

5. 4. "Chemical Weapons Production Facility":

(a) Means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:

(i) As part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation:

(1) Any chemical listed on Schedule 1 in the Annex on Chemicals (hereinafter referred to as "Schedule 1 chemical"); or

(2) Any other chemical that has no use, above one tonne per year in the territory or in any other place under the jurisdiction or control of the State Party, for purposes not prohibited under this Convention, but can be used for chemical weapons purposes; or

(ii) For filling chemical weapons, including, inter alia, the filling of Schedule 1 chemicals into munitions, devices or bulk storage containers; the filling of scheduled chemicals into containers that form part of assembled binary munitions and devices or into chemical submunitions that form part of assembled unitary munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices;

(b) Does not mean:

(i) Any facility having a production capacity for synthesis of chemicals specified in sub-subparagraph (a) (i) of this paragraph that is less than one tonne;

(ii) Any facility in which a chemical specified in sub-subparagraph (a) (i) of this paragraph is or was produced as an unavoidable by-product of activities for purposes not prohibited under this Convention, provided that the chemical does not exceed three per cent of the total product and that the facility is subject to declaration and inspection under the Annex on Implementation and Verification (hereinafter referred to as "Verification Annex"); or

(iii) The single small-scale facility for production of Schedule 1 chemicals for purposes not prohibited under this Convention as referred to in the Verification Annex.