

FAQ About Chemical Weapons Convention (CWC)

1. [What is CWC?](#)
2. [Who are the signatories and Member States to the CWC?](#)
3. [What are the measures adopted by India to implement its obligations under the Convention?](#)
4. [What are the important obligations of the Convention on the Chemical Industry?](#)
5. [Which chemicals are required to be declared?](#)
6. [What are OCPFs?](#)
7. [What is a DOC?](#)
8. [What is a PSF chemical?](#)
9. [Which DOCs are exempted from declaration?](#)
10. [What is the importance of Declaration of PSF's Plant-site?](#)
11. [Why Declaration of OCPF is necessary?](#)
12. [What are the industrial declaration requirements and what are their deadlines?](#)
13. [What are the declaration criteria for Schedule 2 chemicals?](#)
14. [What are the transfer criteria for Schedule 2 chemicals?](#)
15. [What are the declaration criteria for Schedule 3 chemicals?](#)
16. [What are the transfer criteria for Schedule 3 chemicals?](#)
17. [What is the declaration requirement for "Other Chemical Production Facilities"?](#)
18. [What are the declaration forms to be filled up for Schedule 2 chemicals & their facilities?](#)
19. [What are the declarations forms to be filled up for Schedule 3 chemicals and their facilities?](#)
20. [What is the prescribed form for declaration of Other Chemical Production Facilities?](#)
21. [What are the information which are required to be submitted for declaration of Other Chemical Production Facilities?](#)
22. [What are the relevant appendices providing information for making declaration?](#)
23. [What are the important definitions and explanations in relation to declaration requirements?](#)
24. [What is the method of calculation of "approximate aggregate amount of production of unscheduled organic chemicals?"](#)
25. [What are the web site addresses of the OPCW?](#)
26. [For submission of all declarations and for seeking any clarification on CWC related matters, which person to be contacted ?](#)

1. What is CWC?

Ans. Chemical Weapons Convention is universal non-discriminatory, multilateral, Disarmament Treaty that bans the development, production, acquisition, transfer, use and stockpile of all chemical weapons. The Treaty puts all the States Parties on an equal footing. Countries having stockpiles of chemical weapons are required to declare and destroy them in a specified time frame and those who produce and use chemicals that can be easily converted into chemical weapons have to be open and transparent about the use they put these chemicals to.

2. Who are the signatories and Member States to the CWC?

Ans. The CWC was opened for signature on 13th January, 1993. As on 12th September 2007, there are 182 Countries are States Parties (i.e. Member Countries to the CWC). The States Parties are those Countries who have deposited their instruments of ratification.

The list of 182 Countries are placed at [Annex-I](#). As on 7th March 2007, there were 6 signatory States which have not yet ratified the Convention. The list of these Countries is placed at [Annex-II](#). There are also 7 Countries, who have neither signed nor acceded to the Convention as on 3rd May, 2005. The list of these Countries has been placed at [Annex-III](#).

India is one of the early Signatory Countries and signed the Convention on 13th January, 1993. India deposited its instrument of ratification on 3rd September 1996 making it the 62nd States Party to ratify the Convention. The pre-requisite for the Convention to come into force was the deposition of 65th instrument of ratification and the same was achieved on 31st October, 1996. The Convention entered into force on 29th April, 1997.

3. What are the measures adopted by India to implement its obligations under the Convention?

Ans. The CWC Act, 2000 was passed by the Parliament and assented to by the President of India. The Act came into force on 1st July, 2005 through the Gazette Notification No. S.O 818(E) dated 14th June, 2005.

4. What are the important obligations of the Convention on the Chemical Industry?

Ans. **Declaration** of plant sites for various categories of organic chemicals & their **verification** (Inspections) are two important obligations on chemical industries.

5. Which chemicals are required to be declared?

Ans. Three Schedules of the chemicals which have been annexed to the Convention are required to be declared. These are:-

- (i) Schedule-1 Chemicals (i.e. Chemical Weapons);
- (ii) Schedule-2 Chemicals (i.e. precursors to Chemical Weapons); and
- (iii) Schedule-3 Chemicals (i.e. dual use chemicals).

The list of these three Schedule Chemicals is placed at [Annex-IV](#). There is another category of declarable regime for which the Plant-sites are required to be declared. This category is called "Other Chemical Production Facilities (OCPFs)". For chemical industry, declarations are mostly required for Schedule-2 & Schedule-3 Chemicals and plant-sites of OCPFs.

6. What are OCPFs?

Ans. OCPFs comprise of two different categories of organic chemicals and these are Discrete Organic Chemicals (DOCs) and PSF chemicals.

7. What is a DOC?

Ans. "**Discrete organic chemical**" is defined as 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 Abstracts Service (CAS) registry number, if assigned.

8. What is a PSF chemical?

Ans. "**PSF-chemical**" is defined as an unscheduled discrete organic chemicals containing one or more elements phosphorus, sulfur or fluorine.

9. Which DOCs are exempted from declaration?

Ans. Hydrocarbons, polymers, oligomers and explosives and most of the inorganic chemicals are exempted from the declaration.

10. What is the importance of Declaration of PSF's Plant-site?

Ans. PSFs assume higher importance in OCPF declaration since some PSF compounds are the inputs of Schedule 1 & Schedule-2 chemicals.

11. Why Declaration of OCPF is necessary?

Ans. OCPFs are included for declaration because such facilities can easily be misused for production of Chemical Weapons. In order that the Convention provides an effective disarmament mechanism, monitoring of facilities capable of producing chemical weapons is essential.

12. What are the industrial declaration requirements and what are their deadlines?

Ans. Table 1 provides industrial declaration requirements and their deadlines.

Table-1:- Declaration requirements and deadlines for submission:

TYPE	Declaration Requirement and Deadlines for Submission		
	Schedule 2	Schedule 3	DOC incl. PSF
Initial Declarations	Aggregate National Data EIF(SP) + 30 days	Aggregate National Data EIF(SP) + 30 days	
	Declarations for Plant Sites EIF(SP) + 30 days	Declarations for Plant Sites EIF(SP) + 30 days	Declarations for Plant Sites EIF(SP) + 30 days
Annual Declarations of Past Activities* [ADPA]	Aggregate National Data Year end + 90 days	Aggregate National Data Year end + 90 days	
	Declarations for Plant Sites Year End + 90 days	Declarations for Plant Sites Year End + 90 days	Update Year End + 90 days
Annual Declarations of Anticipated Activities**[ADAA]	Declarations for Plant Sites begin of Year - 60 days	Declarations for Plant Sites begin of Year - 60 days	
Initial Declaration	Declarations for Plant	Declarations for Plant	

of Past Production of Scheduled Chemicals for CW Purposes	Sites EIF(SP) + 30 days	Sites EIF(SP) + 30 days	
Additionally Planned Activities	Change After Annual Anticipatory Declarations Change - 5 days	Change After Annual Anticipatory Declarations Change - 5 days	

Remarks:

- * Implementation of the obligation to make annual declarations of past activities will start in the calendar year following the year when the Convention enters into force for the State Party.
- ** Submission of annual declarations of anticipated activities will be due 60 days before the end of the calendar year following the year in which the Convention enters into force for the State Party.

Abbreviations:

EIF(SP) + 30 days:	Not later than 30 days after the CWC enters into force for the State Party.
Year End + 90 days:	Not later than 90 days after the end of the previous calendar year.
Begin of Year - 60 days:	Not later than 60 days before the beginning of the following calendar year.
Change - 5 days:	Not later than 5 days before an activity begins which is additionally planned after the annual declaration on anticipated activities has been submitted.

DOC: Unscheduled discrete organic chemicals (see the definition in subparagraph 3.1 in this section).

PSF: DOCs containing phosphorus, sulfur or fluorine (see the definition in subparagraph 3.1 in this section).

13. What are the declaration criteria for Schedule 2 chemicals?

Ans. Declarations are required for all transfers (i.e. both exports & imports) during any of the previous 3 calendar years and for all plant sites that comprise one or more plant(s) which produced, processed or consumed during any of the previous three calendar years or are anticipated to produce, process or consume in the next calendar year more than:

- (a) 1 kg of a chemical designated “*” in Schedule 2, part A;
- (b) 100 kg of any other chemical listed in Schedule 2, part A; or
- (c) 1 tonne of a chemical listed in Schedule 2, part B.

14. What are the transfer criteria for Schedule 2 chemicals?

Ans. Transfer of Schedule 2 chemicals to Non-State Parties has been banned under the provision of the Convention with effect from 29th April, 2000. This was incorporated in EXIM Policy 2000-2005 in March, 2000.

15. What are the declaration criteria for Schedule 3 chemicals?

Ans. Declarations are required for all transfers (i.e. both exports and imports) during the previous calendar year and for all plant sites that comprise one or more plants which produced during the previous calendar year or are anticipated to produce in the next calendar year more than 30 tonnes of a Schedule 3 chemical.

16. What are the transfer criteria for Schedule 3 chemicals?

Ans. Transfer of Schedule 3 chemicals to Non-State Parties requires a license from DGFT. For the transfer of Schedule 3 chemicals to Non-State Parties, intimation of transfer is required to be given to DGFT, Department of Chemicals & Petrochemicals, Ministry of External Affairs and National Authority for CWC within 30 days of such transfer.

17. What is the declaration requirement for “Other Chemical Production Facilities”?

Ans. Declarations are required for all plant sites that:

(a) Produced by synthesis during the previous calendar year more than 200 tonnes of unscheduled discrete organic chemicals; or

(b) Comprise one or more plants which produced by synthesis during the previous calendar year more than 30 tonnes of an unscheduled discrete organic chemicals containing the elements phosphorus, sulfur or fluorine.

18. What are the declaration forms to be filled up for Schedule 2 chemicals & their facilities?

Ans. Following table gives declaration forms for Schedule 2 chemicals and their facilities for different types of declarations.

Table - 2

Declarations	Applicable Forms	Declaration Deadline
Aggregate National Data		
Initial Declarations	2.1 and 2.1.1	EIF (SP) + 30 days
Annual Declarations of Past Activities	B-1; 2.1 and 2.1.1	Year End + 90 days
Declarations of Plant Sites		
Initial Declarations	2.2; 2.3; 2.3.1; 2.3.2; and 2.4	EIF (SP) + 30 days
Annual Declarations of Past Activities	B-1; 2.2; 2.3; 2.3.1; 2.3.2; and 2.4	Year End + 90 days
Annual Declarations of Anticipated Activities	B-2; 2.2; 2.3; 2.3.1; 2.3.2; and 2.5	Begin. of Year - 60 days
Additionally Planned Activities	2.2; 2.3; 2.3.1; 2.3.2; and 2.5 as required	Change - 5 days

Abbreviations:

EIF (SP) + 30 days: Not later than 30 days after the Convention enters into force for the State Party

Year End + 90 days: Not later than 90 days after the end of the previous calendar year.

Begin of Year - 60 days: Not later than 60 days before the beginning of the following calendar year.

Change - 5 days: Not later than 5 days before the additionally planned activity begins.

Declaration forms are provided in [Annex-V](#)

19. What are the declarations forms to be filled up for Schedule 3 chemicals and their facilities?

Ans. Table 3 provides forms for various declarations of Schedule 3 chemicals and their facilities.

Table - 3

Declarations	Applicable Forms	Declaration Deadline
Aggregate National Data		
Initial Declarations	3.1 and 3.1.1	EIF (SP) + 30 days

Annual Declarations of Past Activities	B-1; 3.1 and 3.1.1	Year End + 90 days
Declarations of Plant Sites		
Initial Declarations	3.2; 3.3 and 3.4	EIF (SP)+ 30 days
Annual Declarations of Past Activities	B-1; 3.2; 3.3 and 3.4	Year End + 90 days
Annual Declarations of Anticipated Activities	B-2;3.2; 3.3 and 3.4	Begin. of Year - 60 days
Additionally Planned Activities	B-3;3.2; 3.3 and 3.4 as required	Change - 5 days

Abbreviations:

EIF (SP) + 30 days:	Not later than 30 days after the Convention enters into force for the State Party
Year End + 90 days:	Not later than 90 days after the end of the previous calendar year.
Begin of Year - 60 days:	Not later than 60 days before the beginning of the following calendar year.
Change - 5 days:	Not later than 5 days before an activity which is additionally planned after the annual declaration has been submitted begins.

Declaration forms are provided in [Annex-V](#)

20. What is the prescribed form for declaration of Other Chemical Production Facilities?

Ans. Table 4 provides the declaration form and the deadline for declaration of OCPFs.

Table - 4

Declarations	Applicable Forms	Declaration Deadline
Declarations of Plant Sites		
Initial Declarations	4.1	EIF (SP)+ 30 days
Annual Update of the List of Declarable Plant Sites	B-1; 4.1	Year End + 90 days

Abbreviations:

EIF (SP) + 30 days: Not later than 30 days after the Convention enters into force

for the State Party

Year End + 90 Not later than 90 days after the end of the previous days: calendar year.

Declaration forms are provided in [Annex-V](#)

21. What are the information which are required to be submitted for declaration of Other Chemical Production Facilities?

Ans. For the declaration of Other Chemical Production Facilities, a form 4.0 has been designed for submission of information by the Facility in addition to the filling up of the prescribed form 4.1.

22. What are the relevant appendices providing information for making declaration?

Ans. Following are the appendices providing information for making declarations:-

Country Codes	:	Appendix 1
Main Activity Codes	:	Appendix 3
Product Group Codes	:	Appendix 4
Production purpose codes for a Schedule 3 facility	:	Appendix 5
Codes for Schedule 3 chemical Production Ranges	:	Appendix 6
Codes for Production Ranges for Plant Sites that produce Unscheduled Discrete Organic Chemicals	:	Appendix 7

23. What are the important definitions and explanations in relation to declaration requirements?

Ans. The following CWC definitions are important for making declarations:-

Definitions

"Production" of a chemical is defined as its formation through chemical reaction, including the production of a scheduled chemical (i.e. a Schedule 1, Schedule 2 or Schedule 3 chemical) by a biochemical or biologically mediated reaction.

"Processing" of a chemical is defined as a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical.

"Consumption" of a chemical is defined as its conversion into another chemical via a chemical reaction.

"Production capacity" is defined as the annual quantitative potential for manufacturing a specific chemical on the basis of the technological process actually used or, if the process is not yet operational, planned to be used at the relevant facility. The production capacity shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimised for maximum quantity for the production facility, as demonstrated by one or more test runs. The design capacity is the corresponding theoretically calculated product output.

"Plant site" (works, factory) is defined as the local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, and which includes a common infrastructure, such as:

- (a) administration and other offices;
- (b) repair and maintenance shops;
- (c) medical centre;
- (d) utilities;
- (e) central analytical laboratory;
- (f) research and development laboratories;
- (g) central effluent and waste treatment area; and
- (h) warehouse storage.

"Plant" (production facility, workshop) is defined as a relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure, such as:

- (a) small administrative section;
- (b) storage/handling areas for feed stock and products;

- (c) effluent/waste handling/treatment area;
- (d) control/analytical laboratory;
- (e) first aid service/related medical section; and
- (f) records associated with the movement into, around and from the site, of declared chemicals and their feed stock or product chemicals formed from them, as appropriate (subparagraph 6(b) of the Verification Annex, Part I).

"Tonne" means metric ton, i.e. 1,000 kg.

24. What is the method of calculation of “approximate aggregate amount of production of unscheduled organic chemicals?”

Ans. In calculating the "approximate aggregate amount of production of unscheduled discrete organic chemicals" at the plant site, the production data shall be aggregated in a way that includes:

(i) in the case of the production of two or more unscheduled DOCs at the same plant, the aggregate of all of these unscheduled DOCs;

(ii) in the case of multistep processes, only the quantity of the final product if it is an unscheduled DOC, or the quantity of the last intermediate in the multistep synthesis that meets the definition of an unscheduled DOC; and

(iii) in the case of intermediates meeting the definition of a unscheduled DOC and being used by another plant at the site to produce an unscheduled DOC, the amount of the intermediate and of the product manufactured from it at that other plant.

25. What are the web site addresses having information about the CWC?

Ans. Web site addresses of concerned organisations are:

1. Department of Chemicals & Petrochemicals: [www,chemicals.gov.in](http://www.chemicals.gov.in)
2. National Authority, CWC: www.nacwc.nic.in
3. QPCW:
 1. www.opcw.org
 2. www.opcw.org/handbook/

26. **For submission of all declarations and for seeking any clarification on CWC related matters, person to be contacted is:**

Shri Jasbir Singh

Industrial Adviser,

Department of Chemicals & Petrochemicals

Room No. 236A, A-Wing, Shastri Bhawan, New Delhi-110001

Tele: 011-23384206 Fax: 23385733 e.mail: adirt.cpc@sb.nic.in

Declarations to be submitted by post should be sent by **registered post** or by **Speed Post and not by courier** as the courier delivery personnel are not allowed to enter Shastri Bhawan for security reasons.

. (Last Updated on 31.10.2007)