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Chemical weapons convention  
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# Chemical Weapons Convention (CWC) and Canada

### Basic Facts

- *Verifiable arms control and disarmament agreements contribute to Canadian and global security.*
- *The Chemical Weapons Convention (CWC) is unique in that it is the first multilateral agreement that bans an entire category of weapons and that also provides extensive, detailed verification measures to support that ban.*
- *Canada was an active participant during the 10 years of CWC negotiations in Geneva. It signed the Convention on January 13, 1993 and was the 39th country to ratify the Convention on September 26, 1995.*
- *The Convention entered into force on April 29, 1997.*

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### Canada and the CWC

- *Canada does not possess chemical weapons.*
- *Canada is a world leader in chemical weapons defensive measures.*
- *Canada has a Single Small Scale Facility (SSSF) which carries out research on protective measures, an activity permitted by the CWC.*
- *Canada's principal CWC obligations centre on national and transnational monitoring of the chemicals affected by the Convention.*
- *These monitoring activities involve twice yearly Declarations to the Organization for the Prohibition of Chemical Weapons (OPCW); the administration of export and import controls; and the advance notification of transfers of Schedule 1 Chemicals to other States Parties.*
- *Under Article X, Canada is required to assist any State Party facing threat or attack involving chemical weapons. Canada has contributed to the Convention's Voluntary Fund and will consider future requests for assistance.*
- *The Canadian National Authority was created to liaise with the OPCW, other States Parties and to be the focal point for Canada's domestic implementation.*



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# Chemical Weapons Convention (CWC) Inspections

## The Role of the Canadian National Authority

- Ensuring that Canada lives up to its obligations under the CWC.
- Responsible for the support of CWC Routine and Challenge Inspections in Canada.
- Ensuring that the rights of Canadians and Canadian companies are respected.

### ROUTINE INSPECTIONS

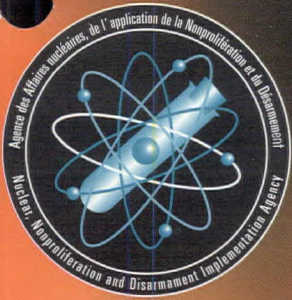
- May be carried out at any facility or part of any facility that has declared activities exceeding the relevant OPCW verification thresholds.
- Purpose is to confirm the correctness of the Declarations that have been made.
- May be launched on short notice by the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW).
- A Facility Agreement will be negotiated to provide the basis for Routine Inspections at Schedule 1 and 2 facilities.

### CHALLENGE INSPECTIONS

- May be requested by any CWC State Party which has concerns about another State Party's compliance with the Convention.
- The Challenge Inspection will go ahead if it is approved by the OPCW Executive Council composed of States Parties, on a rotating basis.
- The challenged State Party has the opportunity to provide clarification relating to the concerns of the challenging State Party.
- Not limited to declared facilities, may be carried out at any place on national territory.

### CONDUCT OF INSPECTIONS

- The provisions of the Convention lay down very definite rules for the conduct of inspections.
- The inspection team may only gather information that is relevant to the objectives of the Convention and must ensure the confidentiality of data it may collect in the process.



- *The rules for inspections are intended to provide a balance between an acceptable level of transparency and the rights of the inspected party.*
- *The conduct of an inspection is the responsibility of the National Authority.*

## **Facilities Eligible for Routine Inspection Under the CWC**

### **SCHEDULE 1 FACILITIES**

- *As permitted under the CWC, Canada has declared a Single Small Scale Facility (SSSF). Routine Inspections have been carried out at the SSSF and a Facility Agreement is in place.*
- *One other facility that produces Schedule 1 chemicals in aggregate quantities not exceeding 10 kilograms per year for protective purposes is permissible under the CWC and would be subject to OPCW inspection.*
- *Other facilities that produce Schedule 1 chemicals in quantities of more than 100 grams per year for research, medical or pharmaceutical purposes in aggregate quantities not exceeding 10 kilograms per year per facility will be subject to OPCW inspection.*

### **SCHEDULE 2 FACILITIES**

- *The OPCW intends to inspect all those Schedule 2 facilities that annually produce, process or consume more than:*
  - 10 kg of a Schedule 2A\* chemical;
  - 1 tonne of a Schedule 2A chemical; or
  - 10 tonnes of a Schedule 2B chemical
- *Facility Agreements will be negotiated unless both parties consider it unnecessary.*

### **SCHEDULE 3 FACILITIES**

- *Facilities that produce in excess of 200 tonnes aggregate of any Schedule 3 chemical above the declaration threshold of 30 tonnes should expect to receive a Routine Inspection.*
- *Inspections of Schedule 3 facilities will be on a random basis. Because of the low frequency of inspections, a Facility Agreement will only be negotiated if requested.*

### **DOC/PSF PLANTS AND PLANT SITES**

- *Discrete organic chemicals (DOC) or DOC containing phosphorus, sulfur or fluorine (PSF) plant sites that produce more than 200 tonnes of DOC/PSF will be eligible for inspection in the year 2000, unless the Conference of States Parties decides otherwise.*
- *Sites likely will be chosen randomly and inspections will be infrequent.*
- *Facility Agreements will not be required.*

### Discrete Organic Chemicals (DOCs)

- Part IX of the Verification Annex of the Chemical Weapons Convention (CWC) covers the regime for "other chemical production facilities". This applies to plant sites that:
  - (a) produce more than 200 tonnes per year (aggregate quantity) of Discrete Organic Chemicals (DOCs) or:
  - (b) comprise one or more plants that produce more than 30 tonnes per year of a single DOC containing one or more of the elements Phosphorus, Sulfur or Fluorine (PSF-DOC).
- It is not the chemicals themselves that are important for Convention purposes but identification of facilities which might be used to produce Scheduled chemicals.

#### Definition

- The Convention definition for DOCs is: - "**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 registry number, if assigned**". This means that to be classified as a DOC, it must be a single chemical.
- The term **production** refers to production through a chemical reaction process.

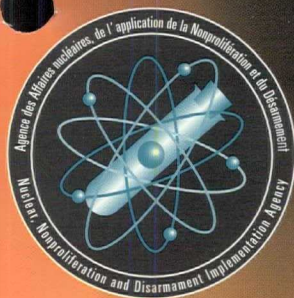
#### Examples

Among DOC plant sites that will be subject to mandatory reporting under the Convention definition are those producing:

- |                               |                                    |
|-------------------------------|------------------------------------|
| • Methanol and other alcohols | • Aldehydes including formaldehyde |
| • Ethers (such as MTBE)       | • Chlorinated solvents             |
| • Ketones                     | • Urea                             |
| • Esters                      | • Carboxylic acids                 |
| • Plasticizers                | • Amines                           |
| • Ethylene oxide/glycol       | • Organo-inorganic compounds       |

#### Exemptions

- Plant sites that exclusively produce hydrocarbons e.g. ethylene or styrene facilities or a refinery. If the plant site producing hydrocarbons also produces non-hydrocarbon DOCs e.g. MTBE at a refinery, the total production is reportable.



- *Plant sites that exclusively produce explosives (covered by another Convention).*
- *Polymers (no single structural formula).*
- *There has not yet been agreement in the Organisation for the Prohibition of Chemical Weapons (OPCW) on whether bio-produced DOCs are to be included or excluded. Until that decision is made, Canada will not require Declarations for facilities that produce DOCs by bio-processes (e.g. fermentation ethanol).*

## **A n n u a l   D e c l a r a t i o n s**

In its Annual Declaration of Past Activities, which covers the previous calendar year, the Canadian National Authority is required to provide to the OPCW a list of DOC and PSF-DOC facilities producing above the Declaration thresholds. The following information is required on each declarable plant site:

- *The name of the plant site and the name of the operator/owner;*
- *The precise location of the plant site including its address;*
- *Its main activities;*
- *The approximate number of plants producing the chemicals.*

For DOCs, the list shall include information on the approximate aggregate amount of production at each plant site expressed in the ranges:

- *200 - 1,000 tonnes; 1,000-10,000 tonnes; above 10,000 tonnes*

For PSF-DOCs, the list shall also include information on the number of PSF plants within the plant site and information on the approximate aggregate amount of production of PSF-chemicals produced by each PSF-plant expressed in the ranges:

- *30 - 200 tonnes; 200 - 1,000 tonnes; 1,000 - 10,000 tonnes; above 10,000 tonnes*

## **I n s p e c t i o n s**

- *DOC plant sites may be subject to OPCW inspections at the beginning of the fourth year after entry-into-force of the Convention; a final decision by the OPCW is required.*
- *The general aim of OPCW inspections at such a facility will be to verify that activities are consistent with information provided in Declarations.*

## **N o t e s**

- *As a general rule of thumb, if what is produced at the plant site is in Chapter 29 (Organic Chemicals) of the Harmonized System tariff schedule code, declaration will likely be required.*
- *There are no quantitative limits on DOC production, nor are there any restrictions on trade.*

### How To Contact Canada's CWC National Authority

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Canadian National Authority  
Chemical Weapons Convention (IDN)  
Department of Foreign Affairs and International Trade  
Lester B. Pearson Bldg, A-3  
125 Sussex Drive  
Ottawa, Ontario K1A 0G2

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*Tel:* 1-800-655-6229

*Fax:* (613) 944-1835

*E-Mail:* [na\\_coord@magi.com](mailto:na_coord@magi.com) (National Coordinator)

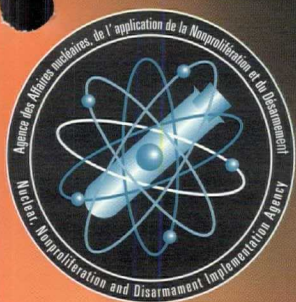
*E-Mail:* [na\\_naims@magi.com](mailto:na_naims@magi.com) (Declarations)

*Website:* <http://www.dfait-maeci.gc.ca/nndi-agency/cwc/index.html>

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#### **B a s i c F a c t s**

- *The Chemical Weapons Convention provides that each State Party establishes a National Authority to serve as that country's focal point for effective liaison with the Organization for the Prohibition of Chemical Weapons (OPCW), the Convention's international secretariat located in The Hague, the Netherlands, and other States Parties.*
- *The need for effective interface between a State Party and the OPCW/other States Parties stems from the fact that the Convention provides for detailed information and data declarations relating to the Convention's Scheduled Chemicals, to be made according to a strict timetable and verified by routine and, possibly, challenge inspections, as well as from the obligation to provide advance notification of transfers of Schedule 1 Chemicals and to provide assistance and protection to another State Party in case of the use or threat of the use of chemical weapons. Information provided by domestic clients to National Authorities is protected against unauthorized access. States Parties also have the right to receive certain portions of other State Party Declarations.*



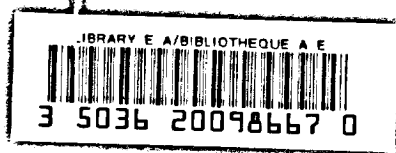
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- *The Canadian National Authority, Chemical Weapons Convention, is situated in the Department of Foreign Affairs and International Trade, where it is part of the **"Nuclear, Non-Proliferation and Disarmament Implementation Agency."** The Canadian National Authority's mandate was created via Bill C-87, **"An Act to implement the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons"**, Canada's CWC implementation and ratification legislation.*
- *The Canadian National Authority seeks to ensure the effective implementation of Canada's CWC obligations, while also seeking to minimize its regulatory impact. Its principal current activities include:*
  - preparing and forwarding periodic Declarations to the OPCW;
  - providing advance notifications of transfer of Schedule 1 chemicals;
  - supporting the conduct of inspections;
  - supporting Canada's Delegation to the OPCW;
  - liaising with the OPCW and other States Parties;
  - undertaking domestic outreach activities to ensure awareness of the Convention's objectives and obligations;
  - consulting with domestic stakeholders on Declarations and licencing regulations, and inspections modalities;
  - continuing to define Canada's contributions in the event of the use of, or the threat of the use of, chemical weapons;
  - ensuring the receipt and dissemination of other State Party Declarations.





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