OPCW **Conference of the States Parties**

Thirteenth Session
2 – 5 December 2008

C-13/DEC.4
3 December 2008
Original: ENGLISH

DECISION

GUIDELINES REGARDING DECLARATION OF IMPORT AND EXPORT DATA FOR SCHEDULE 2 AND 3 CHEMICALS

The Conference of the States Parties,

Recalling that the Chemical Weapons Convention (hereinafter "the Convention") requires, in accordance with paragraph 2 of Article VI, that each State Party shall adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited under the Convention;

Recalling further that the Convention also requires States Parties to include in their annual declarations aggregate national data (AND) on the quantities imported and exported of each Schedule 2 and Schedule 3 chemical under the provisions of paragraph 1 of Part VII and paragraph 1 of Part VIII of the Verification Annex to the Convention (hereinafter "the Verification Annex");

Recalling further that, in addition, for declared Schedule 2 plant sites, the Convention requires States Parties to provide data on the quantities imported and exported of each Schedule 2 chemical produced, processed, or consumed above the declaration threshold at the declared plant site under the provisions of paragraphs 8(b) and 8(c) of Part VII of the Verification Annex;

Recalling further the guidelines regarding declarations of AND for Schedule 2 chemical production, processing, consumption, import and export and Schedule 3 import and export adopted by the Conference of the States Parties at its Seventh Session (C-7/DEC.14, dated 10 October 2002) require that import and export data aggregated by each State Party in fulfilment of the declaration obligations of paragraph 1 of Part VII and paragraph 1 of Part VIII of the Verification Annex shall include activity by natural and legal persons transferring a declarable chemical between the territory of the declaring State Party and the territory of other States;

Recalling further that reporting AND and relevant plant site import and export data in a uniform manner will help to reduce discrepancies;

Recalling further that the criterion being used by the Technical Secretariat (hereinafter "the Secretariat") to identify discrepancies, is whether the difference between the quantities declared by the importing and exporting States Parties is more than the relevant threshold

specified for that chemical in paragraph 3 of Part VII or paragraph 3 of Part VIII of the Verification Annex;

Having considered that while "production", "processing", and "consumption" are defined in paragraph 12 of Article II of the Convention, for the purposes of Article VI, there are no agreed understandings on the meaning of "import" and "export";

Cognisant of the financial and administrative implications of the implementation of such guidelines by States Parties, and the desirability of a simple, practical approach;

Noting that these guidelines are voluntary and hence do not dictate how and on what basis State Parties should collect data, but rather help to clarify what data should be reported for the purposes of declarations; and

Noting further that these guidelines are without prejudice to the relevant provisions of the Convention;

Hereby decides:

1. that, solely for the purposes of submitting declarations under paragraphs 1, 8(b) and 8(c) of Part VII and paragraph 1 of Part VIII of the Verification Annex, the term "import" shall be understood to mean the physical movement of scheduled chemicals into the territory or any other place under the jurisdiction or control of a State Party from the territory or any other place under the jurisdiction or control of another State, excluding transit operations; and the term "export" shall be understood to mean the physical movement of scheduled chemicals out of the territory or any other place under the jurisdiction or control of a State Party into the territory or any other place under the jurisdiction or control of another State, excluding transit operations;

2. that transit operations referred to in paragraph 1 above shall mean the physical movements in which scheduled chemicals pass through the territory of a State on the way to their intended State of destination. Transit operations include changes in the means of transport, including temporary storage only for that purpose;

3. that, for the purposes of declaring imports under paragraphs 1, 8(b) and 8(c) of Part VII and paragraph 1 of Part VIII of the Verification Annex, the declaring State Party shall specify the State from which the scheduled chemicals were dispatched, excluding the States through which the scheduled chemicals transited and regardless of the State in which the scheduled chemicals were produced;

4. that, for the purposes of declaring exports under paragraphs 1, 8(b) and 8(c) of Part VII and paragraph 1 of Part VIII of the Verification Annex, the declaring State Party shall specify the intended State of destination, excluding the States through which the scheduled chemicals transited;

5. to recommend that States Parties adopt the necessary measures, in accordance with the relevant provisions of the Convention, to utilise these guidelines as soon as practicable; and further

6. to request the Secretariat to report in three years on the progress achieved through the implementation of this decision for consideration by the Executive Council.

- - - o - - -