assistance will be provided in the form of a technical visit whose agenda and duration the Secretariat and the State Party concerned will agree on.
- 7.4 The Secretariat would like to take this opportunity to thank States Parties for their cooperation on the project and to encourage those States Parties that have the technical expertise and/or the funds, to consider providing voluntary assistance, on a regional or other basis to be decided, to those States Parties that currently do not possess such resources.
- 7.4 The Secretariat will submit to the Council, at its Thirty-Fifth Session, further updated information on the progress of the Article VI project.

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**OPCW****Executive Council**

Thirty-Sixth Session  
23 - 26 March 2004

EC-36/DEC.7  
26 March 2004  
Original: ENGLISH

**DECISION****CLARIFICATION OF DECLARATIONS****The Executive Council,**

**Considering** that clarification requests help the Technical Secretariat (hereinafter “the Secretariat”) to effectively carry out its functions under the Chemical Weapons Convention (hereinafter “the Convention”);

**Further considering** that timely responses by States Parties to such requests for clarification promote the effective and efficient implementation of the verification regime of the Convention;

**Affirming** the need for States Parties to improve implementation by pledging to respond to such requests as fully and as expeditiously as possible;

**Specifying** that nothing in this decision prejudices existing obligations under the Convention or creates additional ones;

**Recalling** the requirements under Article VIII, paragraph 40 of the Convention; and

**Recognising** the need to continue work on this issue, in particular on the issue of clarification of transfer discrepancies, and on the need for the Secretariat to continue to explore how it can best exchange confidential information with States Parties in accordance with the confidentiality procedures of the Convention;

**Hereby:**

**Urges** all States Parties to expedite responses to requests for clarification of their declarations, when these declarations do not involve other States Parties (i.e. transfer discrepancies), as follows: to send an initial response within 90 days after the official transmittal of the Secretariat’s request which either responds fully to the request or indicates what steps they are taking to develop and communicate a full response; and





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**Recommends** that, when the Secretariat issues a clarification request regarding possible errors or missing information in a submitted declaration that preclude the Secretariat from determining the facility's inspectability and receives no response from the State Party concerned within 90 days after the official transmittal of the Secretariat's request, the Secretariat inform the Council about the specific request in advance of its next regular session. The Secretariat will provide, 60 days following the issuance of the clarification request, a reminder to the State Party concerned.

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