

ARTICLE VI

ACTIVITIES NOT PROHIBITED UNDER THE CONVENTION 1/ 2/ 3/ 4/

1. Each State Party:

(a) Has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under the Convention;

(b) Shall ensure that toxic chemicals and their precursors are not developed, produced, otherwise acquired, retained, transferred, or used within its territory or anywhere under its jurisdiction or control for purposes prohibited under the Convention.

2. Each State Party shall submit facilities described in paragraph 3 and chemicals listed in Schedules 1, 2A, 2B and 3, that are located within its territory or in any place under its jurisdiction or control, to the provisions in annexes 1, 2 and 3 to this Article. 5/

3. Toxic chemicals and their precursors listed in Schedules 1, 2A, 2B and 3 which could be used for purposes prohibited under the Convention, as well as

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1/ This Article and its Annexes 2 and 3 need further consideration on the basis of CD/CW/WP.256.

2/ One delegation considers that the terminology used in this Article and its Annexes should be consistent with the final definition of chemical weapons to be agreed upon.

3/ One delegation expressed the view that the question of collection and forwarding of data and other information to verify non-production requires further consideration. This delegation made reference to the Working Paper CD/CW/WP.159 of 19 March 1987, which includes draft elements for inclusion in the rolling text.

4/ The view was expressed that universal adherence to this Convention is of the highest priority. To this end, document CD/CW/WP.357, which will be discussed during the intersessionals, proposes that the Convention should contain provisions which limit trade in scheduled chemicals and materials to States Parties only.

5/ It is to be discussed further whether the prohibition contained in paragraph 1, Annex 1 to Article VI, should be extended to the chemicals in Schedules 2 and 3. In this context, a view was expressed that such an extension would pose particular legal problems in the light of the obligations for national implementation under Article VII, paragraph 1 (c). Another view was expressed that if States Parties are allowed to produce, acquire, retain, transfer or use chemicals in Schedules 2 and 3 on the territories of non-States Parties, the extension of the scope of this paragraph needs further consideration.