



HANDBOOK ON CHEMICAL WEAPONS CONVENTION FOR INDIAN CHEMICAL INDUSTRY AND CHEMICAL TRADERS

DEPARTMENT OF CHEMICALS & PETROCHEMICALS,
MINISTRY OF CHEMICALS & FERTILIZERS
GOVERNMENT OF INDIA, NEW DELHI
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INTRODUCTION

Chemical Weapons Convention (CWC) is a universal non-discriminatory, multilateral, disarmament treaty that bans the development, production, acquisition, transfer, use, stockpile or retain chemical weapons (CW). 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 converted into chemical weapons have to be open and transparent about the use they put these chemicals to. The CWC also requires the complete and verifiable (inspectable) destruction of existing CW stockpiles. The CWC addresses one of the national programme and indirectly addresses the threat of chemical terrorism.

The Conference on Disarmament, Geneva adopted the Convention on 3rd September, 1992. The CWC was opened for signature on 13th January, 1993. As on 31st March, 2010, 188 Countries are States Parties (i.e. Member Countries to the CWC). The States Parties are those Countries who have deposited their instruments of ratification. As on 31st March, 2010, there are only 2 signatory States which have not yet ratified the Convention. There are also 5 States, who have neither signed nor acceded to the Convention as on 31st March, 2010.

India is one of the early signatory country and signed the Convention on 13th January, 1993. The instrument of ratification was deposited by India on 3rd September, 1996 making it the 62nd State 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.

India is obliged to declare information on certain chemical activities to the Organisation for the Prohibition of Chemical Weapons (OPCW) head quartered at The Hague, The Netherlands and allow routine inspection of relevant chemical facilities by the OPCW Inspection Team.

Declarations of plant sites for Schedule 2, Schedule 3 and unscheduled Discrete Organic Chemicals (DOC's) and their verification (i.e. inspection) are two important obligations on chemical industries.

To implement the Convention, 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. 598 dated 14th June, 2005, (S.O 818(E)). The Government of India has also established National Authority for implementing the provisions of CWC.

2. CHEMICAL WEAPONS CONVENTION (CWC)

CWC covers the followings. The relevant contents of CWC pertaining to chemical industry are placed at Annex –A (Pages 67 - 74 of the handbook).

Text of CWC can be seen at any of the web sites, namely -

www.chemicals.nic.in, www.nacwc.nic.in, www.opcw.org

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3. THE CWC ACT, 2000

The CWC Act, 2000 is placed at Annex – B (Page 75 of the handbook).

The Act covers the followings-

CHAPTER		Page No.
Chapter I	Preliminary	77
Chapter II and Functions	Establishment of The National Authority and its Powers	80
Chapter III	Prohibition & Regulations of Chemical Weapons and Toxic Chemicals	84
Chapter IV	Registration of Persons as Producers, Users, etc.	86
Chapter V	Inspection, Search, Seizure & Forfeiture	87
Chapter VI	Offences & Penalties	95
Chapter VII	Miscellaneous	99

4. GOVERNMENT OF INDIA NOTIFICATIONS RELATED TO CWC

Annex C (page 102) provides these notifications

a)	No. 598 dated 14 th June, 2005 regarding enforcement of CWC Act. [S.O. 818 (E)] (Page No. 103)
b)	No. 598 dated 14 th June, 2005 regarding establishment of The National Authority. [S.O. 820 (E)] (Page No. 104)
c)	No. 257 dated 14 th June, 2005 regarding CWC Appeals Rules, 2005 (Page No. 105)
d)	DGFT notifications on Export & Import of Schedule Chemicals (Page No. 116)

5. CWC Declarations

The following categories of chemicals need to be declared.

5.1 Schedule chemicals and Discrete Organic Chemicals:-

Schedule 1 Chemicals

These chemicals pose the highest risk to the object and purpose of the Convention. They include nerve agents such as VX and blister agents such as Mustard. Schedule 1 chemicals also include final stage precursors. Schedule 1 chemicals have limited use for purposes other than those prohibited under the CWC.

Schedule 2 Chemicals

These chemicals pose a significant risk to the object and purpose of the Convention. They include toxic chemicals and precursors possessing properties that would enable them to be used in CW related activities. Schedule 2 chemicals may be produced/consumed/processed in industrial scale quantities for purposes not prohibited under the CWC.

Schedule 3 Chemicals

These chemicals too pose a risk to the object and purpose of the Convention. They also include first generation CWA (Chemical Warfare Agent) and other toxic chemicals and precursors that might enable them to be used in CW related activities. The Indian chemical industry produces Schedule 3 chemicals in large industrial scale quantities for purposes not prohibited under the CWC.

Other Chemical Production Facilities (OCPFs)

Discrete Organic Chemical (DOC):

Any chemical not mentioned in Schedules 1, 2 or 3 belonging to the class of chemical compounds consisting of all compounds of carbon - except for its oxides, sulphides and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number, if assigned.

PSF-Chemical (PSF): A discrete organic chemical containing the elements phosphorous, sulphur or fluorine. They constitute a subset of DOC,

The Indian chemical industry produces DOCs in large industrial scale quantities.

5.2 Declaration criteria for Schedule chemicals and unscheduled Discrete Organic Chemicals (OCPF's)

5.2.1 Schedule 2 Chemical

Initial and annual declarations are required 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 is 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.

State Party (i.e. Govt. of India) shall have to declare Aggregate National Data (AND) to Technical Secretariat of OPCW on quantities produced, processed, consumed, imported and exported of each Schedule 2 Chemical for the previous calendar year, as well as a quantitative specification of import and export for each country involved. Industry is therefore, required to submit its plant site declaration data irrespective of the declaration threshold as mentioned above.

5.2.2 Schedule 3 Chemical

Initial and annual declarations are required 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.

State Party (i.e. Govt. of India) shall have to declare Aggregate National Data (AND) to Technical Secretariat of OPCW for the previous calendar year on the quantities produced, imported and exported of each Schedule 3 chemical, as well as a quantitative specification of import and export for each country involved. Industry is therefore, required to submit its

plant site declaration data irrespective of the declaration threshold. as mentioned above.

5.2.3 Other Chemical Production Facilities (OCPFs)

The initial declarations to be provided shall include a list of all plant sites that:

- (a) Produced by synthesis during the previous calendar year more than 200 tonnes of unscheduled Discrete Organic Chemicals (DOC); 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 Chemical containing the elements phosphorus, sulphur or fluorine (hereinafter referred to as "PSF-plants" and "PSF-chemical").

With regard to plant sites listed as referred at Para 5.2.3(a) above, the list shall also include the information on the approximate aggregate amount of production of the unscheduled DOC in the previous calendar year expressed in the ranges under 1000 tonnes, 1000 to 10,000 tonnes and above 10,000 tonnes

With regard to plant sites listed as referred at Para 5.2.3(b) above, the list shall also specify the number of PSF - plants within the plant site and include information on the approximate aggregate amount of production of PSF - chemicals produced by each PSF - plant in the previous calendar year expressed in the ranges: under 200 tonnes, 200 to 1,000 tonnes, 1,000 to 10,000 tonnes and above 10,000 tonnes.

5.3 List of schedule 2 chemicals, and commonly traded schedule 2 chemicals

Annex A – Annex on chemicals provides lists of all schedule 2 chemicals. It also provides CAS registry number and ITC (HS) code for schedule chemicals and a list of 33 commonly traded Schedule 2 chemicals (page 68 of the handbook)

5.4 List of schedule 3 chemicals

Annex A – Annex on chemicals provides lists of all schedule 3 chemicals. It also provides CAS registry number, IUPAC chemical name and ITC (HS) code for schedule 3 chemicals. (Page 71 of the handbook)

5.5 Identification of Scheduled / Unscheduled Chemicals

Compile IUPAC name and CAS No. of all chemicals handled at the plant site. Determine the molecular formula and/or the chemical structure. Determine if chemical handled by you contains one or more elements of Phosphorus, Sulphur, Fluorine, Arsenic and/or Nitrogen.

If answer is yes, consult Annex A - Annex on chemicals, list of commonly traded Schedule 2 chemicals & “Declaration Hand Book” in the OPCW website: www.opcw.org/handbook .

5.6 Deadlines for various declarations

Table: Declaration requirements and deadlines for submission

TYPE OF DECLARATION	DECLARATION REQUIREMENT AND DEADLINES FOR SUBMISSION		
	Schedule 2	Schedule 3	DOC incl. PSF
Initial Declarations	Immediately	Immediately	Immediately
Annual Declarations of Past Activities (ADPA) - Activities in the previous calendar year	Aggregate National Data Not later than 90 days after the end of the previous calendar year – Action GOI	Aggregate National Data Not later than 90 days after the end of the previous calendar year – Action GOI	-
	Declarations for Plant Sites Not later than 21 st January every year – Action Industry	Declarations for Plant Sites Not later than 21 st January every year – Action Industry	Declarations for Plant Sites Not later than 21 st January every year – Action Industry
Annual Declarations of Anticipated Activities (ADAA) – Activities planned for the following calendar year	Declarations for Plant Sites Not later than 15th September every year – Action Industry	Declarations for Plant Sites Not later than 15th September every year – Action Industry	-

Additionally Planned Activities	Change After submitting ADPA 30 days before this activity begins – Action Industry	Change After submitting ADPA 30 days before this activity begins – Action Industry	
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In accordance with decision taken by Technical Secretariat of OPCW, State Parties (i.e. Govt. of India in our case) should adopt the necessary measures to ensure that their declarations are submitted prior to the deadlines provided for in the Convention. **Industries are therefore advised to strictly follow the Time Line mentioned above.**

5.7 Industry Declaration Forms

5.7.1 Declaration forms for Schedule 2 Chemical

DECLARATION	FORMS
INITIAL	2.0, 2.1, 2.1.1, 2.2, 2.3, 2.3.1, 2.3.2, 2.4, 2.5, 5.0 & 5.1
Annual Declarations of Past Activities (ADPA) - Activities in the previous calendar year	2.1, 2.1.1, 2.2, 2.3, 2.3.1, 2.3.2 & 2.4
Annual Declarations of Anticipated Activities (ADAA) – Activities planned for the following calendar year	2.2, 2.3, 2.3.1, 2.3.2 & 2.5
ADDITIONALLY PLANNED ACTIVITIES	2.2, 2.3, 2.3.1, 2.3.2 & 2.5
Notification Of cessation of activities	2.9

5.7.2 Declaration forms for Schedule 3 Chemical & OCPFs

DECLARATION	FORMS
INITIAL	3.0, 3.1, 3.1.1, 3.2, 3.3, 3.4, 5.0 & 5.1
Annual Declarations of Past Activities (ADPA) - Activities in the previous calendar year	3.1, 3.1.1, 3.2, 3.3 & 3.4

Annual Declarations of Anticipated Activities (ADAA) – Activities planned for the following calendar year	3.2, 3.3 & 3.4
ADDITIONALLY PLANNED ACTIVITIES	3.2, 3.3 & 3.4
Notification Of cessation of activities	3.8
OTHER CHEMICAL PRODUCTION FACILITIES	4.0 & 4.1

All declaration forms are placed at **Annex – D**. For finding modification of these forms if any, websites of Govt. of India (www.chemicals.nic.in) (www.nacwc.nic.in) & OPCW (www.opcw.org/handbook) should be visited. Contents of forms should not be modified. CWC Help Desk of your region should be contacted for any clarification. Communication details of CWC Help Desks are given as answer to FAQ 8.25

5.7.3 Guidelines for completing declaration forms

5.7.3.1 General guidelines applicable to most of the forms

5.7.3.2 Form Header

- Country code: Use IND – three digit country code for INDIA
- Section: It is already mentioned as B
- Page n of n pages: Leave this blank
- Date (ccyy-mm-dd): Enter the date on which the form was completed Using the format ccyy-mm-dd, example – 2010-03-31 for 31st March. 2010

5.7.3.3 Confidentiality mark: To be left blank.

5.7.3.4 Miscellaneous:

- Attempt to print the form
- All entries to be filled in capital letters if the form is hand written
- Do not leave any entry blank
Prefix ISD and STD codes to telephone and mobile numbers. For example New Delhi phone number should be given as 0091 11 29924358. The Mobile number should be 0091 9376234567
- Latitude, longitude wherever mentioned in the form need not be filled- in
- Year : Means calendar year
- Calendar year : Begins on January 1 and ends on December 31

5.7.3.5 Schedule 2 facilities

Form 2.0

- Serial number 5 : Indicate the preferred address of communication
- Serial number 11: IUPAC chemical name – A schedule chemical can have many systematic and non- systematic chemical names. The systematic naming system is developed by International Union of Pure and Applied Chemistry. Giving IUPAC name is recommended. IUPAC chemical names of most of schedule 2 chemicals can be found at www.opcw.org/handbook. As an alternate the chemical name as listed in Annex A - Annex on chemicals can be provided.
- Serial number 11 continued: CAS Registry Number – The Chemical Abstracts Service (CAS) registry number for chemical should also be provided if assigned. CAS registry number for most of schedule 2 chemicals can be found at www.opcw.org/handbook
- Serial number 11 continued: schedule and entry number in schedule can be found in Annex A - Annex on chemicals.
- Serial number 12 (I): refers to number of schedule 3 plants at the facility
- Serial number 12 (ii): Number of plants where schedule 2 chemical is produced, processed or consumed.
- Serial number 13: 2A* chemical refers to chemical listed in entry 2A (3) of Schedule 2. 2A chemicals refer to entries 2A(1) and 2A(2) in schedule 2. 2B chemical refers to chemicals listed under 'B'(precursors) of schedule 2.- Annex A - Annex on chemicals

Form 2.1

- Please fill-in separate form for each Sch 2 chemical.
- Unit of weight: should be indicated by checking the box for “ Tonne or Kg” as applicable.
- Calendar year: Begins on January 1 and ends on December 31.
- The aggregate quantity: should be entered into appropriate field.

Form 2.1.1

- Please see Annex E, Appendix 1 for three digit country code

Form 2.2

- Fill-in separate form for each sch2 plant
- Plant site code: Will be assigned by Department of Chemicals and petrochemicals (DCPC)
- Name of the plant site and other location related entries: the entries should be identical as provided in Form 2.0

- Last Para pertaining to verification (inspection) threshold: Please see answer to FAQ. 8.22.17

Form 2.3

- Plant site code: Will be assigned by DCPC. Subsequent to initial declaration, declaring industry will use the same code as assigned by DCPC when submitting ADPA and ADAA
- Product group code: Please see Annex E, Appendix 4
- Last Para pertaining to - chemical specified in subpara 8 (a) (i) of Article II of CWC: This refers to schedule 1 chemical. Always check in “NO” box. Please also see answer to FAQ 8.22.23 for clarification.

Form 2.3.1

- Dedicated or multipurpose plant: .Please see S. No 5.8.4.2 of “Specific Explanations”.

Form 2.3.2

- Production capacity: Please see S. No 5.8.4.3 (i) & (ii) of “Specific Explanations.”
- Capacity calculation method: Please see S. No 5.8.4.3 (iii) of “Specific explanations.”

Form 2.4

- The year: means calendar year
- Please fill-in separate form for each year and each product. For details refer S.no. 5.2.1 of declaration criteria
- Direct export off the plant site, sale or transfer: Please indicate by checking the box appropriately
- Sale or transfer: Please indicate by checking the box as appropriate
- Final product type derived: xxx xxx xxx (use product group code in accordance with Annex E, Appendix 4.- Please see answer to FAQ 8.22.24.
- Other purpose (specify) for which: xxx xxx xxx - Please see answer to FAQ 8.22.25.
-

Form 2.5

- Time period(s): Mention the period of the year when activities are expected to take place. Mention “through out the calendar year” if not sure.
- Final product type derived: xxx xxx xxx (use product group code in accordance Annex E, Appendix 4 - Please also see answer to FAQ 8.22.24.

- Other purpose (specify) for which: xxx xxx xxx - Please see answer to FAQ 8.22.25.

Form 2.9

- Notification of cessation of declarable activities at schedule 2 plant site— Fill-in this form.
- “NIL activity” Annual declaration is to be submitted till a letter of derecognition is received from DCPC.

5.7.3.6 Schedule 3 facilities

Form 3.0

- Serial number 5 : Indicate the preferred address of communication
- Serial number 7: Manufacturer exporter/importer- tick whether exporter/importer of Sch 3 chemical
- Serial number 11: IUPAC Chemical name –IUPAC Chemical name and CAS RN of all the schedule 3 chemicals can be found at Annex A- Annex on Chemicals as well as at www.opcw.org/handbook.
- Serial number 11 continued: schedule and entry number in schedule can be found in Annex A - Annex on chemicals,
- Serial number 12 (i): refers to number of schedule 3 plants at the facility
- Serial number 12 (ii): Number of plants where schedule 2 chemical is produced, processed or consumed.

Form 3.1

- The IUPAC Chemical name and CAS RN of all the schedule 3 chemicals can be found at Annex A - Annex on Chemicals as well as at www.opcw.org/handbook.
- Unit of weight: should be indicated by checking the box for “ Tonne or Kg” as appropriate
- The aggregate quantity: should be entered into appropriate field.

Form 3.1.1

- The IUPAC Chemical name and CAS RN of all the schedule 3 chemicals can be found at Annex A - Annex on Chemicals as well as at www.opcw.org/handbook.
- Please see Annex E, Appendix 1 for three digit country code

Form 3.2

- Plant site code: Will be assigned by Department of Chemicals and petrochemicals (DCPC)
- Name of the plant site and other location related entries: the entries should be identical as provided in Form 3.0

Form 3.3

- Plant site code: Will be assigned by DCPC. Subsequent to initial declaration, declaring industry will use the same code as assigned by DCPC when submitting ADPA and ADAA
- Product group code: Please see Annex E, Appendix 4
- Last Para pertaining to - chemical specified in subpara 8 (a) (i) of Article II of CWC: This refers to schedule 1 chemical. Always check in “NO” box. Please also see answer to FAQ 8.22.23 for clarification.

Form 3.4

- Please provide information of previous calendar year for initial as well as annual declarations.
- The IUPAC Chemical name and CAS RN of all the schedule 3 chemicals can be found at Annex A - Annex on Chemicals as well as at www.opcw.org/handbook.

Form 3.8

- Notification of cessation of declarable activities at schedule 3 plant site— Fill-in this form.
- “NIL activity” Annual declaration is to be submitted till a letter of derecognition is received from DCPC.

5.7.3.7 Other Chemical Production Facilities (OCPFs). DOCs

Form 4.0

- Form is to be submitted for initial as well as ADPA (It is called as Annual Update in case of OCPF)
- S.no. 8: In case of production of two or more unscheduled DOCs mention aggregate production of all these unscheduled DOC at the plant site. List only those PSF plants whose PSF production (individually) is 30 MT or more.

Form 4.1

- Plant site code: Will be assigned by Department of Chemicals and petrochemicals (DCPC). Subsequent to initial declaration, declaring industry will use same code when submitting ADPA.
- Data is to be filled - in for previous calendar year
- Product group code: Please see Annex E, Appendix 4
- Production Range: Please see Annex E, Appendix 7
- Aggregate amount of production of PSF chemicals produced by each PSF plant: Production data is for calendar year
- Last Para pertaining to - chemical specified in subpara 8 (a) (i) of Article II of CWC: This refers to schedule 1 chemical. Always check in "NO" box. Please also see answer to FAQ 8.22.23 for clarification.

5.7.3.8 Declaration for Exporters/Importers of Schdule2/Schedule3 chemicals

Form 5.0

- Data is to be filled - in for previous calendar year
- Please see instructions printed on the form

Form 5.1

- S.No.3 (iii) ITC (HS) code for Sch2 and Sch3 chemicals: Please see Annex A- Annex on chemicals
- S.No.3 (iv) Schedule and Entry Number in the Schedule of CWC: Please see Annex A- Annex on chemicals
- S.No.6 & 7 Country to/from: Please see Annex E, Appendix 1 for country code
- Please also see instructions printed on the form

5.8 Specific explanations

5.8.1 Specific explanations relating to industry declarations

(a) Quantity

"Quantity" means the actual quantity of a chemical, i.e. the net weight excluding the weight of any containers or packaging. Where products contain less than 100 per cent of the chemical, the contained quantity of the chemical in the product should be declared, see the following examples.

Example 1: In reporting an import of 50 tonnes of a mixture of chemicals containing 40% of the Schedule 3 chemical triethanolamine the quantity of triethanolamine to be included in the aggregate national data should be 20.0 tonnes (40% of 50 tonnes).

Example 2: In the previous calendar year a Schedule 2 plant site consumed 12 tonnes of a 65% solution of the Schedule 2B chemical 2-(N,N-Dimethylamino)ethyl chloride hydrochloride. In making the annual declaration of past activities the amount of this chemical consumed should be reported as 7.80 tonnes (65% of 12 tonnes).

(b) Quantity Units

Quantities may be declared in the following units only:

picogramme	pg	10^{-12} g
nanogramme	ng	10^{-9} g
microgramme	µg	10^{-6} g
milligram	mg	10^{-3} g
gram	g	g
kilogramme	kg	10^3 g
tonne	t	10^6 g
kilotonne	kt	10^9 g

Plant site/facility data for Schedule 1, 2 and 3 chemicals should be declared in the units that relate to the declaration threshold in the appropriate Part of the Verification Annex for the scheduled chemical being declared.

(c) Mixed plant sites

"Mixed plant sites" are plant sites which contain:

- (i) a plant or plants which are individually covered under more than one Part of the Verification Annex related to Article VI ("mixed plants"); or
- (ii) different plants covered by different Parts of the Verification Annex related to Article VI.

Mixed plant sites should be declared in accordance with all the appropriate Parts of the Verification Annex related to Article VI.

(d) Mixed plants

"Mixed plants" are plants which are individually covered under more than one Part of the Verification Annex related to Article VI. The term covers, for example, a multipurpose plant that manufactures, in the same process line but at different points in time or in parallel in several process lines, Schedule 2 and Schedule 3 chemicals. However, here the term does not relate to a case where a plant produces a Schedule 3 chemical in a multiple-step reaction involving the production of a DOC in

the initial steps, or to a case when, during the production of a Schedule 3 chemical, a low concentration of a Schedule 2 chemical is simultaneously produced (this would be classified as either a Schedule 3 or a Schedule 2 plant depending on the applicable rules for low concentrations).

"Mixed plants" should be declared in accordance with all the appropriate Parts of the Verification Annex related to Article VI.

5.8.2 Low Concentration Mixtures:

Declarations are not required for mixtures of chemicals containing 30 percent or less of a Schedule 2B or schedule 3 chemical. In relation to the applicable concentration limits for mixtures of chemicals containing Schedule 2A and 2A* chemicals, Conference of the State parties in its 14th session (C-14/DEC.4, 2nd December 2009,) decided guide lines regarding low-concentration limits for declarations of Schedule 2A and 2A* chemicals. Decision may be seen at Annex-M. Production of a Schedule 2 or Schedule 3 chemical is understood, for declaration purposes, to include all steps in the production of a chemical in any units within the same plant through chemical reaction, including any associated processes (e.g. purification, separation, extraction, distillation, or refining) in which the chemical is not converted into another chemical.

5.8.3 Captive Use:

Production of a Schedule 2 chemical is understood, for declaration purposes, to include intermediates, by-products, or waste products that are produced and consumed within a defined chemical manufacturing sequence, where such intermediates, by-products, or waste products are chemically stable and therefore exist for a sufficient time to make isolation from the manufacturing stream possible, but where, under normal or design operating conditions, isolation does not occur.

Production of a Schedule 2 chemical is understood, for declaration purposes, to include all steps in the production of a chemical in any unit within the same plant through chemical reaction, including any associated processes (e.g. purification, separation, extraction, distillation, or refining) in which the chemical is not converted into another chemical. The exact nature of any associated process (e.g. purification,

etc.) is not required to be declared. The processing steps which are part of declared production shall not be declared separately as processing

5.8.4 Definitions and explanations specifically pertaining to Schedule 2 plant sites

5.8.4.1 Groups (families) of alkylated chemicals as contained in the Annex on Chemicals of the Convention

The terms 'alkyl', 'cycloalkyl', 'alkylated' or 'Me' (methyl), 'Et' (ethyl), 'n-Pr' (n-propyl) or 'i-Pr' (isopropyl) are to be understood literally, i.e. as not including any substituted alkyl, methyl, ethyl, etc. For example, this means that for the Schedule 2 chemicals which contain one carbon-phosphorus bond (Schedule 2B04), the criterion for inclusion is that, irrespective of the structure of the rest of the molecule, the alkyl (Me, Et, n-Pr, i-Pr) bonded to the phosphorus is unsubstituted.

5.8.4.2 Dedicated versus multipurpose Schedule 2 chemical plants

A Schedule 2 plant is dedicated when its process configuration is dedicated to the declarable activity/ies in relation to the declared Schedule 2 chemical(s) (production/processing/ consumption).

A Schedule 2 plant is multipurpose when the plant is designed to provide the means for the production of a variety of products by virtue of enabling more than one process configuration, i.e. the reconfiguration of the equipment and the piping as required for these different processes.

5.8.4.3 Capacity of a multipurpose plant producing Schedule 2 chemicals

- (i) The capacity of a multipurpose plant producing a Schedule 2 chemical is calculated by assuming that the plant would be used solely for the production of that chemical over a period of one year.
- (ii) For a multipurpose plant producing more than one Schedule 2 chemical using separate process lines, the calculated capacity for each individual chemical assumes that the plant would be used solely for the production of that chemical over a period of one year.
- (iii) Capacity calculation method: The nameplate capacity is the product output under conditions optimized for maximum quantity for the

production facility, as demonstrated by one or more test runs. The design capacity is the corresponding theoretically calculated product.

5.8.4.4 Recycled Schedule 2 chemicals

Recycled Schedule 2 chemicals are Schedule 2 chemicals that are partly converted or consumed in a process and then recovered and re-introduced into the process upstream for another cycle of conversion or consumption followed by recovery. Any loss of Schedule 2 chemical from the process cycle through incomplete recovery shall be compensated for by make-up quantities (net loss).

A plant site containing a plant in which a Schedule 2 chemical undergoes a cycle of consumption and regeneration shall, in accordance with Part VII, paragraph 8 of verification Annex, make a declaration if, in total, **(X+Y)** exceeds the declaration threshold where:

X, expressed in the same unit as the declaration threshold, equals:

- for batch processes, the total amount of the Schedule 2 chemical charged (then consumed, regenerated and subsequently recovered in a separate process step); **or**
- for continuous processes, the total amount present in the reaction vessels and process streams; **and**

Y, expressed in the same units as the declaration threshold, equals the aggregate annual compensation for the net loss of that chemical.

It is understood that the regeneration process is not required to be declared as a production of a Schedule 2 chemical in the cycle.

5.8.5 Declarations of plant sites producing Schedule 3 chemicals

5.8.5.1 Low Concentration Mixtures:

Declarations are not required for mixtures of chemicals containing 30 percent or less of a Schedule 3 chemical

Captive Use: Production of a Schedule 3 chemical is understood, for declaration purposes, to include intermediates, by-products, or waste products that are produced and consumed within a defined chemical manufacturing sequence, where such intermediates, by-products, or waste products are chemically stable and therefore exist for a sufficient time to make isolation from the manufacturing stream possible, but where, under normal or design operating conditions, isolation does not occur

Production of a Schedule 3 chemical is understood, for declaration purposes, to include all steps in the production of a chemical in any units within the same plant through chemical reaction, including any associated processes (e.g. purification, separation, extraction, distillation, or refining) in which the chemical is not converted into another chemical. The exact nature of any associated process (e.g. purification, etc.) is not required to be declared

5.8.6 Specific explanations pertaining to OCPF declarations

5.8.6.1 Chemicals not covered by the definition of "unscheduled discrete organic chemical"

The term "unscheduled discrete organic chemical" referred to in subparagraph 1(a) of Part IX of the Verification Annex of CWC and the term "PSF-chemical" referred to in subparagraph 1(b) of the same Part do not cover:

- (i) oligomers and polymers, whether or not containing phosphorus, sulfur or fluorine; and
- (ii) chemicals containing only carbon and a metal.

The term "oxides of carbon" in the definition of unscheduled discrete organic chemicals refers to carbon monoxide and carbon dioxide.

The term "sulphides of carbon" in the same definition refers to carbon disulfide. Both terms refer to carbonyl sulphide.

- (iii) "hydrocarbon"

The term "hydrocarbon", referring to production which is excluded from the coverage of Part IX of the Verification Annex of CWC, includes all hydrocarbons (i.e. chemicals containing only carbon and hydrogen), irrespective of the number of carbon atoms in the compound.

5.8.6.2 Exemptions: Plant sites exempted from making a declaration include the followings:

- Plant sites that produce polymer substances and oligomers consisting of two or more repeating units, and formed by the chemical reaction of monomeric or polymeric substances
- Plant sites that exclusively produce hydrocarbons. However, if the plant site also produces non-hydrocarbon DOCs such as MTBE at a refinery, the total production is reportable.
- Plant sites that exclusively produce explosives.
- Breweries, distilleries, and wineries

5.8.6.3 Examples of DOCs include:

Some of the examples are -

- Alcohols (including Methanol), Aldehydes (including Formaldehyde), Ketones, Ethers (including MTBE), Amines, Carboxylic acids, Esters, Plasticizers, Ethylene oxide/glycol, Chlorinated solvents, Urea, Vitamins, Organo-Inorganic compounds.

5.8.6.4 "Approximate aggregate amount of production of unscheduled discrete organic chemicals"

In calculating the "approximate aggregate amount of production of unscheduled discrete organic chemicals" at the plant site pursuant to subparagraph 1(a) of Part IX of the Verification Annex of CWC, 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 an 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.

5.8.6.5 “main activities”

Paragraph 4 of Part IX of the Verification Annex of CWC details the information that needs to be provided for each OCPF declared, including “its main activities”. For declarations of OCPFs, product group codes are selected which describe the production activities that make the plant site declarable rather than to describe the ultimate end products. The product group code is placed at Annex E, Appendix 4

5.8.7 Common Problems in declaring OCPFs

5.8.7.1 Declaration of non-declarable sites

Errors in the interpretation of OCPF declaration requirements by the plant site can result in the declaration of non-declarable OCPFs. Such errors include:

- (a) Declaration of sites or plants only processing discrete organic chemicals (DOCs) - Only production by synthesis is declarable under paragraph 1 of Part IX of the VA of CWC.
- (b) Polymers and oligomers are not to be considered as DOCs
- (c) Inclusion of chemicals in the aggregate amount of production which do not meet the definition of DOCs ,such as inorganic chemicals.

Definition of DOC is mentioned at Sr. No.5.1 or as an answer to FAQ 8.5

- (d) Declaration of plant sites that exclusively produce hydrocarbons or explosives – such plant sites are specifically excluded under paragraph 2 of Part IX of the VA of CWC.

5.8.8 Other common problems specific to OCPF declarations

PSF vs DOC: One of the most common problems in declaring OCPFs is confusion over the status of PSF chemicals in relation to DOCs. In many cases plant site has considered PSF chemicals as a completely separate class of chemicals from DOCs and hence have not included PSF chemicals in calculating the aggregate amount of production of the unscheduled discrete organic chemicals. However, a PSF chemical is defined in paragraph 1 (b) of Part IX of the VA of CWC as “an unscheduled

discrete organic chemical containing the elements phosphorus, sulfur or fluorine". Hence PSF chemicals are only a subcategory of DOCs and must be included when calculating the aggregate amount of production.

Hydrocarbons and explosives not considered as DOCs: In a few cases some plant sites were under the impression that hydrocarbons and explosives are not to be considered as DOCs resulting in incorrect numbers of plants or incorrect production ranges being declared. Although plant sites that exclusively produce hydrocarbons and explosives need not be declared in accordance with paragraph 2 of Part IX of the Verification Annex of CWC, hydrocarbons and explosives are still DOCs if they meet the DOC definition. Hence, if there is any plant in the plant site which produced by synthesis unscheduled discrete organic chemicals in addition to the production of hydrocarbons or explosives at the plant site, that plant site is not exempt from declaration and the amounts of hydrocarbons or explosives produced must be counted when considering if the site is above the declaration thresholds set out above.

5.9 Description of codes used in declaration forms

Summary of the descriptions of various codes used in declarations are given in the following Table:

Table: Code descriptions

Code descriptions	Appendix *	Contents	Occurrences of usage
Country Codes	1	Codes (Alpha 3 country codes contained in ISO 3166-1: 2006) for countries which are listed in the UN bulletin 347/Rev.1 "Terminology: Country Name."	All forms of section B
Handbook on chemicals	2	Chemicals listed by occurrence with their position in the Schedules of Chemicals; scheduled chemicals listed by Chemical Abstracts Service Registry Number and Scheduled Chemical's: Common names and synonyms. (www.opcw.org/handbook)	All forms containing declarations of chemicals
Main Activity Codes	3	Codes for the declaration of the main activities of Schedule 2 plants. (Appendix 3)	- Form 2.3.1,

Product Group Codes	4	Product group codes were developed based on the 3 digit SITC code (Rev. 3 SITC: Commodity Indexes for the Standard International Trade Classification developed by the United Nations. (Appendix 4)	- Forms 2.3, 2.4, 2.5, 3.3 and 4.1
Production Purpose for a Schedule 3 Chemical Production Facility	5	Codes for the declaration of production purposes for each Schedule 3 chemical (Appendix 5)	- Form 3.4
Codes for Schedule 3 Chemical Production Ranges	6	Codes for the production ranges of plant sites that produce Schedule 3 chemicals (Appendix 6)	- Form 3.4
Codes of Production Ranges for Plant Sites that Produce Unscheduled Discrete Organic Chemicals (OCPFs)	7	Codes for the production ranges of plant sites that produce unscheduled discrete organic chemicals (Appendix 7)	- Form 4.1

* Appendices from 1 to 7 except Appendix 2 are placed in **Annex E**. Appendix 2 covers technical details of a very large no. of Schedule chemicals. OPCW website (www.opcw.org/handbook) provides such details:

Plant sites codes are to be assigned only by Department of Chemicals & Petrochemicals. Plant site code is unique code used to identify the facility and as such, the code can not be changed in any subsequent declarations even if the name and ownership of the company change or merger & acquisition take place.

5.10 Confidentiality classification:

: The Inspection Team of OPCW provides confidentiality classification to the documents handled during the inspection and to its Preliminary Findings. Protection of confidential information is one of the very important obligations of OPCW pertaining to the verification (Inspection) activities

The OPCW's recognized classification system is:

R – OPCW Restricted, P – OPCW Protected, H – OPCW Highly protected

6. General procedure for Export and Import of Schedule chemicals

The Chemical Weapons Convention Act, 2000 lays down in Section 17 that no export or import of chemicals listed in schedule 1, 2 and 3 in the Annex A - Annex on chemicals to the CWC can be undertaken except in accordance with the provisions of the Notifications made under the Foreign Trade (Development and Regulation) Act, 1992. In terms of the DGFT notifications and the provisions of the CWC Act, 2000 the regime of regulation and disclosure of exports and imports of schedule chemicals is as follows:-

- a) Exports of schedule 1 chemicals are prohibited. Further, no import of schedule 1 chemical can take place except with prior permission from the National Authority (CWC) obtained under Section 15 of the CWC Act, 2000.
- b) Export of schedule 2 chemicals to a non- Member State Party of the CWC is prohibited. Similarly, import of schedule 2 chemicals from a non-State Party to the Convention is prohibited. A list of member States to the Convention and non- Member States Parties is provided at Annex- **F**.
- c) Export of schedule 2 chemicals to State Parties can be made only by those exporters who have obtained a general permission from the DGFT for two years (at a time). They are further subject to information and disclosure requirements as laid down in the DGFT Notification.
- d) Export of schedule 3 chemicals to State Parties is conditional upon information and disclosure requirements as laid down in the concerned DGFT notification.

- e) Exports of schedule 3 chemicals to non- Member State Party can be made only after obtaining an export license in this behalf and also subject to information and disclosure requirements as well as End-Use/End User Certificate as laid down in the concerned DGFT Notification.
- f) All importers and exporters of schedule 2 and schedule 3 chemicals are required to submit declarations to the DCPC on an annual basis.
- g) Government of India Notifications are placed at Annex C

7. Verification (Inspection) of plant sites by OPCW Inspection Team

7.1. Rules of Verification

Verification Annexes of CWC outlines detailed procedure for the implementation of the Chemical Weapons Convention including those for declaration and verification of relevant regimes. As per Article VI of, Paragraph 2 of CWC, each State Party shall subject toxic chemicals and their precursors listed in Schedules 1, 2 and 3 of the Annex A- Annex on Chemicals, facilities related to such chemicals, and other facilities as specified in the Verification Annexes of CWC, that are located on its territory or in any other place under its jurisdiction or control, to verification measures (inspection) as provided in the Verification Annexes of CWC.

Verification activities under the provisions of CWC shall only be performed by designated international inspectors of OPCW. To exercise the functions effectively, the members of the Inspection Team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations (VA Part II, Para11 of CWC).

The chemical industry is mostly concerned with the verification measures of Schedule 2, 3 Chemical facilities and Other Chemical Production Facilities.

The chemical industry receiving the inspection will be informed by DCPC/NA (CWC) about the upcoming inspection as soon as DCPC/NA (CWC) receives notification from TS of OPCW

7.2. National Escorts:

7.2.1 Objectives for the Escort Team

- To demonstrate compliance with the CWC
- To protect sensitive installations and confidential information
- To accompany and to assist the Inspection Team (IT)

7.2.2 Role of the Escort

- Advise facility operator on rights and obligations
- Advise on technical aspects to facility operator
- Monitor inspection and ensure that it proceeds in accordance with the provisions of CWC.

National Escorts are deputed to ensure safe conduct of inspection, safety of the IT, equipment and supplies carried by them from the T.S. of OPCW for the inspection. To ensure that the IT can timely and effectively discharge their function. Arrangement of escorting IT at Point of Entry (POE), checking Inspection Mandate (IM) carried by them from the Director General, OPCW and equipment brought from OPCW, are made within the stipulated time frame. A Chief Escort Officer is deputed in advance to visit the plant site for preparation of the facility with respect to inspection related activities.

The Escort Officers receive IT at the Point of Entry – IGI Airport (IGIA), New Delhi and further take them to the inspection site of the facility. The prescribed time frame for reaching IT to the inspection site is 12 hours from the time the IT arrives at the POE. Pre –inspection briefing (PIB) is arranged at the plant site on reaching of the IT and thereafter, site tour is conducted. During the PIB, a brief is presented by the facility personnel about the activities of the company, health, safety and pollution control related aspects. Verification of site location is carried out with the help of approved maps as the GPS carried by the IT is not allowed to be used as a national policy. During the inspection, targeted plants are visited, records & documents are reviewed and clarification for an ambiguity, if any arising during the inspection is

resolved. There is a provision for collection, handling and analysis of samples in case it is necessitated. The IT prepares preliminary findings (PF) and the same is discussed with the National Escorts and facility personnel. Once the PF are finalized, the Point of Exit (POE) procedure is followed after purging all information from the hard drive of IT computer, and sealing of equipment.

7.3. Verification of schedule 2 chemical facilities

7.3.1 Verification Criteria

Verification (Inspection) shall be carried out through on-site inspection of those of the declared plant sites that comprise one or more plants 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) 10 kg. of a chemical designated (*)in Schedule 2, part A;
- (b) 1 tonne of any other chemical listed in Schedule 2,part A; or
- (c) 10 tonnes of a chemical listed in Schedule 2, part B.

7.3.2 Initial inspection

Plant sites declared shall receive an initial inspection not later than (NLT) one year after production, processing or consumption is first declared. Selection of plant sites for initial inspection shall be made by the Technical Secretariat of OPCW in such a way as to prevent the prediction of precisely when the plant site is to be inspected.

7.3.3 Subsequent inspection

With regard to frequency and intensity of subsequent inspection, inspectors shall during the initial inspection assess the risk to the object and purpose of this Convention posed by the relevant chemicals, the characteristics of the plant site and the nature of the activities carried out there, taking into account, inter alia, the following criteria:

- (a) The toxicity of the scheduled chemicals and of the end-products produced with it, if any;
- (b) The quantity of the scheduled chemicals typically stored at the inspected site;

- (c) The quantity of feedstock chemicals for the scheduled chemicals typically stored at the inspected site;
- (d) The production capacity of the Schedule 2 plants; and
- (e) The capability and convertibility for initiating production, storage and filling of toxic chemicals at the inspected site.

7.3.4 Aims of schedule 2 inspection

The general aim of Schedule 2 inspection is to verify that the activities are in accordance with the obligations under the CWC and are consistent with the information provided in the declarations.

The particular aims are to verify the following:

- a) The absence of any Schedule 1 chemical, especially its production, except if in accordance with Part VI of the VA of CWC
- b) Consistency with declarations of levels of production, Processing or consumption of Schedule 2 chemicals (including transfers)
- c) Non-diversion of Schedule 2 chemicals for activities prohibited under the CWC.

7.3.5 Overview of events during inspection

- (i) Notification of the inspection by OPCW
- (ii) Point of Entry (POE) procedures
- (iii) Handover of Inspection Mandate (IM) by IT
- (iv) POE inspection of equipment
- (v) Pre-inspection briefing
- (vi) Conduct of Inspection
- (vii) Preliminary Findings (PF)
- (viii) Point of Exit

Notification, Point of Entry and Inspection Mandate takeover procedures are mainly concerned with National Authority, Chemical Weapons Convention.

7.3.6 Notification of the inspection by OPCW

The Director General (DG), OPCW shall notify the State Party not less than 48 hours before the arrival of the inspection team at the plant site to be inspected. The

National Escort shall ensure that the IT reaches the plant site to be inspected within 12 hours after the arrival of IT at the POE to carry out an inspection.

Notification made by the DG, OPCW shall include the following information:-

- (a) The type of inspection
- (b) The point of entry
- (c) The date and estimated time of arrival at the POE
- (d) The means of arrival at the point of entry
- (e) The site to be inspected
- (f) The names of inspectors and inspection assistants

The inspected State Party (ISP) i.e GOI shall acknowledge the receipt of notification transmitted by the Technical Secretariat, not later than one hour after receipt of such notification.

7.3.7 Point of Entry (POE) Procedures –

Point of Entry/ Point of Exit means a location designated for the in-country arrival of IT for inspection and the location of departure of IT after completion of their mission. The procedure for Point of Entry in receiving IT, clearance of goods / equipment by customs and other related logistics and is mainly concerned with National Escorts.

7.3.8 Handover of Mandate –

Inspection Mandate means the instructions issued by the DG to the IT for the conduct of a particular inspection. Handover of Inspection Mandate by IT to ISP i.e. National Escorts is at POE. National Escort then verifies if the information contained in IM is matching with the one in the Notification received from DG, OPCW.

7.3.9 POE inspection of equipment

Inspection of equipment is conducted by National Escorts in accordance with (IAW) the provision of the CWC.

7.3.10 Pre-Inspection Briefing

The Pre-Inspection Briefing (PIB) is to be presented by site representative, for which the facility has to prepare Pre-Inspection Briefing before arrival of the IT and present it to Inspection Team before commencement of Inspection. The PIB includes general background information, site diagram specifying the elements of the declared plant, current information on declared activities, confidentiality requirement, Health and Safety regulations, simplified process flow diagram, chemistry and administrative / logistics information.

The facility should prepare/include the following for PIB:

- (1) Area, logistics & location
- (2) Relevant Government approved maps to Identify location of the plant site
- (3) Layout of chemical plants
- (4) Schedule 2 chemical manufacturing in dedicated / multipurpose plant
- (5) MSDS of schedule chemicals and hazardous chemicals
- (6) Simplified process flow diagram
- (7) List of raw materials handled at the plant site
- (8) List of finished products handled at the plant site
- (9) Common utilities i.e. power, brine, steam, chilled water, process water
- (10) Effluent treatment
- (11) Security procedures
- (12) Health and Safety aspects to include:
 - (a) Hazard control measures
 - (b) Exposure prevention & control measures
 - (c) Personal Protective Equipment (PPE)
 - (d) Fire prevention & control measures
 - (e) First aid & medical facilities
 - (f) Ambient air monitoring
 - (g) Industrial hygiene survey
 - (h) Emergency preparedness plan

A template for the preparation of **Pre- Inspection Briefing is placed at Annex G**

7.3.11 Conduct of Inspection

The members of the IT shall discharge their function in accordance with the provisions of the CWC, as well as rules established by the Director General and Facility Agreement (FA) concluded between States Party i.e. GOI and the OPCW. The activity includes Inspection of the Schedule 2 plant-site, unimpeded access to the declared plant(s), and visit to other parts of the plant site, additional access to some parts of the plant site, negotiated/managed access in other parts of the plant site and access to records.

7.3.12 Inspection Plan to be prepared by inspection team

Preliminary inspection plan is based on information provided in the declarations keeping in view 96 hrs of inspection time frame. Extension, if any may be agreed to between the IT & the ISP, if situation so arises. Tentative plan for inspection of a Schedule 2 facility is placed at **Annex – H**. The IT is divided into sub-teams – one for field inspection and another for records & documents review.

7.3.13 Physical Inspection of Areas

Areas of declared plant(s) involved in production, processing and/or consumption, delivery, storage, manipulative processes of the reactants prior to addition to the reaction vessels; feed lines and their associated equipment; quality control laboratories; first aid and other medical facilities; administrative section.

During the inspection, the areas to be inspected may include:

- (a) Areas where feed chemicals (reactants) are delivered or stored;
- (b) Areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessels;
- (c) Feed lines as appropriate from the areas referred to in sub-paragraph (a) or sub-paragraph (b) to the reaction vessels together with any associated valves, flow meters, etc;
- (d) The external aspect of the reaction vessels and ancillary equipment;
- (e) Lines from the reaction vessels leading to long or short-term storage or to equipment for further processing the declared Schedule 2 chemicals;
- (f) Control equipment associated with any of the items under sub-paragraphs (a) to (e);
- (g) Equipment and areas for waste and effluent handling/treatment

- (h) ;
- (h) Equipment and areas for disposition of chemicals not up to specification.

7.3.14 Document review

Documents to be reviewed are: raw materials records, despatch , transport receipts, export/import, production, processing, consumption, by-products, off-specification and rejected Materials, waste/effluent records, transfers, lab, QA/QC records, plant capacity, materials balance, additional information, changes, modifications, maintenance records, auxiliary services & others.

Records for verification

1. The records/register of daily stock of raw materials and finished products, exports, imports are to be maintained by facility and to be shown during inspection.
2. Copy of Shipping Bills / Bill of Entry for exports and imports.
3. Production and consumption of Schedule 2 chemicals for three calendar years prior to the year of the inspection.

(Sample Table - Modify according to requirements/records maintained by facility) - Unit of weight should be Metric Tonne (MT) or Kilo gram (Kg).

Month	Opening Stock	Production	Total	Consumption		Sale	Total	Closing Stock
				For A*	For B*			
January								
February								
March								
April								
May								
June								
July								
August								
September								
October								
November								
December								

*** A & B*... Stands for products consuming Schedule 2 chemicals**

4. **Sample Table - Consumption of raw materials - Unit of weight should be Metric Tonne (MT) or Kilo gram (Kg).**

Month	Opening Stock	Receipt	Consumption	Closing Balance
-------	---------------	---------	-------------	-----------------

January				
February				
March				
April				
May				
June				
July				
August.				
September				
October				
November				
December				

7.3.15 Access to other parts of the plant site

Access to other parts of the plant site is to be given in accordance with the provision of Paragraph 25 of Part VII and paragraph 51 of Part II of Verification Annex (VA) of the CWC.

7.3.16 Risk Assessment

Based on the information collected during initial inspection, assessment of the risk posed by a Schedule 2 facility to the object and purpose of the CWC, understandings based on the assessment of the relevant (declared) chemicals, the characteristics of the plant site and the nature of the activities carried out there, frequency and intensity of subsequent inspections are decided.

7.3.17 Sampling and analysis

Sampling and analysis shall be undertaken to check for the absence of undeclared scheduled chemicals.

7.3.17 Post inspection activities

Within 24 hours after end of inspection, accuracy of description of events is checked, all documents leaving the site are listed, uncertainty, if any is resolved, comments of chief escort is attached and confidentiality classification to documents inspected & preliminary findings are assigned.

7.3.18 Summary

OPCW inspections are a co-operative process of confidence building among the State Party & the Inspection Team. Co-operation of escort team and plant site personnel are the key elements for the smooth conduct of inspection.

7.4 Verification of schedule 3 chemical facilities

7.4.1 Verification

Plant sites which produced during the previous calendar year, or which are anticipated to produce in the next calendar, in excess of 200 tonnes aggregate of Schedule 3 chemical above the declaration threshold of 30 tonnes. Any plants located at the same plant site which produce the same chemical, but below the 30 tonnes threshold, are not to be included in the plant site aggregation (VA, Part VIII paragraphs 12-16).—

Initial and annual declarations are required 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.

7.4.2 Aims of schedule 3 Inspections

The general aim of inspection is to verify that activities are consistent with the information provided in declarations. The particular aim of the inspection shall be the verification of the absence of any Schedule 1 chemical, especially its production.

7.4.3 Absence of any Schedule 1 chemical, especially its production

Study is carried out by the IT for the complexity of the plant site and plants, toxic chemicals and H&S standards, absence of special devices e.g. charcoal filters, specialized fume hoods, pressurized rooms, double doors, canned pumps, double piping, isolated areas, filling stations, PPE, fencing, location, list of chemicals, first aid facilities.

7.4.4 Overview of events during inspection

- (i) Notification

- (ii) Point of Entry (POE) procedures
- (iii) Handover of Inspection Mandate (IM)
- (iv) POE inspection of equipment
- (v) Pre-inspection briefing
- (vi) Conduct of Inspection
- (vii) Preliminary Findings (PF)
- (viii) Point of Exit

The POE procedure/activities for schedule 3 inspection are identical to that of schedule 2 inspection, i.e IM Handover checking its contents and POE inspection of equipment etc.etc.. Please refer serial Number 7.3.6 – 7.3.9 for details.

7.4.5 Pre-Inspection Briefing

The Pre-Inspection Briefing (PIB) is to be presented by site representative, for which the facility has to prepare Pre-Inspection Briefing before arrival of the IT and present it to Inspection Team. The PIB includes general background information, site diagram specifying the elements of the declared plant, current information on declared activities, confidentiality requirement, Health and Safety regulations, simplified process flow diagram, chemistry and administrative / logistics information.

The facility should prepare/include the following for PIB:

- (1) Area, logistics & location
- (2) Relevant Government approved maps to justify location of the plant site
- (3) Layout of chemical plants
- (4) Schedule 3 chemical manufacturing plant
- (5) MSDS of schedule chemicals and hazardous chemicals
- (6) List of raw materials handled at the plant site
- (7) List of finished products handled at the plant site
- (8) Common utilities i.e. power, brine, steam, chilled water, process water
- (9) Effluent treatment
- (10) Security procedure

(11) Health and Safety aspects to include:

- (h) Hazard control measures
- (i) Exposure prevention & control measures
- (j) Personal protective equipment
- (k) Fire prevention & control measures
- (l) First aid & medical facilities
- (m) Ambient air monitoring
- (n) Industrial hygiene survey
- (h) Emergency preparedness plan

A template for the preparation of **Pre- Inspection Briefing is placed at Annex G**

7.4.6 Inspection plan to be prepared by the Inspection Team

Preliminary inspection plan is based on information provided in the declarations keeping in view 24 hrs of inspection time frame, Extension, if any may be agreed between the IT & the ISP, if situation so arises. Tentative plan for inspection of a Schedule 3 facility is placed at **Annex – I**. The inspection team is divided into sub teams-one for field inspection and another for records & documents review.

7.4.7 Access to the plant

The IT has the right of unimpeded access to the declared Schedule 3 plant(s). It may request access to other parts of the plant site in accordance with VA, Part VIII, and paragraph 20 of CWC.

7.4.8 Access to the other parts of plant site

Access to the other parts of the plant site is to be given in accordance with Part II, paragraph 51 of the VA, and paragraph 20 of Part VIII, VA of CWC

7.4.9 Physical inspection of areas

- Areas of declared plants involved in production
- Delivery, storage, manipulative process of the reactants prior to addition to the reaction vessels
- Feed lines and their associated equipment such as: valves flow

Meters, etc.

- Reaction vessels and ancillary equipment
- Control equipment related to Sch 3 activities
- Areas for disposition of chemicals not up to specification
- Quality control laboratories
- Equipment and areas for waste and effluent handling
- First aid and other medical facilities
- Administrative section (operations)

7.4.10 Access of relevant records

The IT may have access to records in situations in which the inspection team and the SP agree that such access will assist in achieving the objectives of the inspection. Summaries of records are good starting points. Annual and randomly selected monthly, weekly or batch records are verified. Random check by IT of selected original information, logbooks, microfilmed information; data bases, etc are carried out.

7.4.11 Document review

Raw materials records, shipping & transport receipts, production records, export-import records, by-products, off- specifications and rejected, waste records, transfers, QC lab records, plant capacity, changes and modifications are reviewed.

Records for verification

1. The records/register of daily stock of finished products, exports, imports are to be maintained by facility and to be shown during the inspection.
2. Copy of Shipping Bills / Bill of Entry for export and import.
3. Production of Schedule 3 chemicals for the year prior to the year of the inspection.

(Sample Table -Modify according to requirements/records maintained by unit) - Unit of weight should be Metric Tonne (MT) or Kilo gram (Kg).

Month	Opening Stock	Production	Sale/Transfer	Closing Stock
January				
February				
March				
April				
May				
June				
July				
August				
September				
October				
Nov.				
Dec.				
Total				

7.4.12 Sampling and analysis

Sampling and analysis shall be undertaken to check for the absence of undeclared scheduled chemicals.

7.4.13 Facility Agreement (FA)

FA is not needed unless requested by the ISP (VA, Part VIII, paragraph 19, and Part viii, para 19 of CWC).

7.4.14 Post inspection activities

Within 24 hours after end of inspection, accuracy of description of events is checked, all documents leaving the site are listed, uncertainty, if any is resolved, comments of chief escort is attached and confidentiality classification to documents inspected & preliminary findings are assigned.

7.4.15 Summary

OPCW inspections are a co-operative process of confidence building among State Party & Inspection Team. Co-operation of escort team and plant site personnel are the key elements for the smooth conduct of inspection.

7.5. Verification of OCPFs

7.5.1 Aims of Inspection

The general aim of inspection is to verify that activities are consistent with the information provided in declarations. The particular aim of inspection shall be the verification of the absence of any Schedule 1 chemical, especially its production.

7.5.2 Absence of any Schedule 1 chemicals, especially its production

Assessment is carried out by the IT for the complexity of the plant site, DOC chemicals and H&S standards, absence of special devices e.g. charcoal filters, specialized fume hoods, pressurized rooms, double doors, canned pumps, double piping, isolated areas, filling stations, PPE, fencing, location, list of chemicals, first aid facilities etc..

7.5.3 Inspection Plan to be prepared by inspection team.

Preliminary inspection plan is based on information provided in the declarations keeping in view 24 hrs of inspection time frame. Extension, if any may be agreed between the IT & the ISP, if situation so arises. Tentative plan for inspection of an OCPF is placed at **Annex-J**. The inspection team is divided into sub teams-one for field inspection and another for records & documents review.

7.5.4 Access to the plant

The IT has the right of unimpeded access to the declared plant(s) producing DOC and DOC - PSF chemicals. IT may request access to other parts of the plant site in accordance with paragraph 17 VA, Part IX, of CWC.

7.5.5 Access to the other parts of the plant site

Access to the other parts of the plant site is to be given in accordance with paragraph 51 of VA Part II of the and paragraph 17 of VA Part IX of CWC.

7.5.6 Pre-Inspection Briefing

The facility should prepare/include the following for PIB:

- (12) Area, logistics & location
- (13) Relevant Government approved maps to justify location of the plant site.
- (14) Layout of chemical plants.
- (15) DOC chemical manufacturing plants.
- (16) Security procedure
- (17) MSDS of hazardous chemicals
- (18) List of raw materials handled at the plant site
- (19) List of finished products handled at the plant site.
- (20) Common utilities i.e. power, brine, steam, chilled water, process water.
- (21) Health and Safety aspects:
 - (o) Hazard control measures
 - (p) Exposure prevention & control measures
 - (q) Personal protective equipment
 - (r) Fire prevention & control measures
 - (s) First aid & medical facilities
 - (t) Ambient air monitoring
 - (u) Industrial hygiene survey
 - (v) Emergency preparedness plan

A template for the preparation of **Pre- Inspection Briefing is paced at**

Annex G

7.5.7 Physical inspection of areas:

- Areas of declared plants involved in production.
- Reaction vessels and ancillary equipment
- Quality control laboratories
- First aid and other medical facilities
- Equipment and areas for waste and effluent handling
- Administrative section (operations)

7.5.8 Access to relevant records

The IT may have access to records in situations in which the IT and the ISP agree that such access will assist in achieving the objectives of the inspection. Summaries of records for production of DOC chemicals are good starting points. Annual and randomly selected monthly, weekly or batch records are verified. Random check by IT of selected original information, logbooks, microfilmed information; data bases, etc are carried out.

7.5.9 Document review

For OCPF inspection, mainly production records of DOC & DOC-PSF chemicals, effluent analysis & waste records and QC records are reviewed.

Records for verification

1. The records/register of daily stock of DOC chemicals (chemical wise) are to be maintained by the facility and to be shown during inspection for the year prior to the year of inspection.

(**Sample Table:** Modify according to requirements/records maintained by unit) - Unit of weight should be Metric Tonne (MT) or Kilo gram (Kg).

Month	Opening Stock	Production	Total	Closing Stock
January				
February				
March				
April				
May				
June				
July				
August				
September				
October				
Nov.				
Dec.				
Total				

7.5.10 Sampling and analysis

Sampling and analysis may be undertaken to check for the absence of schedule 1 chemical.

7.5.11 Facility agreements for OCPF

FA is not needed unless requested by the ISP (paragraph 16, VA, Part IX of CWC).

7.5.12 Post inspection activities

Within 24 hours after end of inspection, accuracy of description of events is checked, all documents leaving the site are listed, uncertainty, if any is resolved, comments of chief escort is attached and confidentiality classification to documents inspected & preliminary findings are assigned.

7.5.13 Summary

OPCW inspections are a co-operative process of confidence building among State Party & Inspection Team. Co-operation of escort team and plant site personnel are the key elements for the smooth conduct of inspection.

7.6 Inspection features of Schedule chemicals and unscheduled Discrete Organic Chemicals (OCPF)

Type of Inspection	Period of Inspection, Hrs.	Requirement of Facility Agreement preparation	Inspection activities		
			Production	Processing	Consumption
Schedule 2	96	þ	þ	þ	þ
Schedule 3	24	ý	þ	ý	ý
OCPF	24	ý	þ	ý	ý

8. FREQUENTLY ASKED QUESTIONS (FAQ) AND THEIR ANSWERS –

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FREQUENTLY ASKED QUESTIONS (FAQ) AND THEIR ANSWERS

8.0 What is Chemical Weapons Convention (CWC) ?

Ans. The Chemical Weapons Convention (CWC) is an international arms control treaty, designed to eliminate an entire class of weapons of mass destruction. However, as many chemicals with legitimate peaceful uses can also be used as precursors for producing chemical weapons, the CWC has implications for both industry and the academic community

8.1. What are the measures adopted by Government of India to implement its Obligations under the CWC?

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. 598 dated 14th June, 2005, (S.O 818(E). Government of India has established The National Authority for CWC or implementing the provisions of CWC

8.2. What are the important obligations of the CWC on the Chemical Industry?

Ans. Declaration on the information, pertaining to activities associated with schedule 1, 2 and schedule 3 chemicals as well as production of unscheduled Discrete Organic Chemicals. The scheduled chemicals are mainly organic phosphorus, sulphur, chlorine, fluorine or amine compounds. The facilities involved are required to submit annual declarations and may be subjected to routine OPCW inspections, which should not disrupt facility operations. In short, submission of declaration and preparedness to receive OPCW Inspection are two important obligations on chemical industries.

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

Annex on Chemicals in the CWC lists these three Schedule Chemicals (page 68). 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 & 3 Chemicals and plant-sites of OCPFs.

8.4. What are Other Chemical Production Facilities (OCPFs)?

Ans. Other Chemical Production Facilities (OCPFs), comprise of two different categories of organic chemicals producing facilities and these are facilities producing Discrete Organic Chemicals (DOCs) and DOCs containing elements of Phosphorus, Sulphur or Fluorine.

8.5. 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.

8.6. 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. PSF chemical constitute a subset of DOC.

8.7. Which DOCs are exempted from making declaration?

Ans. **Plant sites that:**

- produce polymer substances and oligomers consisting of two or more repeating units, and formed by the chemical reaction of monomeric or polymeric substances
- Exclusively produce hydrocarbons. However, if the plant site also produces non-hydrocarbon DOCs such as MTBE at a refinery, the total production is declarable.
- Exclusively produce explosives.
- Breweries, distilleries, and wineries

8.8. What are the examples of DOCs?

Ans. Alcohols (including Methanol), Aldehydes (including Formaldehyde), Ketones, Ethers (including MTBE), Amines, Carboxylic acids, Esters, Plasticizers, Ethylene oxide/glycol, Chlorinated solvents, Urea, Vitamins, Organo-Inorganic compounds. The list is not exhaustive though.

8.9. What is the importance of declaration of PSF Plant-site?

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

8.10 Why Declaration of OCPF is necessary?

Ans. The objective of the OCPF regime is to deter the use of OCPFs for CW-related activities and to provide confidence to States Parties that OCPFs located in other States Parties are not being misused for covert CW production.

OCPFs are included for providing declaration and verification to identify potentially relevant chemical production capability rather than activity involving

specific chemicals. The industry also uses equipment which could be capable of producing Chemical Weapon relevant chemicals.

.8.11 What are the industry declaration requirements and submission deadlines?

Ans. Table 5.6 provides industrial declaration requirements and their deadlines for submission.

8.12 What are the declaration criteria for Schedule 2 chemicals?

Ans. Declaration criteria for Schedule 2 chemicals is given at Paragraph 5.2.1 (page 11)

8.13 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 ban was also incorporated in EXIM Policy 2000-2005 in March, 2000. Export to State Party to CWC is allowed after obtaining permission from DGFT. Please refer notification placed at Annex C. It is however always advisable to approach DGFT for the latest regulation in the matter.

8.14 What are the declaration criteria for Schedule 3 chemicals?

Ans/ Declaration criteria for Schedule 3 chemicals is given at Paragraph 5.2.2 (page 11)

8.15 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. For Export to State Party

to CWC please refer notification placed at Annex C. It is however always advisable to approach DGFT for the latest regulation in the matter.

8.16 What is the declaration requirement for “Other Chemical Production Facilities” (OCPF) ?

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 chemical containing the elements phosphorus, sulfur or fluorine.

8.17 Which declaration forms are required to be filled - in for Schedule 2 chemicals & their facilities?

Ans. Information on declaration forms to be filled - in for Schedule 2 chemicals & their facilities are given at paragraphs 5.7.1 (page 14). Copies of declaration forms are placed at Annex D

8.18 Which declaration forms are required to be filled - in for Schedule 3 chemicals & their facilities?

Ans. Information on declaration forms to be filled - in for Schedule 3 chemicals & their facilities are given at paragraphs 5.7.2 (page 14). Copies of declaration forms are placed at Annex D

8.19. Which declaration forms are required to be filled - in for Other Chemical Production Facilities (OCPF) ?

Ans. Information on declaration forms to be filled-in for Other Chemical Production Facilities are given at paragraphs 5.7.2 (page 14). Copies of declaration forms are placed at Annex D

8.20. What information is required to be submitted for declaration of Other Chemical Production Facilities (OCPF) ?

Ans. For the declaration of Other Chemical Production Facilities, a form 4.0 has been designed for providing the information by the Facility. Most of the

information required is general in nature. This is in addition to form 4.1. For more details please refer 5.7.3 – Guidelines for completing forms.

8.21. What are the relevant appendices for providing information for making declarations?

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	:	Appendix 5
for a Schedule 3 facility		
Codes for Schedule 3 chemical	:	Appendix 6
Production Ranges		
Codes for Production Ranges for	:	Appendix 7
Plant Sites that produce		
Unscheduled Discrete Organic Chemicals		

These appendices are placed at **Annex E** (page 160)

8.22. FAQs on various types of declarations & filling-in of forms.

8.22.1 In our chemical unit, we consume a Schedule 2 chemical and the total quantity consumed per year is less than the declaration threshold limit. Do we have to file any declaration?

Ans Yes, you have to file declarations as an “other” Schedule 2 facility. The activities that are declarable in a Schedule 2 unit are production, processing and consumption. As an other Schedule 2 unit, you are required to file an initial declaration (if you have not filed a declaration before) in Forms 5.0, 2.1, 2.1.1 and 5.1. Thereafter, you are required to file annual declarations in these forms by January 21st of the year. The annual declarations are for the activities of the preceding calendar year. All producers, processors, consumers, importers and exporters of schedule 2 chemical regardless of volumes involved need to provide quantitative data annually. The information is required to provide Aggregate National Data (AND) to OPCW under the provisions of CWC.

8.22.2 The Schedule 2 list of the Convention comprises 14 entries. But some entries like S. No. 4, 5, 6, 10, 11 etc. are generic and mean many chemicals. Could you explain this?

Ans

It is correct to state that the Schedule 2 of the Annex on chemicals includes generic entries. The total number of Schedule 2 chemicals may be in many hundreds. However, except for a few chemicals, the Schedule 2 chemicals are generally not produced in large commercial quantities. It would be helpful for you to take a look at the list of 33 commonly produced and traded Schedule 2 chemicals. For more details please refer paragraph 5.5 for identification of Schedule 2 chemical. Please also go to www.opcw.org/handbook for a very detailed list of schedule 2 chemicals.

8.22.3 My chemical unit has activities relating to two Schedule 2 chemicals. One of them is produced in a quantity less than the declaration threshold and the other is consumed in a quantity more than the declaration threshold. What declarations do I have to file?

Ans

Please refer answer to FAQ 8.22.1 for the schedule 2 chemical produced in a quantity less than the declaration threshold.

Since the other Schedule 2 activity is more than the declaration threshold, yours is a declarable Schedule 2 facility. If you have never filed a declaration, then you are required to file an initial declaration in 8 forms, namely - 2.0, 2.1, 2.1.1, 2.2, 2.3, 2.3.1, 2.3.2 and 2.4. Thereafter, you are required to file two annual declarations every year. Annual declaration for the activities of the preceding calendar year (ADPA) has to be filed in 7 forms as given in the Table at 5.7.1, by January 21 of the year. Annual declarations of anticipated activities (ADAA) for the following calendar year have to be filed in 5 forms, namely - 2.2, 2.3, 2.3.1, 2.3.2 and 2.5, by September 15 of the year. The above annual declarations have to be filed every year.

8.22.4 My unit produces a Schedule 2 chemical in quantities exceeding the declaration threshold. I have never filed a declaration, what should I do?

Ans

As a declarable Schedule 2 facility, you shall first file an initial declaration in 8 forms immediately, please see answer to FAQ 8.22.3 for details on forms to

be filled - in. Thereafter, you are required to file annual declarations twice a year. Annual declaration for the activities of the preceding calendar year (ADPA) has to be filed in 7 forms as given in the Table 5.7.1, by January 21 of the year. Annual declarations of anticipated activities (ADAA) for the following calendar year have to be filed in 5 forms, namely - 2.2, 2.3, 2.3.1, 2.3.2 and 2.5, by September 15 of the year. The above annual declarations have to be filed every year.

8.22.5 My unit consumes a mixture containing 28% of a Schedule 2 B chemical. Am I required to file a declaration?

Ans

Declaration is not required from a Unit handling a chemical containing 30% or less of Schedule 2 B chemical.

8.22.6 I was producing Schedule 2B chemical. I had submitted form 2.9 “Notification Of cessation of declarable Sch 2 activities”. The market trend has changed and I plan to commence production of same Schedule 2B chemical. Please advice

Ans

You are required to send application to the Department of Chemicals & Petrochemicals of the Government of India giving complete details of past correspondence and the reason for recommencing production activities. You will also have to fill-in forms 2.2, 2.3, 2.3.1 and 2.3.2.

8.22.7 Our chemical unit consumes a Schedule 3 chemical. It does not Produce a Schedule 3 chemical and is also not engaged in its import or export. Do I have to file a declaration?

Ans

Your unit is not required to file a declaration. Schedule 3 units are required to file declarations only if they produce, export or import Schedule 3 chemicals regardless of volumes involved. You need to provide quantitative data annually.

8.22.8 We have filed annual declarations as a Schedule 2 unit for the last 3 years. However, from the year 2007 onwards, we have discontinued all activities relating to Schedule 2 chemicals. Do we still have to file declarations? Please explain.

Ans

Since you have filed annual declarations, you are a recognized Schedule 2 facility. Once you have discontinued all Schedule 2 activities including production, processing, consumption, exports or imports then you have to make an application for derecognition and discharge from the obligations of filing declaration to the Department of Chemicals & Petrochemicals of the Government of India. Such derecognition and discharge shall take place only 3 years after the stoppage of Schedule 2 activities. The Department of Chemicals & Petrochemicals shall issue an Order in this regard after scrutiny. Till such time this Order is issued, you have to continue to file "Nil" activity declaration. Please also fill – in form 2.9 "Notification Of cessation of declarable activities" at Sch 2 plant sites.

8.22.9 What is the difference between initial and annual declarations?

Ans

Initial declarations are required to be filed by units that are submitting declarations for the first time. Once the initial declarations have been filed then annual declarations have to be submitted every year.

8.22.10 Do all Schedule 2 and Schedule 3 facilities have to file annual declarations two times in a calendar year?

Ans

Schedule 2 and Schedule 3 facilities that have activities which are more than declaration thresholds have to file annual declarations twice a year, both for past as well as anticipated activities. However, Schedule 2 and Schedule 3 facilities which have activities below declaration thresholds have to file declarations as "other" Schedule 2 facility and "other Schedule 3 facility respectively, only once a year, for activities of the previous calendar year, by 21st January of the year.

8.22.11 Our chemical unit produces a Schedule 3 chemical below threshold limit. When and how do we have to file the declarations?

Ans

Your category is that of an "other Schedule 3 facility. If you are filing declarations for the first time then initial declaration has to be filed in 4 forms immediately. These are forms 3.0, 3.1, .3.2 and 3.3. Thereafter, annual

declarations of the activities of the preceding year have to be filed in 3 forms as ADPA every year, by 21st January of the year.

8.22.12 I am a non manufacturing importer of a Schedule 3 chemical. What are the regulations regarding such imports and what are my declaration obligations?

Ans

Under the Declaration Scheme, you are first required to file an initial declaration in 2 forms viz. 5.0 and 5.1. Thereafter, you are required to file annual declarations in these forms for imports of the preceding year, by 21 January of the year. For import of Sch 3 chemical. Please refer notification placed at Annex C. It is also advisable to check with DGFT for the latest regulation in the matter.

8.22.13 I am a non manufacturing exporter of a Schedule 2 chemical. What are the regulations and what are my declaration obligations?

Ans

Export of Schedule 2 chemicals to non State Parties is prohibited. For export of Schedule 2 chemical to State Parties, a general permission for 2 years at a time has to be obtained from the DGFT. For each export of the Schedule 2 chemical, the disclosure requirements of the concerned DGFT notification have to be met. As an exporter of Schedule 2 chemical, you are required to file initial declaration in Forms 5.0 and 5.1. Thereafter, you are required to file annual declaration of exports of Schedule 2 chemicals in these forms, by 21^t January every year for the exports undertaken in the preceding calendar year. For export of Sch 2 chemical please refer notification placed at Annex C. It is also always advisable to approach DGFT for the latest regulation in the matter.

8.22.14 I have a unit that produces some organic chemicals. But they are not Schedule 2 or Schedule 3 chemicals. What is the status of my unit under the CWC Act, and do I have to file any declaration?

Ans

If your unit produces organic chemicals which are not Schedule 2 or Schedule 3 chemicals, you have to first determine whether your unit is an OCPF which means a DOC or DOC - PSF facility. If the organic chemicals

are oxides of carbon, carbon sulphide, metal carbonates, hydrocarbon, oligomers or polymers then your unit is not an OCPF facility. In all other cases, it shall be an OCPF facility. If any organic chemical has one of the elements, sulphur phosphorous or fluorine then it will be a PSF containing DOC facility. Otherwise, it will be a DOC facility. Declarations will require to be filed if the annual production of all organic chemicals is more than 200 metric tones in case of a DOC facility and 30 metric tones in case of a DOC - PSF facility. Initial declaration is required to be filed in Form 4.0 and 4.1. Thereafter, annual declarations (ADPA) have to be filed in Form 4.0 and 4.1 every year, by January 21 for the activities of the preceding calendar year.

8.22.15 We have submitted Form 4.0 and 4.1 as an OCPF unit in the year 2006. What further do we have to do?

Ans

You are required to submit annual declarations (ADPA) as an OCPF every year in Form 4.0 & 4.1, by 21 January of the year for the activities of the preceding calendar year.

8.22.16 We have submitted Form 4.0 & 4.1 for the last 3 years as an OCPF unit. But now we have stopped producing organic chemicals. What is our status now and do we have to continue to file declarations?

Ans

You are a recognized OCPF. Once you have stopped producing the organic chemicals permanently then you have to apply to the Department of Chemicals & Petrochemicals for derecognition and discharge from the obligation of filing declarations. The Department of Chemicals & Petrochemicals shall issue an Order in this regard after scrutiny. Till such time this Order is issued, you have to continue to file annual declarations in Form 4.0 & 4.1 even if the activities are recorded as 'Nil' activity.

8.22.17 What are the declaration and verification (inspection) threshold of sch 2, sch 3 and Other Production Facilities?

Serial Number	Schedule Chemical/ OCPF	Declaration Threshold	Verification (Inspection) Threshold

1	Schedule 2A*	1 Kg	10 Kg
2	Schedule 2A	100 Kg	1 Tonne
3	Schedule 2B	1 Tonne	10 Tonnes
4	Schedule 3	30 Tonne	200 Tonnes
5	Unscheduled DOC	200 Tonnes	200 Tonnes
6	Unscheduled DOC containing PSF Chemical	30 Tonne	200 Tonnes

8.22.18 Is there any provision for imparting guidance in filing declarations?

Ans

DCPC has set up CWC - Help Desks in collaboration with the Indian Chemical Council to facilitate Chemical industry to meet their obligations under the provisions of CWC. The CWC - Help Desks are functioning at Chennai, Mumbai and Vadodara. It is manned by experienced EX- OPCW inspectors. Industry is welcome to obtain guidance in CWC related matters and take advantage of presence and expertise of CWC - Help Desk in their respective regions. The CWC - Help Desk is located in Indian Chemical Council Office at Chennai, Mumbai and Vadodara. The Help desk and DCPC Officials are also organizing CWC awareness programmes. The communication details of The CWC - Help Desks can be seen as answer to FAQ 8.25

8.22.19 Where can I find the text of CWC? What contents of CWC are relevant to industry?

Ans

Please visit websites of DCPC (www.chemicals.nic.in) or NACWC (www.nacwc.nic.in) or OPCW (www.opcw.org) to access CWC TEXT. The most relevant parts of CWC with respect to industry declarations and inspection are Article I, Article II, Article VI, Annex on chemicals, Verification Annex Part I, Verification Annex Part II, Verification Annex Part III, Verification Annex Part VII, Verification Annex Part VIII, Verification Annex Part IX and Annex on protection of confidential information.

8.22.20 Where the declarations are to be submitted?

Ans

All declarations including initial and annual declarations by declarable Schedule 2 and Schedule 3 facilities, other Schedule 2 and Schedule 3 facilities, OCPFs and exporters and importers of scheduled chemicals are required to submit their declarations to the Department of Chemicals & Petrochemicals of the Ministry of Chemicals and Fertilizers of the Government of India. A copy of the declaration be also sent to National Authority CWC. Their complete communication details are given here below:

- The Industrial Adviser / The Deputy Industrial Adviser
CWC Cell
Department of Chemicals & Petrochemicals
Government of India
Ministry of Chemicals and Fertilizers
Shastri Bhawan, New Delhi 110 001
Phone: 2338 4206, 23061442
Fax : 2338 6047, 23061187
Email : omsharma@nic.in

Alternate

Shri. O. P. Sharma
Deputy Industrial Adviser
Department of Chemicals & Petrochemicals
Room No. 513 C, F-Wing, Udyog Bhawan, New Delhi-110011
Telefax : 011-23061187 Tel: 011-23061442 e-mail: omsharma@nic.in

- Deputy Director,

National Authority Chemical Weapons Convention

Cabinet Secretariat, 1st Floor, Chanakya Bhawan, Chanakyapuri

New Delhi 110021,

Phone : 011 - 24675690 - 91 Fax : 011 – 24675767

Email: nacwc@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.

8.22.21 How many times does the inspection team from the OPCW inspect the Chemical industrial units under the Convention?

Ans

A Schedule 2 or Schedule 3 unit or an OCPF unit is liable to be inspected only if its activities are more than the threshold activities for inspection. A declared Schedule 2 unit is subjected to an initial inspection within approximately one year of the filing of the initial declaration with the OPCW. Repeat inspections take place taking into account the risk assessment of the unit and ordinarily repeat inspections are not likely to be more than twice per calendar year. In case of Schedule 3 units and OCPFs, the inspections are decided on the basis of random selection using an algorithm, which takes into account the various technical and other parameters as laid down in the Convention.

8.22.22 My Unit is consuming imported schedule 2 and a schedule 3 chemical. The chemicals were procured from a trader (Importer). Whether I have to file declaration as importer?

Ans

Please note that only direct import of schedule chemicals is to be declared. If you are purchasing imported schedule chemical/s from an Indian based importer, only the importer has to declare the import. You are however required to file declaration as a consumer of Schedule 2 chemical, which please note.

8.22.23 what is the aim of the question asked in the last paragraph of form 2.3, 3.3 and 4.1 –“Is or was a chemical specified in subparagraph 8(a) (i) of Article II of the CWC produced at the facility as an unavoidable by-product in an amount not exceeding 3 per cent of the total product?”

Ans

The aim of the question is to identify if the plant sites (i.e schedule 2, schedule 3 and OCPF) which are producing chemicals are covered under the Chemical Weapons Production Facility (CWPF) definition but are exempted from this definition as the chemical is produced as an unavoidable by-product in an amount not exceeding 3% of total product in accordance with paragraph 8 (b) (ii) of Article II of CWC

8.22.24 what is the aim of the question asked in the last paragraph of form 2.4 and 2.5 -Final product types derived from sold/transferred chemicals if possible, (Use product group codes in Appendix 4)

Ans

The aim of this question is to give information on the end use of schedule 2 chemical i.e. final product derived from sold/transferred schedule 2 chemical. Use product group code as mentioned in the question.

8.22.25 what is the aim of the question asked in the last paragraph of form 2.4 and 2.5 - Other purpose (specify) for which the Schedule 2 chemical was produced, processed or consumed

Ans

The other purpose may include repackaging, waste treatment etc. What was produced out of schedule chemical is answered in one of the paragraph of the form

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

Ans. Web site addresses of concerned organizations are:

1. Department of Chemicals & Petrochemicals: www.chemicals.gov.in
2. National Authority, CWC: www.nacwc.nic.in
3. OPCW: 1. www.opcw.org
2. www.opcw.org/handbook/

8.24. What is the contact address for seeking any clarification on CWC related matters?

Ans

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

Alternate

Shri. O. P. Sharma

Deputy Industrial Adviser

Department of Chemicals & Petrochemicals
Room No. 513 C, F-Wing, Udyog Bhawan, New Delhi-110011
Telefax : 011-23061187 Tel: 011-23061442 e-mail: omsharma@nic.in

8.25 Where the CWC Help Desks are located? What is the communication details of CWC Help Desks located in various regions of the country?

Ans.

Department of Chemicals & Petrochemicals, Ministry of Chemicals and Fertilisers, Government of India in association with Indian Chemical Council has set up three CWC Help Desks in the country, one at Mumbai which covers the States of Maharashtra, Goa and Madhya Pradesh, the second one at Chennai which covers the States of Tamilnadu, Karnataka, Andhra Pradesh and Kerala and the third one at Vadodara which covers State of Gujarat and other locations not covered by Mumbai and Chennai Help Desks.

Following are the communication details:

1 Chemical Weapons Convention Help Desk
Indian Chemical Council, Vashi Office,
102, 1st floor, A- Wing, BSEL Tech Park,
Plot Number 39/5 & 39/5A. Sector No. 30 A,
Opposite Vashi Railway Station, Vashi,
NaviMumbai-400703.Maharashtra
Tel:+91 22 2294 3679

Contact Persons:

Mr. Sudhir Kulkarni
CWC Help Desk Co-ordinator & (ex - Chemical Weapons Inspector -
Organisation for Prohibition of Chemical Weapons)

Mr. R.R Gokhale, Secretary General , Indian Chemical Council

Sir Vithaldas Chambers, 6th floor, 16 Mumbai Samachar Marg, Fort,
Mumbai 400 001, Maharashtra
Tel:+912222846852/22048043/22047649.Mumbai

E-mail : CIN@ICCMAIL.IN
iccmumbai@iccmail.in

Mobile Mr. Sudhir Kulkarni:+91 9757391927
Mobile Mr. R.R. Gokhale: +91 9821075516

2 Chemical Weapons Convention Help Desk
Indian Chemical Council
Southern Regional Office: "Kurain Complex",
III Floor, 140-A Nelson Manickam Road,
Chennai 600 029, Tamilnadu
Telefax: 044 2374 6326

Contact Persons:

- Mr.R.Narayanan
CWC Help Desk Co-ordinator & (ex - Chemical Weapons Inspector -
Organisation for Prohibition of Chemical Weapons)
- Mr.S.Krishnamurthy,Secretary,Southern Region, Indian Chemical Council
E-mails: narayanan.icc@gmail.com
icmasr@vsnl.net
iccsro@iccmil.in

Mobile Mr. R.Narayanan: +91 9788580405
Mobile Mr. S. Krishnamurthy: +91 --9840249730

3.ChemicalWeaponsConventionHelpDesk
Indian Chemical Council.
103,LA-CITADELComplex,30,NutanBharatSociety,
Alkapuri,Vadodara-390007,Gujarat.
Telefax +91 265 2342969

Contact Persons:

- Mr.Anand.Kane
CWC Help Desk Co-ordinator & (ex - Chemical Weapons Inspector -
Organisation for Prohibition of Chemical Weapons)
- Mr.Y.P.Saxena,Secretary,Gujarat Chapter,
Indian Chemical Council

E-mails : CWCHELPDESK@ICCMAIL.IN

ICCGUJARAT@ICCMAIL.IN

Mobile Mr. Anand Kane: +91 9376980207
Mobile Mr.Y.P. Saxena: +91 9327219189

9 ANNEXES

Annex A

ANNEX ON CHEMICALS

CONTENTS

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A. GUIDELINES FOR SCHEDULES OF CHEMICALS

Guidelines for Schedule 1

1. The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:
 - (a) It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;
 - (b) It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:
 - (i) It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;
 - (ii) It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;
 - (iii) It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;
 - (c) It has little or no use for purposes not prohibited under this Convention.

Guidelines for Schedule 2

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

- (a) It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;
- (b) It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;
- (c) It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;
- (d) It is not produced in large commercial quantities for purposes not prohibited under this Convention.

Guidelines for Schedule 3

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:
- (a) It has been produced, stockpiled or used as a chemical weapon;
 - (b) It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;
 - (c) It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;
 - (d) It may be produced in large commercial quantities for purposes not prohibited under this Convention.

B. SCHEDULES OF CHEMICALS

The following Schedules list toxic chemicals and their precursors. For the purpose of implementing this Convention, these Schedules identify chemicals for the application of verification measures according to the provisions of the Verification Annex. Pursuant to Article II, subparagraph 1 (a), these Schedules do not constitute a definition of chemical weapons.

(Whenever reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses are considered as listed in the respective Schedule as long as they are not explicitly exempted. A chemical marked "*" on Schedule 2, part A, is subject to special thresholds for declaration and verification, as specified in Part VII of the Verification Annex.)

<u>Schedule 1</u>	(CAS registry number)
A. Toxic chemicals:	
(1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates	
e.g. Sarin: O-Isopropyl methylphosphonofluoridate	(107-44-8)
Soman: O-Pinacolyl methylphosphonofluoridate	(96-64-0)
(2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates	
e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)
(3) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts	
e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)

- (4) Sulfur mustards:
- 2-Chloroethylchloromethylsulfide (2625-76-5)
 - Mustard gas: Bis(2-chloroethyl)sulfide (505-60-2)
 - Bis(2-chloroethylthio)methane (63869-13-6)
 - Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane (3563-36-8)
 - 1,3-Bis(2-chloroethylthio)-n-propane (63905-10-2)
 - 1,4-Bis(2-chloroethylthio)-n-butane (142868-93-7)
 - 1,5-Bis(2-chloroethylthio)-n-pentane (142868-94-8)
 - Bis(2-chloroethylthiomethyl)ether (63918-90-1)
 - O-Mustard: Bis(2-chloroethylthioethyl)ether (63918-89-8)
- (5) Lewisites:
- Lewisite 1: 2-Chlorovinylchloroarsine (541-25-3)
 - Lewisite 2: Bis(2-chlorovinyl)chloroarsine (40334-69-8)
 - Lewisite 3: Tris(2-chlorovinyl)arsine (40334-70-1)
- (6) Nitrogen mustards:
- HN1: Bis(2-chloroethyl)ethylamine (538-07-8)
 - HN2: Bis(2-chloroethyl)methylamine (51-75-2)
 - HN3: Tris(2-chloroethyl)amine (555-77-1)
- (7) Saxitoxin (35523-89-8)
- (8) Ricin (9009-86-3)
- B. Precursors:
- (9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides
- e.g. DF: Methylphosphyldifluoride (676-99-3)
- (10) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts
- e.g. QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite (57856-11-8)
- (11) Chlorosarin: O-Isopropyl methylphosphonochloridate (1445-76-7)
- (12) Chlorosoman: O-Pinacolyl methylphosphonochloridate (7040-57-5)

Schedule 2

A. Toxic chemicals:

- (1) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts (78-53-5)
- (2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8)
- (3) BZ: 3-Quinuclidinyl benzilate (*) (6581-06-2)

B. Precursors:

- (4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
- e.g. Methylphosphonyl dichloride (676-97-1)
Dimethyl methylphosphonate (756-79-6)
- Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate (944-22-9)
- (5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
- (6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates
- (7) Arsenic trichloride (7784-34-1)
- (8) 2,2-Diphenyl-2-hydroxyacetic acid (76-93-7)
- (9) Quinuclidin-3-ol (1619-34-7)
- (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts
- (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
- Exemptions: N,N-Dimethylaminoethanol (108-01-0)
and corresponding protonated salts
N,N-Diethylaminoethanol (100-37-8)
and corresponding protonated salts
- (12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols

and corresponding protonated salts

(13) Thiodiglycol: Bis(2-hydroxyethyl)sulfide (111-48-8)

(14) Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol (464-07-3)

A List of commercially important Schedule-2 Chemicals along with CAS No. and ITC (HS) Code

Sl. No.	Name of Chemical	Entry into Schedule	CAS (Chemical Abstract Service) Numbers	ITC(HS) codes
1.	2-Chloro N, N-Di-isopropyl ethylamine	2B10	4261-68-1	29211911
2.	Diethyl amino Ethanethiol	2B12	100-38-9	29221910
3.	O, O, Dimethyl Methyl Phosphonate	2B04	756-79-6	29209045
4.	2-Hydroxy N, N-Diisopropyl Ethylamine	2B11	96-80-0	29221111
5.	N, N-Diethyl Amino ethyl Chloride Hydrochloride	2B10	869-24-9	29221112
6.	Di-ethyl Amino ethanethiol Hydrochloride	2B12	1942-52-5	29221113
7.	Di-Methyl Amino ethyl chloride Hydrochloride	2B10	4584-46-7	29221114
8.	Di-Methyl Amino ethanethiol	2B12	108-02-1	29221115
9.	Di-Methyl Amino ethanethiol Hydrochloride	2B12	13242-44-9	29221116
10.	Phosphorothioic acid, S [2-(diethylamino) ethyl] O, O – diethyl ester	2A01	78-53-5	29201010
11.	1-Propene, 1,1, 3, 3, 3, - Pentafluoro – 2-(trifluoromethyl) (PFIB)	2A02	382-21-8	29033011
12.	Benzeneacetic acid, alphahydroxy – alpha-phenyl, 1 – azabicyclo [2.2.2.] oct-3-yl ester	2A03	6581-06-2	29392910
13.	Phosphonic Acid, Methyl-compound with (aminoimino methyl) urea (1: 1)	2B04	84402-58-4	29209047
14.	1-Propanaminium N, N, N-trimethyl – 3- [1-oxo-9 octadecenyl) amino]-. (Z)- methyl methylphosphonate	2B04	70055-71-9	29209048
15.	Phosphonic acid, [methyl bis (5-ethyl-2-methyl-2-oxido-1, 3, 2- dioxaphosphorinan-5-yl) methyl] ester	2B04	42595-45-9	29209051
16.	Phosphonic acid, [methyl-(5-ethyl-2-methyl 2-oxido-1,3,2-dioxaphosphorinan-5-yl) methyl] ester	2B04	41203-81-0	29209052
17.	Phosphonic acid, propyl-dimethyl ester	2B04	18755-43-6	29209053
18.	Phosphonous acid, methyl-diethyl ester	2B04	15715-41-0	29209054
19.	Phosphonic acid, ethyl-	2B04	6779-09-5	29209055
20.	Phosphonic acid, propyl-	2B04	4672-38-2	29209056
21.	Phosphonic acid, methyl-	2B04	4206-94-4	29209057
22.	Phosphonochloridic acid, methyl-, methyl ester	2B04	1066-52-0	29209058
23.	Phosphonothioic dichloride, ethyl-	2B04	993-43-1	29209061
24.	Phosphonic acid methyl-	2B04	993-13-5	29209062
25.	Phosphonic dichloride, methyl-	2B04	676-97-1	29209064
26.	Phosphonous dichloride, methyl-	2B04	676-83-5	29209065
27.	Phosphonic acid, ethyl-, diethyl ester	2B04	78-38-6	29209066
28.	Arsenous trichloride	2B07	7784-34-1	28121060

29.	Benzeneacetic acid, alpha-hydroxy-alpha-phenyl	2B08	76-93-7	29181910
30.	1-Azabicyclo (2.2.2.) octan-3-ol	2B09	1619-34-7	29333930
31.	Ethanamine, 2-Chloro-N, N-dimethyl-	2B10	107-99-3	29211914
32.	Ethanol, 2, 2'-thiobis-	2B13	111-48-8	29309091
33.	2-Butanol, 3, 3-dimethyl-	2B14	464-07-3	29051910
34	Dimethyl methylphosphonate	2B04	756-79-6	29209063
35	2-Diisopropylaminoethanol	2B11	96 80 0	29221920
36	2-diethylamino-ethanethiol	2B12	100 38 9	29221930

Schedule 3 chemicals along with IUPAC Chemical name, CAS No. and ITC (HS) Code

Sl.No.	Name of Chemical	Entry into Schedule	IUPAC chemical Name	CAS Numbers	ITC (HS) codes
1.	Phosgene: (Carbonyl dichloride)	3A01	Carbonyl dichloride	75-44-5	28121010
2.	Cyanogen chloride	3A02	Cyanogen chloride	506-77-4	28510091
3.	Hydrocyanic acid	3A03	Nitrilomethane	74-90-8	28111910
4.	Chloropicrin: Trichloronitromethane	3A04	Trichloro(nitro)methane	76-06-2	29049080
5.	Phosphorus Oxychloride	3B05	Phosphoric trichloride	10025-87-3	28121030
6.	Phosphorus trichloride	3B06	Phosphorus trichloride	7719-12-2	28121021
7.	Phosphorous Pentachloride	3B07	Pentachlorophosphorane	10026-13-8	28121022
8.	Trimethyl Phosphite	3B08	Trimethyl Phosphite	121-45-9	29209041
9.	Triethyl Phosphite	3B09	Triethyl Phosphite	122-52-1	29209042
10.	Dimethyl Phosphite	3B10	Dimethyl Phosphite	868-85-9	29209043
11.	Diethyl Phosphite	3B11	Diethyl phosphite	762-04-9	29209044
12.	Sulphur monochloride	3B12	Disulphur dichloride	10025-67-9	28121042
13.	Sulphur dichloride	3B13	Sulphur dichloride	10545-99-0	28121043
14.	Thionyl Chloride	3B14	Thionyl dichloride	7719-09-7	28121047
15.	Ethyldiethanolamine	3B15	2,2'-(Ethylimino)diethanol	139-87-7	29221211
16.	Methyldiethanolamine	3B16	2,2'-(Methylimino)diethanol	105-59-9	29221212
17.	Triethanolamine	3B17	2,2',2''-Ntrilotriethanol	102-71-6	29221300

The CWC Act, 2000



The Gazette of India

EXTRAORDINARY

PART II – Section 1

PUBLISHED BY AUTHORITY

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 28th August, 2000/Bhadra 6, 1922 (Saka)

The following act of Parliament received the assent of the President on the 26th August, 2000, and is hereby published for general information:-

THE CHEMICAL WEAPONS CONVENTION ACT, 2000
No. 34 OF 2000

[26th August, 2000]

(Disclaimer – The Act as reproduced below is a copy of the CWC Act 2000 as enacted and printed in the Gazette. In case of doubt the printed version may be referred”).

An Act to give effect to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on

thereto.

WHEREAS a Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction was signed on behalf of the Government of India at Paris on the 14th day of January, 1993;

AND WHEREAS India, having ratified the said Convention, has to make provisions for giving effect thereto and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. (1) This act may be called the Chemical Weapons Convention Act, 2000.

(2) It extends to the whole of India, and it shall apply to -

(a) citizens of India outside India; and

(b) associates, branches or subsidiaries, outside India of companies or bodies corporate, registered or incorporated in India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

Short title,
extent,
application
and
commencement.

2. In this Act, unless the context otherwise requires, -

(a) “Article” means an Article of the Convention;

(b) “Chemical Weapons” means,-

(i) the Toxic Chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with such purposes;

(ii) the munitions and devices, specifically designed to cause death or other harm through the toxic properties of those Toxic Chemicals specified in sub-clause (i), which would be released as a result of the employment of such munitions and devices;

(iii) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in sub-clause (ii), together or separately;

(c) “Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction signed on behalf of the Government of India at Paris on the 14th day of January, 1993;

(d) “enforcement officer” means a person appointed as such by the Central Government under sub-section (1) of section 9 or by the State Government under sub-section (2) of that section;

(e) “goods”, in relation to Toxic Chemicals, Precursors or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine, means any material, commodity, article or compound consisting of such Toxic Chemicals, Precursors or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine and includes materials, commodities, articles, compounds or apparatus used in the production, processing or storing of Toxic Chemicals, Precursors or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine;

(f) “industry” includes a Facility;

(g) “Inspector” means an individual designated by the Technical Secretariat, according to the procedures as set forth in Part II, Section A, of the Verification Annex to the Convention, to carry out an inspection or visit in accordance with the convention;

(h) "National Authority" means the National Authority for the Chemical Weapons Convention established under sub-section (1) of section 6;

(i) "Organisation" means the Organisation for the prohibition of Chemical Weapons established pursuant to Article VIII;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "purposes not prohibited under the Convention" means –

(i) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(ii) protective purposes namely those purposes directly related to protection against Toxic Chemicals and to protection against Chemical Weapons;

(iii) military purposes not connected with the use of Chemical Weapons and not dependant on the use of the Toxic Properties of Chemicals as a method of warfare; and

(iv) law enforcement including domestic riot control purposes;

(l) "State Party" means a signatory or acceding State to the Convention whose instrument of ratification or accession has been deposited with the Depository of the Convention;

(m) words and expressions used in this Act and not defined but defined in the Convention, or the Code of Criminal Procedure, 1973, shall have the meanings respectively assigned to them in that Convention or Code. 2 of 1974.

3.(1) Notwithstanding anything to the contrary contained in any other law, the provisions of the Convention set out in the Schedule to this Act shall have the force of law in India. Application of the Convention.

(2) The Central Government may, from time to time and by notification in the Official Gazette, amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the said Convention set out therein.

4. Where the Central Government considers any inspection of a Chemical Weapons Production Facility in India under this act to be against the interest of national security or economic interests of India, it may deny the request for such inspection. Power of Central Government to deny the request for inspection.

declare that this Act shall cease to be in force in case the Government of India withdraws from the Convention in accordance with the provisions of Article XVI, and on such declaration this Act shall cease to be in force, but its expiry under the operation of this Section shall not affect –

Government to
declare
Cessation of
the Act.

(a) the previous operation of, or anything duly done or suffered under, this Act or rule made thereunder or any order made under any such rule, or

(b) any right privilege, obligation or liability acquired, accrued or incurred under this Act or any rule made thereunder or any order made under any such rule, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence under this act, or

(d) any investigation, legal proceeding or remedy in respect of any such right privilege, obligation, liability penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not expired.

CHAPTER II

ESTABLISHMENT OF THE NATIONAL AUTHORITY AND ITS POWERS AND FUNCTIONS

6. (1) For the purposes of this Act, the Central Government shall establish, by notification in the Official Gazette, an Authority to be known as the National Authority for implementing the provisions of the Convention which shall consist of a Chairperson and such number of Directors as may be appointed by the Central Government.

Establishment
of National
Authority.

(2) The Central Government may appoint officers and such other employees to the National Authority as it thinks fit for the purposes of this Act.

(3) The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and the Directors shall be such as may be prescribed.

(4) The salary and allowances payable to, and other terms and conditions of service of, officers and other employees of the National Authority shall be

7. (1) Subject to the provisions of this Act,-

(a) it shall be the general duty of the National Authority to fulfil, on behalf of the Government of India, the obligations under the Convention;

(b) it shall be incumbent on the National Authority to act as the national focal point for effective liaison with the Organisation and other States Parties on matters relating to the Convention;

(2) Subject to the provisions of sub-section (1), the functions of the National Authority shall be to –

(a) interact with the Organisation and other States Parties for the purpose of fulfilling the obligations of the Government of India under the Convention;

(b) monitor compliance with the provisions of the Convention;

(c) regulate and monitor the development, production, processing, consumption, transfer or use of Toxic Chemicals or Precursors as specified in the Convention;

(d) make request to, or to receive request from, a State Party for assistance and protection under Article X, against the use or threat of use of Chemical Weapons;

(e) manage routine inspection or Challenge Inspection managing investigation, in case a complaint of use of Chemical Weapons or riot control agents as a method of warfare is received from the Organisation;

(f) conduct inspections for the purposes of this act;

(g) interact with the Organisation in respect of acceptance of request of India for Challenge Inspection or to counter any frivolous or defamatory request made by any State Party against India to the Organisation;

(h) scrutinise and accept list of Inspectors and to verify the Approved Equipment brought by an Inspection Team on to the Inspection Site;

(i) provide escort to the Inspection Team and the Observer within the territory of India;

(j) identify and oversee the closure and destruction of Chemical Weapons, Chemical Weapons Production Facilities, Old Chemical Weapons or Abandoned Chemical Weapons;

(k) negotiate Managed Access during the Challenge Inspection;

(l) ensure decontamination of Approved Equipment after completion of an Inspection;

(m) advise Central Government for laying down safeguards for transportation, sampling or storage of Chemical Weapons and fixation of standards for emission or discharge of environmental pollutants arising out of the destruction of Chemical Weapons, Old Chemical Weapons, Abandoned Chemical Weapons or Chemical Weapons Production Facility;

(n) ensure data base confidentiality and maintain secrecy of confidential information and technology collected or received by the National Authority under this Act;

(o) facilitate exchange of scientific and technological information relating to developments in chemicals amongst the States Parties;

(p) call for such information from any person which the National Authority has reasonable cause to believe that such information may be required for complying with the provisions of the Convention;

(q) approve and declare, on behalf of the Government of India, a single small-scale facility for production of Toxic Chemicals listed in Schedule 1 in the Annex on Chemicals to the Convention for purposes not prohibited under the Convention;

(r) provide training to enforcement officers;

(s) ensure protection of environment, health and safety of the people during transportation, sampling, storage or destruction of Chemical Weapons, Chemical Weapons Production Facilities, Old Chemical Weapons or Abandoned Chemical Weapons;

(t) co-ordinate exchange of scientific and technological information among laboratories handling Toxic Chemicals or Precursors;

(u) determine, from time to time, the quantity limit that a person at any time may produce, otherwise acquire, retain, transfer or use any Toxic Chemical or Precursor listed in any of the Schedules 1 to 3 in the Annex on

Discrete Organic Chemical containing elements of phosphorous, sulphur or fluorine for purposes not prohibited under the Convention;

(v) such other functions as may be prescribed.

8. The National Authority shall prepare such initial, annual and other periodical declarations regarding Toxic Chemicals or Precursors listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention, Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine Chemical Weapons, Old Chemical Weapons, Abandoned Chemical Weapons, riot control agents, Chemical Weapons Production Facilities, past transfers of Chemical Weapons or their production equipments or any other declaration required to be made under the Convention and shall submit such declarations to the Organization at such time as are specified under the Convention.

National Authority to submit initial, annual and other periodical declarations to Organization.

9. (1) The Central Government may, by notification in the Official Gazette, appoint such of the officers of the National Authority as it thinks fit to be enforcement officers for the purposes of this Act.

Appointment of enforcement officers.

(2) The State Government may, as and when so directed by the Central Government and by notification in the Official Gazette, appoint such of its officers of gazetted rank as it thinks fit to be enforcement officer for the purposes of this Act and assign to them such local limits as it may think fit.

(3) Every officer appointed as enforcement officer under sub-section (1) or under sub-section (2) shall be furnished by the Central Government or by the State Government, as the case may be, with a certificate of appointment as an enforcement officer and the certificate shall, on demand, be produced by such enforcement officer.

10. Notwithstanding anything contained in any other law but subject to the provisions of this Act, the National Authority may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

Power of National Authority to Issue directions.

Explanation.— For the avoidance of doubts, it is hereby declared that the power to issue direction under this Section includes the power to direct –

(a) the closure, prohibition or regulation of any company, firm or industry engaged in the development, production, processing, consumption or use of

any Toxic Chemical or Precursor listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention or, the production of any Discrete Organic Chemical including Discrete Organic Chemical containing elements of phosphorous, sulphur or fluorine; or
 (b) the stoppage or regulation of the supply of electricity or water or any other service to such company, firm or industry.

11. The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute a Committee by such name as may be specified in the order for the purpose of overseeing the functions of the National Authority and exercising and performing such of the powers and functions of the Central Government under this Act (except the power to make rules under section 56) as may be specified in the order and subject to the supervision and control of the Central Government and the provisions of such order, such Committee may exercise the powers or perform the functions so specified in the order as if such Committee had been empowered by this Act to exercise those powers or perform those functions.

Power of Central Government to Constitute Committee.

12. (1) Notwithstanding anything contained in any other law for the time being in force, National Authority may, by general or special order, call upon a person, to furnish to that Authority periodically or as and when required any information, declaration or return concerning Toxic Chemicals or Precursors listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention, Chemical Weapons, Old Chemical Weapons, Abandoned Chemical Weapons, Chemical Weapons Production Facilities, riot control agents, single small-scale facility or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine with such particulars as may be specified by the National Authority.

Power of National the Authority to call for information, etc.

(2) No person shall, when complying with any requisition made under subsection (1), give any information or furnish any declaration, return or statement which he knows, or has reasonable cause to believe to be false or not true in any material particular.

CHAPTER III

PROHIBITION AND REGULATIONS OF CHEMICAL WEAPON AND TOXIC CHEMICALS

13. (1) No person shall-

- (a) develop. Produce, otherwise acquire, stockpile, retain or use Chemical Weapons, or transfer, directly or indirectly, any Chemical Weapons to any person;
- (b) use riot control agents as a method of warfare;
- (c) engage in any military preparations to use Chemical Weapon;
- (d) assist, encourage or include, in any manner, any person to engage in-
 - (i) the use of any riot control agent as a method of warfare;
 - (ii) any other activity prohibited to a State Party under the Convention.

Prohibition to develop, produce, acquire, etc., Chemical Weapons.

(2) The prohibition contained in sub-section (1) shall not apply to the retention or possession of Chemical Weapons, which are permitted by the Convention, pending destruction of such Weapons.

14. Any person having knowledge about the possession or location of Old Chemical Weapons or Abandoned Chemical Weapons shall inform the National Authority of such possession and the precise location of such Old Chemical Weapons or Abandoned Chemical Weapons within seven days from the commencement of this Act:

Knowledge about Old or Abandoned Chemical Weapons to be informed to National Authority.

commencement of this Act, an information about knowledge of such possession or location shall be given to the National Authority within seven days from the occurrence of such knowledge.

15. No person shall –

(a) produce, acquire, retain or use Toxic Chemicals or Precursors listed in Schedule 1 in the Annex on Chemicals to the Convention, outside the territories of States Parties, and shall not transfer such Chemicals or Precursors outside the territory of India except to another State Party;

Prohibition to develop, produce, acquire, etc. Toxic Chemical or Precursor.

(b) produce, acquire, retain, transfer or use Toxic Chemicals or Precursors listed in Schedule 1 in the Annex on Chemicals to the Convention without permission from the National Authority and unless –

(i) the Toxic Chemicals or Precursors listed in Schedule 1 in the Annex on Chemicals to the Convention are for the purposes to be applied to research, medical, pharmaceutical or protective purposes; and

(ii) the types of Toxic Chemicals or Precursors are strictly limited to those that can be justified with reference to the purposes specified in sub-clause (i) and the quantities of such Toxic Chemicals or Precursors for such purposes at any time do not exceed the limits fixed by the National Authority;

(c) transfer the Toxic Chemicals or Precursors listed in Schedule 1 in the Annex on Chemicals to the Convention to another State Party outside India except-

(i) for the purposes specified in sub-clause (i) of clause (b); and

(ii) in accordance with the procedure set out in Part VI of the Verification Annex to the Convention:

Provided that no Toxic Chemicals or Precursors referred to in clause (c) shall be re-transferred to any third State.

16. No person shall, three years after the 29th day of April, 1997, transfer to or receive from any person, who is not a citizen of a State Party, any Toxic Chemical or Precursor listed in Schedule 2 in the Annex on Chemicals to the Convention.

Restriction on transfer of Toxic Chemical or Precursor listed in Schedule 2.

the Convention except in accordance with the provisions of the Export and Import Policy determined by the Central Government from time to time under the Foreign Trade (Development and Regulation) Act, 1992 and the Orders issued thereunder.

made in accordance with Export and Import Policy.

22 of 1992.

CHAPTER IV REGISTRATION OF PERSONS AS PRODUCERS, USERS, ETC.

18 (1) Every person who is engaged in the production, processing, acquisition, consumption, transfer, import, export or use of any Toxic Chemical or Precursor listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention or, engaged in the production of any Discrete Organic Chemical including Discrete Organic Chemical containing elements of phosphorous, sulphur or fluorine shall make, within thirty days from the commencement of this Act, an application for registration of his name, as a producer, processor, acquirer, consumer, transferor, importer, exporter or user of any Toxic Chemical or Precursor or, as the case may be, as a producer of any Discrete Organic Chemical including Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine, to such registration authority as the Central Government may, by notification in the Official Gazette, specify in this behalf.

Registration of persons engaged in production etc. of any toxic chemical or precursor.

(2) No person, who after the commencement of this Act, desires to produce, process, acquire, consume, transfer, import, export or use any Toxic Chemical or precursor listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention or, desires to produce any Discrete Organic Chemical including Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine, shall commence business unless such person has applied to the registration authority specified under sub-section (1) for registration of his name as a producer, processor, acquirer, consumer, transferor, importer, exporter or user of any Toxic Chemical or Precursor or, as the case may be as a producer of any Discrete Organic Chemical including Discrete Organic Chemicals containing elements of phosphorus, sulphur or fluorine.

(3) The form of application to be made to the registration authority under sub-section (1) or sub-section (2), the particulars to be contained in such application form, the manner in which such application shall be made, the fee payable on such application, the form of certificate of registration, the procedure to be followed in granting or cancelling certificate of registration shall be such as may be prescribed.

(5) The certificate of registration granted in pursuance of this section shall be valid for a period specified therein and may be renewed from time to time for such further period and on payment of such fee as may be prescribed.

CHAPTER V INSPECTION, SEARCH, SEIZURE AND FORFEITURE

19. (1) An Inspector may inspect -

Power of
Inspector to
inspect any
person or
place.

(a) any person who is engaged in -

(i) the production, processing, acquisition, consumption, transfer, import, export or use of any Toxic Chemical or Precursor listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention; or

(ii) the production of any Discrete Organic Chemical including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine;

(b) any place where any Chemical Weapon, Old Chemical Weapon or Abandoned Chemical Weapon is located or Chemical Weapon Production Facility exists,

for the purposes specified in the Verification Annex to the Convention.

(2) An Inspection Team may undertake a Challenge Inspection of any Facility or location pursuant to Article IX and such inspection shall be undertaken in accordance with the provisions of the Verification Annex to the Convention.

(3) The Inspection Team may, while carrying out a Challenge Inspection, be accompanied by an Observer to observe the conduct of the Challenge Inspection.

(4) An enforcement officer shall accompany the Inspector or Inspection Team to observe all verification activities carried out by the Inspector or Inspection Team and to provide the Inspector or Inspection Team, during the inspection, with such clarifications in connection with an ambiguity that may arise during an inspection as may be necessary to remove such ambiguity.

(5) Every Inspector or Inspection Team shall have -

(c) the right to demand production of such documentation and records which are relevant and necessary for the purpose of inspection;

(d) the right to take photographs of an object or a building located within the Inspection Site if question relating to that object or building is not resolved;

(e) the right to draw samples, perform on site analysis of such samples ; and

(f) such other rights as are provided under the Convention.

(6) An Inspector or Inspection Team shall , during the conduct of verification activities or Challenge Inspection, enjoy the privileges and immunities referred to in Part II of the Verification Annex to the Convention.

(7) No sample drawn under clause (e)of sub-section (5) by an Inspector or Inspection Team shall be sent for analysis in any laboratory situated outside the territory of India.

20.(1) Any enforcement Officer shall have the right to enter with such assistance as he consider necessary, any building or place for the purpose of –

Enforcement officer to enter into any place for examining and testing facility or to conduct search.

(a) verifying the correctness of any information, declaration or return furnished under sub- section (1)of section 12;

(b) performing any of the functions of the National Authority entrusted to him;

(c) determining whether any provisions of this Act or the rules made there-under or any direction given under this Act is being complied with any person engaged in the production, processing, acquisition, consumption, transfer, import, export or use of any Toxic Chemical or Precursor listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention or engaged in the production of any Discrete Organic Chemical including Discrete Organic Chemical containing elements of phosphorous, sulphur or fluorine;

(e) Conducting a search where a warrant under sub-section (1) of section 22 is addressed to such enforcement officer or he is so authorized under sub-section (2) of that section.

(2) Any enforcement officer shall have a right to accompany the Inspector or Inspection Team as a representative of India during inspection in India.

21. If any person wilfully –

Certain acts to constitute an offence.

(a) refuses without reasonable excuse to comply with the request made by the Inspector or Inspection Team for the purpose of facilitating the conduct of that inspection in accordance with the Verification Annex to the Convention;

(b) delays or obstructs any member of the Inspection Team, Inspector, enforcement officer or the Observer in the conduct of inspection;

(c) removes or tampers with any on-site instrument or Approved Equipment installed by the enforcement officer, Inspector or Inspection Team with the intention of adversely affecting the operation of such instrument or Equipment,

he shall be guilty of an offence punishable under this Act.

22. (1) A Metropolitan Magistrate or a Judicial Magistrate of the first class or any Magistrate of the second class specially empowered by the State Government in this behalf, may issue a warrant for the arrest of any person whom he has reason to believe to have committed any offence punishable under Chapter VI or for the search, whether by day or by night, of any industry, building, conveyance or place in which he has reason to believe that any goods in relation to which an offence punishable under Chapter VI has been committed or any document or other goods which may furnish evidence of the commission of such offence is kept or concealed.

Power to issue warrant and authorisation.

(2) Any enforcement officer or such other officer of the National Authority as is empowered in this behalf by general or special order by the Central Government or any such officer of a State Government as is empowered in this behalf by general or special order of the State Government, if he has reason to believe from personal knowledge or information given by

any person and taken down in writing that any person has committed an offence punishable under Chapter VI or any goods in relation to which an offence punishable under Chapter VI has been committed or any document or other goods which may furnish evidence of the commission of such offence has been kept or concealed in any industry, building, conveyance or place, may authorise any officer subordinate to him to arrest such person or search an industry or a building, conveyance or place, whether by day or by night, or himself arrest a person or search an industry or a building, conveyance or place.

(3) The officer to whom a warrant under sub-section (1) is addressed and the officer who authorised the arrest or search or such subordinate officer who is so authorised under sub-section (2) shall have all the powers of an officer acting under section 23.

23. (1) Any such subordinate officer to the enforcement officer as is authorised in this behalf by general or special order by the Central Government or any such subordinate officer to the enforcement officer as is authorised in this behalf by general or special order of the State Government, if he has reason to believe from personal knowledge or information given by any person and taken down in writing, that any goods in relation to which an offence punishable under Chapter VI has been committed or any document or goods which may furnish evidence of the commission of such offence is kept or concealed in any industry, building, conveyance or place, may, between sunrise and sunset,-

Power of entry, search, seizure and arrest without warrant or authorisation.

(a) enter into and search any such industry, building, conveyance or place;

(b) in case of resistance, break open any door and remove any obstacle to such entry;

(c) seize such Chemical Weapons, Chemical Weapons Production Facilities, riot control agents, Old Chemical Weapons, Abandoned Chemical Weapons, Toxic Chemicals or Precursors or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine, all goods and any conveyance which he has reason to believe to be liable to confiscation under this Act and any document or other goods which he has reason to believe may furnish evidence of the commission of any offence punishable under Chapter VI relating to such Chemical Weapons, Chemical Weapons Production Facilities, riot control agents, Old Chemical Weapons, Abandoned Chemical Weapons, Toxic Chemicals or Precursors or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine; and

(d) detain and search, if he thinks proper, arrest any person whom he has reason to believe to have committed any offence punishable under Chapter VI relating to such Chemical Weapons, Chemical Weapons Production Facilities, riot control agents, Old Chemical Weapons, Abandoned Chemical Weapons, Toxic Chemicals or Precursors or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine:

Provided that if such subordinate officer has reason to believe that search warrant or authorisation cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may enter and search such industry, building, conveyance or place, at any time between sunrise and sunset after recording the grounds of his belief.

(2) Where an officer takes down any information in writing under subsection (1) or records grounds for his belief under the proviso thereto, he shall forthwith send a copy thereof to his immediate superior officer.

24. Any subordinate officer to the enforcement officer as is authorised in section 23 may -

Power of seizure and arrest in public places.

(a) seize, in any public place or in transit, any goods, in relation to which he has reason to believe an offence punishable under Chapter VI has been committed, and, along with such goods, any conveyance liable to confiscation under this Act, and any document or goods which he has reason to believe may furnish evidence of the commission of an offence punishable under Chapter VI relating to such goods;

(b) detain and search any person whom he has reason to believe to have committed an offence punishable under Chapter VI, and, if such person has any Toxic Chemical or Precursor or any Discrete Organic Chemical containing elements of phosphorous, sulphur or fluorine in his possession and such possession appears to him to be unlawful, arrest him and any other person in his company.

Explanation.— For the purpose of this section, the expression “public place” includes any public conveyance, shop, hotel or other place intended for use by, or accessible to, the public.

25.(1) Where it is not practicable to seize any goods which are liable to confiscation under this Act, any officer authorised under Section 23 may serve on the owner or person in possession of the goods, an order that he shall not remove, part with or otherwise deal with the goods except with the

Procedure where seizure of goods liable to

and other officials of the facility shall provide all assistance with regard to safety in handling of goods.

26. Any subordinate officer authorised under section 23 may, if he has reason to suspect that any conveyance is , or is likely to be, used for the transport of any goods in respect of which he suspects that any provision of this Act has been, or is being, or is likely to be , contravened at any time, stop such conveyance, or in the case of an aircraft compel it to land and –

Power to stop and search conveyance.

(a) rummage and search the conveyance or part thereof;

(b) examine and search any goods in the conveyance;

(c) if it becomes necessary to stop the conveyance , he may use all lawful means for stopping it.

27. (1) When any subordinate officer authorised under section 23 or any subordinate officer exercising power in pursuance of sub-section (3) of section 22 is about to search any person under the provisions of section 22 or section 23 or section 24, he shall, if such person so requires, take such person without unnecessary delay to the nearest enforcement officer or the officer authorising such search or the nearest Magistrate.

Conditions under which search of persons be conducted.

(2) If such requisition is made, the officer may detain the person until he can bring him before the officer or the Magistrate referred to in sub-section (1).

(3) The officer or the Magistrate before whom any such person is brought shall, if he sees no reasonable ground for search, forthwith discharge the person but otherwise shall direct that search be made.

(4) No female shall be searched by anyone excepting a female.

28. The provisions of the Code of Criminal Procedure, 1973 shall apply, in so far as they are not inconsistent with the provisions of this Act, to all warrants issued and arrests, searches and seizures made under this Act.

Provisions of Act 2 of 1974 to apply to arrests, searches and seizures.

29. (1) Any Officer arresting a person under Section 22 or section 23 or section 24 shall, as soon as may be, inform him of the grounds for such arrest.

Disposal of persons arrested and goods seized.

(2) Every person arrested and goods seized under warrant issued under sub-section (1) of section 22 shall be forwarded without unnecessary delay to Magistrate by whom the warrant was issued.

(3) Every person arrested and goods seized under sub-section (2) of section 22 or section 23 or section 24 shall be forwarded without unnecessary delay to -

- (a) the officer in charge of the nearest police station ; or
- (b) the officer empowered under section 30.

(4) The authority or officer to whom any person or goods is forwarded under sub-section (2) or sub-section (3) shall, with all convenient dispatch, take such measures as may be necessary for the disposal according to law of such persons or goods.

30.(1) The Central Government may, after consultation with the State Government, by notification published in the Official Gazette, invest any officer of the National Authority with the powers of an officer in charge of a police station for the investigation of the offences under this Act.

Power to invest officers of the National Authority, etc., with powers of an officer incharge of a police station.

(2) The State Government may, by notification published in the Official Gazette, invest any of officer of gazetted rank or any class of such officers with the powers of an officer in charge of a police station for the investigation of the offences under this Act.

31. An officer in charge of a police station shall take charge of and keep in safe custody, pending the orders of the Magistrate, all goods seized under this Act within the local area of that police station and which may be delivered to him, and shall allow any officer who may accompany such goods to the police station or who may be deputed for the purpose, to affix his seal to such goods or to take samples of and from them and all samples so taken shall also be sealed with a seal of the officer in charge of the police station.

Police to take charge of goods seized and delivered.

32. Whenever any person makes any arrest or seizure under this Act, he shall, within forty – eight hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure to his immediate superior officer.

Report of arrest and seizure.

(2) Any Toxic Chemical or Precursor lawfully produced, imported into India, transported, used, purchased or sold along with, or in addition to, any goods which is liable to confiscation under sub-section (1) and the receptacles, packages and coverings in which any goods liable to confiscation under sub-section (1) is found, and the other contents, if any, of such receptacles or packages shall likewise be liable to confiscation.

conveyance to
confiscation.

(3) Any conveyance used in carrying any goods liable to confiscation under sub-section (1) or sub-section (2) shall be liable to confiscation, unless the owner of the conveyance proves that it was used without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the conveyance and that each of them had taken all reasonable precautions against such use.

34. Any goods used for concealing any goods which is liable to confiscation under this Act shall also be liable to confiscation.

Confiscation
of Goods
used for
concealing
Toxic
Chemicals or
Precursors.

Explanation.- In this section, “Goods” includes conveyance as a means of transport.

35. Where any goods is sold by a person having knowledge or reason to believe that the goods is liable to confiscation under this Act, the sale proceeds thereof shall also be liable to confiscation.

Confiscation
of sale
proceeds of
goods.

36. (1) In the trail of offences under this Act, whether the accused is convicted or acquitted or discharged, the court shall decide whether any goods seized under this Act is liable to confiscation and, if it decides that the goods is so liable, it may order confiscation accordingly.

Procedure in
making
confiscation.

(2) Where any goods seized under this Act appears to be liable to confiscation under section 33 or section 34 or section 35, but the person who committed the offence therewith is not known or cannot be found, the court may inquiry into and decide such liability, and may order confiscation accordingly:

Provided that no order of confiscation of any goods shall be made until the expiry of one month from the date of seizure, or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in respect of

37. Any subordinate officer authorized under section 23 may, during the course of any inquiry in connection with the contravention of any provision of this Act,- Powers to call for information etc.

(a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or any rule or order made or direction issued thereunder;

(b) require any person to produce or deliver any document or thing useful or relevant to the enquiry;

(c) examine any person acquainted with the facts and circumstances of the case.

38. No enforcement officer, subordinate officer to enforcement officer or officer of the National Authority or the State Government or officer subordinate to such officer as is mentioned in sub-section (2) of section 22 acting in exercise of powers vested in him under any provision of this Act or any such order made thereunder shall be compelled to say when he got any information as to the commission of any offence. Information as to commission of offences.

CHAPTER VI

OFFENCES AND PENALTIES

39. Whoever-

(a) before the commencement of this Act had been engaged in development, production, processing, acquisition, consumption, transfer, import, export or use of any Toxic Chemical or Precursor listed in any of the Schedules 1 to 3 in the Annex on chemicals to the Convention or engaged in the production of any Discrete Organic Chemical including Discrete Organic Chemical containing elements of phosphorous, sulphur or fluorine and continues to be, after such commencement, so engaged; or

(b) after the commencement of this Act produces, processes, acquires, consumes, transfers, imports, exports or uses any Toxic Chemical or Precursor listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention or produces any Discrete Organic Chemical including Discrete Organic chemical containing elements of phosphorous, sulphur or fluorine,

without complying with the provisions of sub-section (1) or, as the case may

Punishment for failure to register.

accordance with the provisions of that section, be punishable with fine which may extend to one lakh rupees, and in the case of continuing default, with a further fine which may extend to one lakh rupees every day during which such default continues after conviction for the first default or with imprisonment for a term which may extend to three years, or with both.

40. Whoever, in contravention of any provision of this Act, develops, produces, otherwise acquires, stockpiles, retains or uses Chemical Weapons, transfers, directly or indirectly, any Chemical Weapon to any person, uses any riot control agent as a method of warfare, engages in any military preparations to use Chemical Weapons, assists, encourages or induces in any manner any person to engage in the use of any riot control agent as a method of warfare or any other activity prohibited to a State Party under the Convention, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to term of life and shall also be liable to fine which may extend to one lakh rupees.

Punishment for contravention in relation to development, production, etc., of chemical Weapons or riot control agents, etc.

41. Whoever, in contravention of any provision of this Act, produces, acquires, retains, transfers or uses any Toxic Chemical or Precursor listed in Scheduled 1 in the Annex on Chemicals to the Convention for the purposes prohibited to a State Party under the Convention or transfers any Toxic Chemical or Precursor listed in Scheduled 1 in the Annex on Chemicals to the Convention outside India, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to term of life and shall also be liable to fine which may extend to one lakh rupees.

Punishment for contravention in relation to Toxic Chemicals, etc. listed in Schedule 1.

42. Whoever, in contravention of any provision of this Act transfers to or receives from any person who is not a citizen of a State Party any Toxic Chemical or Precursor listed in Schedule 2 in the Annex on Chemicals to the Convention, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to term of life and shall also be liable to fine which may extend to one lakh rupees.

Punishment for contravention in relation to transfer of Toxic Chemicals, etc., listed in Schedule 2.

43. Whoever, in contravention of any provision of this Act, exports from or imports into India any Toxic Chemical or Precursor listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to term of life and shall also be liable to fine which may extend to one lakh rupees

Punishment for contravention in relation to export or import of Toxic chemicals, etc.

confidential information obtained by the National Authority from any declaration or return furnished or any statement made, information supplied to, or obtained by, an enforcement officer during the course of any inspection carried out under the provisions of this Act to any other person, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to term of life and shall also be liable to fine which may extend to one lakh rupees.

for
contravention
in relation to
disclosure of
confidential
information.

45. Whoever does not comply with the obligations related to inspection activity under the Convention or delays or obstructs any Inspection Team or Inspector, enforcement officer or Observer in performance of his functions or willfully removes or tampers with any installed on site instrument or any Approved Equipment shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to term of life and shall also be liable to fine which may extend to one lakh rupees.

Punishment
for
contravention
in relation to
denial of
access.

46. Any person who being required by or under this Act to furnish any-

- (a) information;
- (b) declaration; or
- (c) return,

Punishment
for
contravention
in relation to
failure to
furnish
information,
declaration or
return.

fails to furnish such information, declaration or return shall be punishable with fine which may extend to one lakh rupees, and in the case of continuing default, with a further fine which may extend to one lakh rupees for every day during which such default continues after conviction for the first such default, or with imprisonment for a term which may extend to three years, or with both.

47. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under section 46 shall be cognizable.

2 of 1974.

Offence
punishable
under section
46 to be
cognizable.

48. (1) Where any offence under Chapter VI has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by
Companies.

person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under Chapter VI has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section, -

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner of the firm.

49. No court shall take cognizance of any offence punishable under this Act except with the previous sanction of the Central Government or the authority notified by the Central Government, in the Official Gazette, to be competent to sanction prosecution of the offences under this Act.

Prosecution
of offences.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor: Authority.

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the prescribed period.

(3) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of the direction appealed against and by such fee as may be prescribed.

(4) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

51. Notwithstanding anything contained in this Act, the provisions of the Convention in so far as they relate to- Provisions of Convention not to apply to certain mixtures.

(a) restriction or reporting;

(b) inspection; or

(c) declaration and verification,

shall not apply to any mixtures containing such concentration of any Chemical specified in Schedule 2 or Schedule 3 in the Annex on Chemicals to the Convention as the Central Government may, by notification in the Official Gazette, specify.

CHAPTER VII

MISCELLANEOUS

52. No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government or any officer of the Central Government or of a State Government or the Chairperson, Directors, officers and other employees of the National Authority or any other person exercising any powers or discharging any functions or performing any Protection of action taken in good faith.

53. (1) The Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act (except the power to make rules under section 56) as it may deem necessary or expedient, to the National Authority or the Committee referred to in section 11.

Power to delegate.

(2) The State Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act, as it may deem necessary or expedient, to any authority or officer of that Government.

54. The Chairperson, Directors, officers and other employees of the National Authority or any other person exercising any powers or discharging any functions under this Act shall be deemed to be the public servant within the meaning of section 21 of the Indian Penal Code.

Officers to be public servants.

45 of 1860.

55. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Removal of difficulties.

Provided that no such order shall be made after the expiry of a period of three years from the date on which this Act receives the assent of the President.

56. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a) the salary and allowances payable to, and other terms and conditions of service of, the Chairperson and the Directors under sub-section (3) of section 6, and the salary and allowances payable to and other terms and

(b) other functions of the National Authority that may be prescribed under clause (v) of sub-section (2) of section 7;

(c) the form of application, the particulars to be contained in the application form, the form of certificate of registration, the manner of making application, the amount of fee payable, the procedure to be followed in granting or cancelling certificate of registration under sub-section(3) of section 18 and the period for which a renewed certificate of registration may be issued and the amount of fee payable therefor under sub-section (5) of that section;

(d) the time within which appeal may be preferred under sub-section (1) of section 50;

(e) the form for making appeal and the fee to be accompanied therewith under sub-section (3) of section 50;

(f) the procedure for disposing of appeal under sub-section (4) of section 50;

(g) any other matter which is to be, or may be prescribed.

(3) Every notification issued under sub-section (2) of section 3, any declaration made under section 5, every order made under section 55 and every rule made under section 56 shall be laid, as soon as may be after it is issued or made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification, order or rule or both Houses agree that the notification, order or rule should not be issued or made, the notification, order or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification, order or rule.

**GOVERNMENT OF INDIA NOTIFICATIONS RELATED TO
CWC**

**THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION
3, SUB SECTION (ii)]
GOVERNMENT OF INDIA
MINISTRY OF CHEMICALS AND FERTILIZERS
(DEPARTMENT OF CHEMICALS AND PETROCHEMICALS)**

NOTIFICATION NO.598 of 14th June, 2005

New Delhi, the 13th June, 2005.

S.O. 818(E).- In exercise of the powers conferred by sub-section (3) section 1 of the Chemical Weapons Convention Act, 2000 (34 of 2000), the Central Government hereby appoints the 1st day of July, 2005 as the date on which the provisions of the said Act, except the provisions of sections 18 and 39, shall come into force.

[No.40020/14/2002-CH.I]

(R.I.Singh)
Joint Secretary to the Government of India

**THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION
3, SUB SECTION (ii)]
GOVERNMENT OF INDIA
MINISTRY OF CHEMICALS AND FERTILIZERS
(DEPARTMENT OF CHEMICALS AND PETROCHEMICALS)**

NOTIFICATION No.598 of 14th June, 2005

New Delhi.

S.O.820 E).- In exercise of the powers conferred by sub-section (1) section 6 of the Chemical Weapons Convention Act, 2000 (34 of 2000), the Central Government hereby establishes an Authority to be known as the National Authority for implementing the provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of the Chemical Weapons and on their Destruction signed on behalf of the Government of India at Paris on the 14th day of January,1993.

2. This notification shall come into force on the 1ST day of July, 2005.

[No.40020/14/2002-CH.I]

(R.I.Singh)
Joint Secretary to the Government of India

GAZETTE OF INDIA
EXTRAORDINARY, PART II, SECTION 3, SUB SECTION (i)]
GOVERNMENT OF INDIA
MINISTRY OF CHEMICALS AND FERTILIZERS
(DEPARTMENT OF CHEMICALS AND PETROCHEMICALS)
NOTIFICATION NO. 257 of 14th June, 2005

New Delhi, the 13TH JUNE, 2005

G.SR.391(E).- In exercise of the powers conferred by sub-section (1), read with clauses (d), (e) and (f) of sub-section (2) of section 56 and section 50 of the Chemical Weapons Convention Act, 2000 (34 of 2000), the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement.**- (1) These rules may be called the Chemical Weapons Convention Appeals Rules, 2005.
(2) They shall come into force on the 1st day of July, 2005.
2. **Definitions.**- (1) In these rules, unless the context otherwise requires, -
 - (a) "Act" means the Chemical Weapons Convention Act, 2000, (34 of 2000);
 - (b) "Form" means a form appended to these rules;
 - (c) "National Authority" means the National Authority for Chemical Weapons Convention established under sub-section (1) of section 6 of the Act;
 - (d) words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Appeal.** – (1) Any person aggrieved by any direction of the National Authority issued under section 10 of the Act, may, within a period of thirty days from the receipt of such direction, prefer an appeal to the Central Government.

(2) No appeal shall be admitted by the Central Government if it is preferred after the expiry of the period specified under sub-rule (1):

Provided that an appeal may be admitted after the expiry of the period specified in sub-rule (1), if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the said specified period.

4. **Form of appeal.**-(1) An appeal to the Central Government shall be filed in Form 'A' by the appellant in person or be sent by registered post with acknowledgement duly addressed to the Joint Secretary (Chemicals) in the Government of India, Department of Chemicals and Petrochemicals, , Shastri Bhawan, New Delhi.

(2) The appellant shall attach to and present with his appeal a receipt slip in Form B which shall be signed by the officer authorized on behalf of the Central Government under sub-rule (1), receiving the appeal, in acknowledgement of the receipt of the appeal.

5. Presentation and scrutiny of appeal. –(1) The officer authorized under sub-rule (1) of rule 4, shall endorse on every memorandum of appeal the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

(2) If on scrutiny the appeal is found to be in order, it shall be registered and given a serial number.

6. **Fee.** – Every appeal under rule 3 shall be accompanied by a fee of twenty-five thousand rupees to be remitted in the form of crossed demand draft drawn on a nationalized bank in favour of the Pay and

Accounts Officer, Department of Chemicals and Petrochemicals payable at New Delhi.

7. Contents of appeal. – Every appeal filed under rule 3 shall set forth concisely and under distinct heads the grounds for such appeal and such grounds shall be numbered consecutively.

8. Documents to be attached with the appeal. -(1) Every appeal shall be accompanied by a paper book containing the following documents, namely: -

- (a) an attested copy of the direction against which the appeal is filed;
- (b) copies of the documents relied upon by the appellant and referred to in the appeal; and
- (c) an index to the documents.

(2) The documents referred to in sub-rule (1) shall be attested by a legal practitioner or by a gazetted officer of the Central Government or State Government, as the case may be, and each document shall be marked serially as Annexure A1, A2, A3, and so on.

9. Procedure for disposal of appeal. -On receipt of memorandum of appeal under rule 5, the Central Government shall send the copies thereof to the National Authority calling upon it to make such reply as it may like to make within a period of one month from the date of receipt of the communication, and the National Authority, while furnishing reply to the Central Government, shall simultaneously endorse a copy of the reply to the appellant.

(2) The Central Government shall send to the appellant the reply received from the National Authority under sub rule (1) for making such counter reply as he may like to make within a period of one

month from the date of receipt of the communication and the appellant making counter reply shall send a copy to the National Authority.

(3) The memorandum of appeal, the reply and counter reply referred to in sub-rules (1) and (2) shall constitute the records of the case.

10. Date and place of hearing of appeal. - The Central Government shall communicate, before hearing the appeal, to the appellant or the National Authority or both the date and place of hearing of the appeal.

11. Hearing of appeal.- On the date fixed for hearing, the appellant shall be heard in support of the appeal and the Central Government shall, then, hear the National Authority or its authorized representative against the appeal and in such case the appellant shall be entitled to reply.

(2) In case the appellant does not appear in person or through an authorized representative when the appeal is called for hearing, the Central Government may dispose of the appeal on merits:

Provided that where an appeal has been disposed of as provided above and the appellant appears afterwards and satisfies the Central Government that there was sufficient cause for his non-appearance, when the appeal was called for hearing, the Central Government shall, make an order setting aside the *ex parte* order and restore the appeal.

12. Order by the Central Government.- The Central Government shall, after,-

- (a) considering the appeal preferred to it under rule 3;
- (b) considering the documents referred to in rule 7;
- (c) considering the reply and counter reply referred to in sub-rules (1) and (2) of rule 9; and
- (d) giving hearing under rule 11,

pass such order or give such direction as may be necessary or expedient to, or in relation to, its order.

13. **Order to be signed and dated.** – Every order of the Central Government shall be in writing, signed and dated by the officer who has been authorized by the Central Government to hear and dispose of the appeal.

14. **Communication of orders to parties.**–The Central Government shall communicate, to the appellant and the National Authority, every order passed or an appeal either by hand delivery or by registered post free of cost.

(No.40020/14/2004-Ch.I)

(R.I.Singh)

Joint Secretary to the Govt. of India.

Dated June 13, 2005

Seal

FORM A

(See sub- rule (1) of rule 4)

APPEAL UNDER SECTION 50 OF THE CHEMICAL WEAPONS
CONVENTION ACT, 2000

Title of the Case

I N D E X

S.No.	Description of documents relied upon Appeal	Page No.
1.		
2.		
3.		
4.		
5.		
6.		

Signature of the appellant

For use in Office

Date of filing

or

Date or receipt by post,

Registration. No.

Signature of Officer

Between -Applicant and -
Respondent

Details of appeal:

1. Particulars of the appellant:

- (i) Name of the appellant:
- (ii) Name of father / husband
- (iii) Age of the appellant:
- (iv) Office address-
- (v) Address for service of notices

2. Particulars of the direction issued by the National Authority under section 10 of the Chemical Weapons Convention Act, 2000 against which appeal is made

The appeal is against the following order

- (i) Direction Order No.
- (ii) ` Date
- (iii) Passed by
- (iv) Subject in brief

3. Limitation:

The appellant further declares that the appeal is within the limitation period specified in rule 3 of the Chemical Weapons Convention (Appeal to the Central Government) Rules, 2004.

4. Facts of the case:

The facts of the case are given below:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue, fact or other relevant information)

5. Details of the remedies exhausted:

The appellant declares that he has availed of all the remedies available to him, etc..

(Give here chronologically the details of correspondence made and the outcome of such correspondence with reference to the Annexure numbers).

6. Relief (s) sought

In view of the facts mentioned in paragraph 4 above, the appellant prays for the following relief(s)

(specify below the relief(s) sought explaining the ground for relief(s) and the legal provisions (if any) relied upon).

7. Interim order, if any prayed for:

Pending final decision on the appeal, the above-mentioned appellant seeks issue of the following interim order:

(Give here the nature of the interim order prayed for with reasons).

8. In the event the memorandum of appeal being sent by registered post, it may be stated whether the appellant desires to have oral hearing at the admission stage and if so he shall attach a self addressed post card / inland letter through which intimation regarding the date of hearing could be sent too him.

9. Particulars of Bank Draft in respect of fee of appeal:

1.Name of the Bank on which drawn

4.

V E R I F I C A T I O N

I, _____ (name of the appellant / authorized signatory) S/o, D/o, W/o _____

Age _____ working as

_____ in the office of

_____ resident of

_____ hereby verify that the contents of paras _____ to _____ are true to my personal knowledge and para _____ to _____ believed to be true on legal advice and that I have not suppressed any material fact.

Signature of the appellant /
Authorised signatory

FORM B

(See sub-rule(2) of rule 4)

RECEIPT SLIP

Receipt of the memorandum of appeal filed in
the _____ filed by
Shri/Smt/Kum _____
working
as _____
_____ residing
at _____ is hereby
acknowledged.

Joint Secretary (Chemicals)
Department of Chemicals and Petrochemicals
Government of India

No.40020/14/2002-Ch.I
R.I. Singh, Joint Secretary

Date:

Seal:

(TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY PART-II SECTION -3, SUB SECTION (ii))

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE AND INDUSTRY

DEPARTMENT OF COMMERCE

NOTIFICATION NO. 27(RE-2007)/2004-2009

NEW DELHI: DATED 7th September, 2007

S.O. (E)- In exercise of powers conferred by Section 5 of the Foreign Trade(Development and Regulation) Act, 1992 read with Paragraph 2.1 of the Foreign Trade Policy, 2004-2009, the Central Government hereby amends the ITC(HS) classification of Export and Import Items, 2004-2009 with immediate effect, as under:-

1.1 The list of Special Chemicals, Organisms, Materials, Equipment and Technologies as given in Appendix 3 to Schedule 2 of ITC (HS) Classification of Export and Import items, 2004-2009 stands amended. The amended Appendix-3 is annexed.

2. This issues in public interest.

Sd/-

(R.S.GUJRAL)

DIRECTOR GENERAL OF FOREIGN TRADE

AND EX-OFFICIO ADDITIONAL SECRETARY TO THE GOVERNMENT OF INDIA

(Issued from F.No. 01/91/171/14/AM06/PC.III)

Category 1 Toxic chemical agents and other chemicals

1A Export of the following chemicals is prohibited:

(This corresponds to Schedule 1 to the Chemical Weapons Convention (CWC))

Note: Where reference is made below to groups of di-alkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations and alkyl groups listed in parentheses are considered prohibited unless explicitly exempted.

- (1). O-Alky ($\leq C_{10}$, incl. cycloalkyl) alky1 (Me, Et,n-Pr or i-Pr) phosphonofluoridates
e.g. Sarin: O-Isopropy1 methylphosphonofluoridate

- Soman: O-Pinacolyl methylphosphonofluoridate
- (2). O-Alkyl, (\leq C10, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates
e.g. Tabun: O-Ethyl N,N,-dimethyl phosphoramidocyanidate
- (3). O-Alkyl (H or \leq C10, incl. cycloalkyl) S-2-Dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts
e.g.VX: O-Ethyl S-2 diisopropylaminoethyl methyl phosphonothiolate
- (4). Sulphur mustards:
- 2-Chloroethylchloromethylsulphide
Mustard gas: Bis (2-chloroethyl) sulphide
Bis (2-chloroethylthio) methane
Sesquimustard:1,2-Bis (2-chloroethylthio) ethane
1,3-Bis (2-chloroethylthio)-n-propane
1,4-Bis (2-chloroethylthio)-n-butane
1,5-Bis (2-chloroethylthio)-n-Pentane
Bis (2-Chloroethylthiomethyl) ether
O-Mustard: Bis (2-Chloroethylthiomethyl) ether
- (5). Lewisites:
- Lewisite 1: 2-Chlorovinylchloroarsine
Lewisite 2: Bis (2-Chlorovinyl) chloroarsine
Lewisite 3: Tris (2-Chlorovinyl) arsine
- (6). Nitrogen mustards:
- HN1: Bis (2-chloroethyl) ethylamine
HN2: Bis (2-chloroethyl) Chloroarsine
HN3: Tris (2-chloroethyl) amine
- (7). Saxitoxin
- (8). Ricin
- (9). Alkyl (Me, Et, n-Pr or I-Pr) phosphonyldifluorides
e.g. DF: Methyl phosphonyldifluoride
- (10). O-Alkyl (H or \leq C10, incl. cycloalkyl) O-2 dialkyl (Me, Et, n-Pr or i-Pr)-aminoethylalkyl (Me, Et N-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts
e.g.QL: O-Ethyl O-2-diisopropylaminoethyl methyl phosphonite
- (11).Chlorosarin: O-Isopropyl methylphosphonochloridate
- (12).Chlorosoman: O-Pinacolyl methylphosphonochloridate

1B Export of chemicals listed in 1B below is permitted only to States party to the Chemical Weapons Convention

(This corresponds to Schedule 2 to the Chemicals Weapons Convention)

Note to exporter:

- (a) A list of States Parties can be obtained from the Disarmament & International Security Affairs Division of the Ministry of External Affairs (Room No. 40G, South Block, New Delhi) or at the official website of the Organization for the Prohibition of Chemical Weapons at www.opcw.org.

(b) A general permission valid for a period of two years may be applied for export of chemicals in this category. This permission shall be subject to the condition that for each export consignment, exporters shall, within 30 days of exports, notify the details to the National Authority, Chemical Weapons Convention, Cabinet Secretariat ; Ministry of External Affairs (D&ISA); Department of Chemicals and Petrochemicals and the Directorate General of Foreign Trade and submit to DGFT, a copy of Bill of Entry into the destination State Party within 30 days of delivery.

Note: Where reference is made below to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations and alkyl groups listed in parentheses are included unless explicitly exempted.

1. Amiton 0,0-Diethyl S-[2-(diethylamino) ethyl]] phosphorothiolate and corresponding alkylated or protonated salts
2. PFIB: 1,1,3,3,3,-Pentafluoro-2-(trifluoromethyl)1-propene
3. BZ: 3-Quinuclidinyl benzilate
4. Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride
Dimethyl methylphosphonate
Exemption:- Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate
5. N, N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
6. Dialkyl (Me, Et, n-Pr or i-Pr) N, N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates
7. Arsenic trichloride
8. 2,2-Diphenyl-2 hydroxyacetic acid
9. Quinuclidine-3-ol
10. N,H-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2 -chlorides and corresponding protonated salts
11. N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts
N,N-Diethylaminoethanol and corresponding protonated salts
12. N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts
13. Thiodiglycol: Bis(2-hydroxyethyl) sulphide
14. Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol

A List of commercially important Schedule-2 Chemicals of CWC is given below:

I. No.	Name of Chemical	Entry into Schedule	CAS (Chemical Abstract Service) Numbers	ITC(HS) codes
1.	2-Chloro N, N-Di-isopropyl ethylamine	2B10	4261-68-1	29211911
2.	Diethyl amino Ethanethiol	2B12	100-38-9	29221910
3.	O, O, Dimethyl Methyl Phosphonate	2B04	756-79-6	29209045
4.	2-Hydroxy N, N-Diisopropyl Ethylamine	2B11	96-80-0	29221111
5.	N, N-Diethyl Amino ethyl Chloride Hydrochloride	2B10	869-24-9	29221112
6.	Di-ethyl Amino ethanethiol Hydrochloride	2B12	1942-52-5	29221113
7.	Di-Methyl Amino ethyl chloride Hydrochloride	2B10	4584-46-7	29221114
8.	Di-Methyl Amino ethanethiol	2B12	108-02-1	29221115
9.	Di-Methyl Amino ethanethiol Hydrochloride	2B12	13242-44-9	29221116
10.	Phosphorothioic acid, S [2-(diethylamino) ethyl] O, O – diethyl ester	2A01	78-53-5	29201910
11.	1-Propene, 1,1, 3, 3, 3, - Pentafluoro – 2-(trifluoromethyl) (PFIB)	2A02	382-21-8	29033911
12.	Benzeneacetic acid, alphahydroxy – alpha-phenyl, 1 – azabicyclo [2.2.2.] oct-3-yl ester	2A03	6581-06-2	29392050
13.	Phosphonic Acid, Methyl-compound with (aminoimino methyl) urea (1: 1)	2B04	84402-58-4	29209047
14.	1-Propanaminium N, N, N-trimethyl – 3- [1-oxo-9 octadecenyl) amino]-. (Z)- methyl methylphosphonate	2B04	70055-71-9	29209048
15.	Phosphonic acid, [methyl bis (5-ethyl-2-methyl-2-oxido-1, 3, 2- dioxaphosphorinan-5-yl) methyl] ester	2B04	42595-45-9	29209051
16.	Phosphonic acid, [methyl-(5-ethyl-2-methyl 2-oxido-1,3,2-dioxaphosphorinan-5-yl) methyl] ester	2B04	41203-81-0	29209052
17.	Phosphonic acid, propyl-dimethyl ester	2B04	18755-43-6	29209053
18.	Phosphonous acid, methyl-diethyl ester	2B04	15715-41-0	29209054
19.	Phosphonic acid, ethyl-	2B04	6779-09-5	29209055
20.	Phosphonic acid, propyl-	2B04	4672-38-2	29209056
21.	Phosphinic acid, methyl-	2B04	4206-94-4	29209057
22.	Phosphonochloridic acid, methyl-, methyl ester	2B04	1066-52-0	29209058
23.	Phosphonothioic dichloride, ethyl-	2B04	993-43-1	29209061
24.	Phosphonic acid methyl-	2B04	993-13-5	29209062
25.	Phosphonic acid, methyl-, dimethyl ester	2B04	756-79-6	29209063
26.	Phosphonic dichloride, methyl-	2B04	676-97-1	29209064
27.	Phosphonous dichloride, methyl-	2B04	676-83-5	29209065
28.	Phosphonic acid, ethyl-, diethyl ester	2B04	78-38-6	29209066
29.	Arsenous trichloride	2B07	7784-34-1	28121060
30.	Benzeneacetic acid, alpha-hydroxy-alpha-phenyl	2B08	76-93-7	29181910
31.	1-Azabicyclo (2.2.2.) octan-3-ol	2B09	1619-34-7	29333930
32.	Ethanamine, 2-Chloro-N, N-dimethyl-	2B10	107-99-3	29211914
33.	Ethanol, 2-[bis(1-methylethyl) amino]-	2B11	96-80-0	29221920

34.	Ethanethiol, 2-(diethylamino)-	2B12	100-38-9	29221930
35.	Ethanol, 2, 2'-thiobis-	2B13	111-48-8	29309091
36.	2-Butanol, 3, 3-dimethyl-	2B14	464-07-3	29051910

1C Export of Chemicals as specified below is allowed to State Parties to the CWC without an export licence subject to the condition that the exporter shall notify within 30 days of export to the National Authority, Chemicals Weapons Convention, Cabinet Secretariat; the Ministry of External Affairs (D&ISA); the Department of Chemicals & Petro-chemicals, and the DGFT of such exports in the prescribed format (Aayat Niryat Form) along with the End-Use Certificate and submit to the DGFT a copy of the bill of entry into the destination State Party within 30 days of delivery. Export of chemicals as specified below to states not party to the Chemical Weapons Convention shall continue to be restricted and will be allowed only against an export licence, and in that case also exporters shall submit to the DGFT a copy of the bill of entry into the destination country within 30 days of export.

Sl.No.	Name of Chemical	Entry into Schedule	CAS Numbers	ITC (HS) codes
1.	Phosgene : (Carbonyl dichloride)	3A01	75-44-5	28121010
2.	Cyanogen chloride [(CN) C1]	3A02	506-77-4	28530091
3.	Hydrocyanic acid	3A03	74-90-8	28111910
4.	Chloropicrin: Trichloronitro-Methane	3A04	76-06-2	29049080
5.	Phosphorus Oxychloride	3B05	10025-87-3	28121030
6.	Phosphorus trichloride	3B06	7719-12-2	28121021
7.	Phosphorous Pentachloride	3B07	10026-13-8	28121022
8.	Trimethyl Phosphite	3B08	121-45-9	29209041
9.	Triethyl Phosphite	3B09	122-52-1	29209042
10.	Dimethyl Phosphite	3B10	868-85-9	29209043
11.	Diethyl Phosphite	3B11	762-04-9	29209044
12.	Sulphur monochloride	3B12	10025-67-9	28121042
13.	Sulphur dichloride	3B13	10545-99-0	28121043
14.	Thionyl Chloride	3B14	7719-09-7	28121047
15.	Ethyl-diethanolamine	3B15	139-87-7	29221211
16.	Methyl-diethanolamine	3B16	105-59-9	29221212
17.	Triethanolamine	3B17	102-71-6	29221300

TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY
PART-II, SECTION—3, SUB SECTION (ii)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF COMMERCE

NOTIFICATION No. 59 (RE-2007) / 2004-2009

NEW DELHI, Dated: 30th November, 2007

S.O. (E) In exercise of powers conferred by Section 5 of the Foreign Trade (Development and Regulation) Act, 1992 read with paragraph 2.1 of the Foreign Trade Policy – 2004-09, the Central Government hereby amends Schedule – I (Imports) of the ITC(HS) Classifications of Export and Import Items, 2004-09 as under:

2. The Appendix II to Schedule 1 (IMPORTS) of ITC(HS) Classifications of Export and Import Items shall be amended to read as follows :

Category 1 Toxic chemical agents and other chemicals

1A Import of the following chemicals is restricted and will be allowed only after obtaining permission from the National Authority, Chemical Weapons Convention, under Section 15 of the Chemical Weapons Convention Act, 2000:

(This corresponds to Schedule 1 to the Chemical Weapons Convention)

Note: Where reference is made below to groups of di-alkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations and alkyl groups listed in parentheses are considered prohibited unless explicitly exempted.

- (1) O-Alkyl (<C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates
- e.g. Sarin: O-Isopropyl methylphosphonofluoridate (107-44-8)
- Soman: O-Pinacolyl methylphosphonofluoridate (96-64-0)
- (2) O-Alkyl (<C10, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates
- e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate (77-81-6)
- (3) O-Alkyl (H or <C10, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts
- e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate (50782-69-9)
- (4) Sulfur mustards:
- 2-Chloroethylchloromethylsulfide (2625-76-5)
- Mustard gas: Bis(2-chloroethyl)sulfide (505-60-2)
- Bis(2-chloroethylthio)methane (63869-13-6)
- Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane (3563-36-8)
- 1,3-Bis(2-chloroethylthio)-n-propane (63905-10-2)
- 1,4-Bis(2-chloroethylthio)-n-butane (142868-93-7)
- 1,5-Bis(2-chloroethylthio)-n-pentane (142868-94-8)
- Bis(2-chloroethylthiomethyl)ether (63918-90-1)
- O-Mustard: Bis(2-chloroethylthioethyl)ether (63918-89-8)
- (5) Lewisites:
- Lewisite 1: 2-Chlorovinylchloroarsine (541-25-3)
- Lewisite 2: Bis(2-chlorovinyl)chloroarsine (40334-69-8)
- Lewisite 3: Tris(2-chlorovinyl)arsine (40334-70-1)
- (6) Nitrogen mustards:
- HN1: Bis(2-chloroethyl)ethylamine (538-07-8)
- HN2: Bis(2-chloroethyl)methylamine (51-75-2)
- HN3: Tris(2-chloroethyl)amine (555-77-1)
- (7) Saxitoxin (35523-89-8)

1B Import of chemicals listed in 1B below is permitted only from State Parties to the Chemical Weapons Convention

(This corresponds to Schedule 2 to the Chemicals Weapons Convention)

The importer shall, for each import consignment, within 30 days of import, notify the details to the National Authority, Chemical Weapons Convention, Cabinet Secretariat; Ministry of External Affairs (D&ISA); Department of Chemicals and Petrochemicals and the Directorate General of Foreign Trade and submit to the DGFT a copy of the bill of entry within 30 days of import.

Note: Where reference is made below to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations and alkyl groups listed in parentheses are included unless explicitly exempted.

1. Amiton O,O-Diethyl S-[2-(diethylamino)ethyl]] phosphorothiolate and corresponding alkylated or protonated salts
2. PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene
3. BZ: 3-Quinuclidinyl benzilate (*)
4. Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride
Dimethyl methylphosphonate
Exemption:- Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate
5. N, N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
6. Dialkyl (Me, Et, n-Pr or i-Pr) N, N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates
7. Arsenic trichloride
8. 2,2-Diphenyl-2 hydroxyacetic acid
9. Quinuclidin-3-ol
10. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2 -chlorides and corresponding protonated salts
11. N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts
N,N-Diethylaminoethanol and corresponding protonated salts
12. N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts
13. Thiodiglycol: Bis(2-hydroxyethyl) sulphide
14. Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol

A List of commercially important Schedule-2 Chemicals of CWC is given below:

Sl. No.	Name of Chemical	Entry into Schedule	CAS (Chemical Abstract Service) Numbers	ITC(HS) codes
1.	2-Chloro N, N-Di-isopropyl ethylamine	2B10	4261-68-1	29211911
2.	Diethyl amino Ethanethiol	2B12	100-38-9	29221910
3.	O, O, Dimethyl Methyl Phosphonate	2B04	756-79-6	29209045
4.	2-Hydroxy N, N-Diisopropyl Ethylamine	2B11	96-80-0	29221111
5.	N, N-Diethyl Amino ethyl Chloride Hydrochloride	2B10	869-24-9	29221112
6.	Di-ethyl Amino ethanethiol Hydrochloride	2B12	1942-52-5	29221113
7.	Di-Methyl Amino ethyl chloride Hydrochloride	2B10	4584-46-7	29221114
8.	Di-Methyl Amino ethanethiol	2B12	108-02-1	29221115
9.	Di-Methyl Amino ethanethiol Hydrochloride	2B12	13242-44-9	29221116
10.	Phosphorothioic acid, S [2-(diethylamino) ethyl] O, O – diethyl ester	2A01	78-53-5	29201010
11.	1-Propene, 1,1, 3, 3, 3, - Pentafluoro – 2-(trifluoromethyl) (PFIB)	2A02	382-21-8	29033011
12.	Benzeneacetic acid, alphahydroxy – alpha-phenyl, 1 – azabicyclo [2.2.2.] oct-3-yl ester	2A03	6581-06-2	29392910
13.	Phosphonic Acid, Methyl-compound with (aminoimino methyl) urea (1: 1)	2B04	84402-58-4	29209047
14.	1-Propanaminium N, N, N-trimethyl – 3- [1-oxo-9 octadecenyl) amino]-. (Z)- methyl methylphosphonate	2B04	70055-71-9	29209048
15.	Phosphonic acid, [methyl bis (5-ethyl-2-methyl-2-oxido-1, 3, 2- dioxaphosphorinan-5-yl) methyl] ester	2B04	42595-45-9	29209051
16.	Phosphonic acid, [methyl-(5-ethyl-2-methyl 2-oxido-1,3,2-dioxaphosphorinan-5-yl) methyl] ester	2B04	41203-81-0	29209052
17.	Phosphonic acid, propyl-dimethyl ester	2B04	18755-43-6	29209053
18.	Phosphonous acid, methyl-diethyl ester	2B04	15715-41-0	29209054
19.	Phosphonic acid, ethyl-	2B04	6779-09-5	29209055
20.	Phosphonic acid, propyl-	2B04	4672-38-2	29209056
21.	Phosphinic acid, methyl-	2B04	4206-94-4	29209057
22.	Phosphonochloridic acid, methyl-, methyl ester	2B04	1066-52-0	29209058
23.	Phosphonothioic dichloride, ethyl-	2B04	993-43-1	29209061
24.	Phosphonic acid methyl-	2B04	993-13-5	29209062
25.	Phosphonic dichloride, methyl-	2B04	676-97-1	29209064
26.	Phosphonous dichloride, methyl-	2B04	676-83-5	29209065
27.	Phosphonic acid, ethyl-, diethyl ester	2B04	78-38-6	29209066
28.	Arsenous trichloride	2B07	7784-34-1	28121060
29.	Benzeneacetic acid, alpha-hydroxy-alpha-phenyl	2B08	76-93-7	29181910
30.	1-Azabicyclo (2.2.2.) octan-3-ol	2B09	1619-34-7	29333930
31.	Ethanamine, 2-Chloro-N, N-dimethyl-	2B10	107-99-3	29211914
32.	Ethanol, 2, 2'-thiobis-	2B13	111-48-8	29309091
33.	2-Butanol, 3, 3-dimethyl-	2B14	464-07-3	29051910

1C Import of Chemicals as specified below is allowed from State Parties and Non State Parties to the CWC subject to the condition that the importer shall, for each import consignment, within 30 days of import, notify the details to the National Authority, Chemical Weapons Convention, Cabinet Secretariat ; Ministry of External Affairs (D&ISA); Department of Chemicals and Petrochemicals and the Directorate General of Foreign Trade and submit to the DGFT a copy of the bill of entry within 30 days of import.

Sl.No.	Name of Chemical	Entry into Schedule	CAS Numbers	ITC (HS) codes
1.	Phosgene : (Carbonyl dichloride)	3A01	75-44-5	28121010
2.	Cyanogen chloride [(CN) C1]	3A02	506-77-4	28510091
3.	Hydrocyanic acid	3A03	74-90-8	28111910
4.	Chloropicrin: Trichloronitro-Methane	3A04	76-06-2	29049080
5.	Phosphorus Oxychloride	3B05	10025-87-3	28121030
6.	Phosphorus trichloride	3B06	7719-12-2	28121021
7.	Phosphorous Pentachloride	3B07	10026-13-8	28121022
8.	Trimethyl Phosphite	3B08	121-45-9	29209041
9.	Triethyl Phosphite	3B09	122-52-1	29209042
10.	Dimethyl Phosphite	3B10	868-85-9	29209043
11.	Diethyl Phosphite	3B11	762-04-9	29209044
12.	Sulphur monochloride	3B12	10025-67-9	28121042
13.	Sulphur dichloride	3B13	10545-99-0	28121043
14.	Thionyl Chloride	3B14	7719-09-7	28121047
15.	Ethyl-diethanolamine	3B15	139-87-7	29221211
16.	Methyl-diethanolamine	3B16	105-59-9	29221212
17.	Triethanolamine	3B17	102-71-6	29221300

3. This issues in public interest.

Sd/
(R.S. Gujral)
Director General of Foreign Trade
And Ex-Officio Additional Secretary to the Govt. of India

(Issued from File No 01/89/180/Misc-100/AM-05/PC-IA)

Industry Declaration forms

DECLARATION FORMS OF SCHEDULE 2 FACILITIES

FORM – 2.0

Declaration of Schedule 2 Facility

Country Code: IND
Section: B
Page n of n pages:
Date (ccy-mm-dd):

Please complete one form for each plant site.

1. Name of plant site (Facility):

2. Location and Address of plant site:

Place/Street _____

Village/Town/City _____

Tehsil/Taluk/P.O _____

District _____ State _____ PIN _____

Latitude & longitude _____ - _____
(if known)

Tele Nos STD code _____ No,

_FAX Nos STD code _____ No _____

Mobile No. _____

E-Mail address _____

Web site _____

3. Name of Owner/Enterprise/Company/Organisation: _____

Address of Head/Regd

Office: _____

__ PIN _____

Tele Nos. STD code _____ No. _____

FAX Nos STD code _____ No.

Mobile No. _____

E-Mail address _____ Web
site _____

4. Names of contact persons with their office/residential/mobile telephone numbers : (Please mention STD code)

(i) _____

(ii) _____

5. Address for communication: 2 or 3
(tick whichever is applicable)

6. Type of Organisation :
- | | |
|---------------------------|-------------------------|
| Private Ltd. Company | Public Ltd. Company |
| Central Govt. Undertaking | State Govt. Undertaking |
| Others | |

7. Activities of the plant site (tick those that are applicable)
- | | |
|----------|-----------|
| Producer | Processor |
| Consumer | |

Manufacturer Exporter Manufacturer Importer

8. Factory Licence No. and date

Importer/Exporter code (IEC code)

9. Main products of manufacture (not more than five in descending order of production)

- (i)
- (ii)
- (iii)
- (iv)
- (v)

10. Main items of Export/Import (not more than five in decreasing order of activity).

Export

Import

- (i)
- (ii)
- (iii)
- (iv)
- (v)

- (i)
- (ii)
- (iii)
- (iv)
- (v)

11. Scheduled chemicals produced, processed or consumed by the plant site (list all chemicals)

S. No	Chemical (IUPAC) name, Common or trade name	CAS Registry number	Schedule and Entry No. in Schedule	Type of activity (tick what is applicable)				
				Production	Processing	Consumption	Export	Import
(i)								
(ii)								
(iii)								
(iv)								
(v)								
(vi)								
(vii)								

12. (i) No. of schedule 3 plants at plant site

(ii) No. of schedule 2 plants at plant site

13. Did the plant site produce, process or consume during any of the three previous years or is anticipated to produce, process or consume in the succeeding year a quantity of a schedule 2 chemical which is :

- (i) greater than 10 kg. of a schedule 2A * chemical, or
- (ii) greater than 1 tonne of any schedule 2A chemical, or
- (iii) greater than 10 tonnes of any schedule 2B chemical.

Yes

No

14. Annual approximate Turnover of the plant site

(Rs. in lakhs)

15. Membership of Apex/National Chemical Industry Association :

Name of Association/Council(i)

(ii)

Verification

I, _____ son/daughter of _____ do hereby solemnly affirm and declare that all particulars furnished in the form are true and complete to the best of my knowledge and belief. I further declare that I am competent to furnish this declaration.

Date: _____

Place: _____

Signature
with seal.
Name and designation
Owner/Occupier/Authorised signatory

Form 2.1**Aggregate National Data:
Declaration of Schedule 2
Chemicals**

Country Code:

Section:

Page n of n pages:

Date (ccyy-mm-dd):

Confid.
mark*Please complete one form for each Schedule 2
chemical.*Secretariat
use**IUPAC chemical name:**If chemical is not contained in handbook for
chemicals , please identify attachment for structural
formula:

CAS registry number:

Unit of weight:

Tonne q Kg q

Aggregate quantity for the previous calendar year:

Produced:

Processed:

Consumed:

Imported:

Exported:

Form 2.1.1**Aggregate National Data: specification of Imports or Exports of the Schedule 2 Chemical by Country**Country Code: IND
Section:
Page n of n pages:
Date (ccyy-mm-dd):Confid.
mark*Please complete this form for each Schedule 2 chemical.*
IUPAC chemical name:**CAS registry number:**

Unit of weight:

Tonne q Kg q

Please repeat the following block(s) of information as many times as necessary to declare all import and export quantities of this chemical for all countries involved in the previous calendar year.

Country code (see Appendix 1):

Quantity imported (**by Declaring State Party**):Quantity exported (**by Declaring States Party**):

Country code (see Appendix 1):

Quantity imported (**by Declaring State Party**):Quantity exported (**by Declaring State Party**):

Country code (see Appendix 1):

Quantity imported (**by Declaring State Party**):Quantity exported (**by Declaring State Party**):

Country code (see Appendix 1):

Quantity imported (**by Declaring State Party**):Quantity exported (**by Declaring State Party**):

Country code (see Appendix 1):

Quantity imported (**by Declaring State Party**):Quantity exported (**by Declaring State Party**):

Form 2.2

Declaration of Schedule 2 Plant Sites

Country Code: IND

Section: B

Page n of n pages:

Date (ccyy-mm-dd):

Confid.
mark

Please complete one form for each plant site.

Plant Site Code:

Name of plant site:

The name of the owner, company, or enterprise operating the plant site:

Street address:

City/district:

Province/state/other:

Latitude, longitude/Precise location:

_____ - _____

Identify the attachment for additional information on this plant site (if available):

Number of declared Schedule 3 Plants at the plant site:

Does this plant site comprise one or more plants which produced, processed or consumed during any of the three previous calendar years or is anticipated to produce, process or consume in the next calendar year above the verification thresholds?

Yes q No q

Confid.
mark

Please complete one form for each plant.

Plant Code:

Plant Site Code:

Name of plant:

The name of the owner, company, or enterprise operating the plant:

The precise location of the plant within the plant site:

Specific structure number, if any:

Specific building number, if any:

Identify the attachments for additional information on a voluntary basis on this plant (if available):

Main activities of Schedule 2 plants:

Use product group codes (see Appendix 4) to describe main activities of the plant in terms of product group(s):

Is or was a chemical specified in subparagraph 8 of Article II of the CWC produced at the facility as an unavoidable by-product in an amount not exceeding 3 per cent of the total product?

Yes q

No q

Form 2.3.1

Plant Activities in Relation to Declared Schedule 2 Chemicals

Country Code: IND

Section: B

Page n of n pages:

Date (ccyy-mm-dd):

Confid.
mark

Please complete as many forms as necessary in order to declare the activities of each Schedule 2 plant at the plant site

Plant Code:

Plant Site Code:

Please indicate below whether the plant produces, processes, or consumes the declared Schedule 2 chemical(s):

Production :

Yes q No q

Processing :

Yes q No q

Consumption :

Yes q No q

Is this plant dedicated to such activities or is it multipurpose?

Dedicated q

Multipurpose q

Specify other activities in relation to the declared Schedule 2 chemical(s), if any: (use appropriate Appendix 3 codes B04-B06 or specify)

Please declare the production capacity of this plant for each declared Schedule 2 chemical in the following Form 2.3.2.

Form 2.3.2**Production Capacity of the Plant for Each Declared
Schedule 2 Chemical**

Country Code: IND

Section: B

Page n of n pages:

Date (ccyy-mm-dd):

Confid.
mark

*Please repeat the following block of information as many times
as necessary in order to declare the production capacity of the
plant for each declared Schedule 2 chemical produced,
processed, or consumed at the plant.*

Plant Code:

Plant Site Code:

IUPAC chemical name:

CAS registry number:

Production capacity:

Calculation method:

Name plate q Design q

IUPAC chemical name:

CAS registry number:

Production capacity:

Calculation method:

Name plate q Design q

IUPAC chemical name:

CAS registry number:

Production capacity:

Calculation method:

Name plate q Design q

Confid.
mark*For initial declarations please provide this information for each of the
previous three calendar years**Please complete as many forms as necessary in order to declare all
Schedule 2 chemicals at the plant site.***Plant Site Code:**

The year to which the data relates:

IUPAC chemical name:

Common or trade name of the chemical used by the facility:

If chemical is not contained in handbook for chemicals , please identify
attachment for structural formula:

CAS registry number:

**Total amounts of Schedule 2 chemical produced, processed,
consumed, imported or exported by the plant site.**

Unit of weight:

Tonne q Kg q

Quantity produced:

Quantity processed:

Quantity consumed:

Quantity imported:

Quantity exported:

**Purposes for which the chemical was produced, processed or
consumed**Processing and consumption of Schedule 2 chemical
on site; specify product type (use product group
codes in Appendix 4):

Direct export off the plant site?
If **YES**, specify States involved (use country codes
in Appendix 1):

Yes q No q

Sale or transfer within the territory or to any other place
under the jurisdiction or control of the State Party
(please indicate destination below):

Other industry:

Yes q No q

Trader:

Yes q No q

Other destination:

Yes q No q

Final product types derived from sold/transferred chemicals,
if possible, (Use product group codes in Appendix 4)

Other purpose (specify) for which the Schedule 2
chemical was produced, processed or consumed:

**Anticipated Activities Related to Schedule 2 Chemicals
above the Declaration threshold at the Plant Site**

 Country Code: IND
 Section: B
 Page n of n pages:
 Date (ccyy-mm-dd):

 Confid.
 mark

Please repeat the following block of information as many times as necessary in order to declare all activities at the plant site.
Plant Site Code:

For each Schedule 2 chemical, please complete this form to declare all activities related to that chemical at the plant site.

IUPAC chemical name:

CAS registry number:

Unit of weight:

Tonne q Kg q

Production:

Yes q No q

Total amount anticipated to be produced during the next calendar year:

Time Period(s)

Processing:

Yes q No q

Total amount anticipated to be processed during the next calendar year:

Time Period(s)

Consumption:

Yes q No q

Total amount anticipated to be consumed during the next calendar year:

Time Period(s)

Purposes for which the chemical will be produced, processed or consumed

Processing and consumption of Schedule 2 chemical on site; specify product type (use product group codes in Appendix 4):

Direct export off the plant site?

Yes q No q

If **YES**, specify States involved (use country codes in Appendix 1):

Sale or transfer within the territory or to any other place under the jurisdiction or control of the State Party (please indicate destination below):

Other industry:

Yes q No q

Trader:

Yes q No q

Other destination:

Yes q No q

Final product types derived from sold/transferred chemicals, if possible, (Use product group codes in Appendix 4)

Other purpose (specify) for which the Schedule 2

Form 2.9

Notification of Cessation of Declarable Activities at Schedule 2 Plant Sites

Country Code:
 Section: B
 Page n of n pages:
 Date (ccyy-mm-dd):

Please complete one form for each plant site that ceased to undertake activities in regard to Schedule 2 chemicals

<input type="checkbox"/>	Plant Site Code:	<hr/>
<input type="checkbox"/>	Name of plant site:	<hr/>
<input type="checkbox"/>	The name of the owner, company, or enterprise operating the plant site:	<hr/>
<input type="checkbox"/>	Street address:	<hr/>
<input type="checkbox"/>	City/district:	<hr/>
<input type="checkbox"/>	Province/state/other:	<hr/>
<input type="checkbox"/>	Latitude, longitude/Precise location:	-
<input type="checkbox"/>	Has the plant site permanently ceased all declarable activities with regard to Schedule 2 chemicals?	Yes q No q
<input type="checkbox"/>	Year in which the declarable activities ceased	<hr/>
	Reason for cessation of activities (tick all that apply)	
<input type="checkbox"/>	Plant site has been closed	q
<input type="checkbox"/>	Plant site has been dismantled	q
<input type="checkbox"/>	Declared Schedule 2 plant(s) have been closed	q
<input type="checkbox"/>	Declared Schedule 2 plant(s) have been dismantled	q
<input type="checkbox"/>	Declared plant(s) still operating but no longer producing, processing or consuming Schedule 2 chemicals	q
	Activities prior to cessation	
<input type="checkbox"/>	Was a Schedule 2 chemical produced, processed or consumed above the applicable declaration threshold in the calendar year in which the plant site ceased declarable activities with regard to Schedule 2 chemicals?	Yes q No q

If "No" is checked, this form will be considered to be a nil declaration and no further declarations will be required for this Schedule 2 plant site.

DECLARATION FORMS OF SCHEDULE 3 FACILITIES

FORM – 3.0

Declaration of Schedule 3 Facility

Country Code: IND
Section: B
Page n of n pages:
Date (ccyy-mm-dd):

Please complete one form for each plant site.

1. Name of plant site (Facility)

2. _____

2. Location and Address of plant site:

Place/Street

Village/Town/City _____

Tehsil /Taluk/ P.O.

District _____ State _____

_____ PIN _____

Latitude & longitude _____ - _____
(if known)

Tele Nos. STD code _____ No. _____

FAX Nos. STD code _____ No. _____

Mobile No. _____

E-Mail A

address _____ Website _____

3. Name of Owner/Enterprise/Company/Organisation

Address of

Head/RegdOffice:_____

PIN _____

Tele Nos. __STD code -----No-----

FAX Nos __STD code----- No. _____

____ Mobile No. _____

E-Mail

Address _____ Website _____

4. Names of contact persons with their office/residential/mobile telephone numbers : ((Please mention STD code)

(i) _____

(ii) _____

5. Address for communication: 2 or 3
(tick whichever is applicable)

6. Type of Organisation :
Private Ltd. Company Public Ltd. Company
Central Govt. Undertaking State Govt. Undertaking
Others

7. Activities of the plant site (tick those that are applicable)
Producer Manufacturer Exporter

Manufacturer Importer

8. Factory Licence No. and date

Importer/Exporter code (IEC code)

9. Main products of manufacture (not more than five in descending order of production)

(i)

(ii)

(iii)

(iv)

(v)

10. Main items of Export/Import (not more than five in decreasing order of activity).

Export

Import

(i)

(i)

(ii)

(ii)

(iii)

(iii)

(iv)

(iv)

(v)

(v)

11. Scheduled chemicals produced at the plant site (list all chemicals).

S. No	Chemical (IUPAC) name, Common or trade name	CAS Registry number	Schedule and Entry No. in Schedule	Type of activity (tick what is applicable)		
				Production	Export	Import
(i)						
(ii)						
(iii)						
(iv)						
(v)						
(vi)						
(vii)						

12. (i) No. of schedule 3 plants at plant site

(ii) No. of schedule 2 plants at plant site

13. Did the plant site produce during the previous calendar year or is anticipated to produce in the next calendar year more than 200 tonnes of a schedule 3 chemical.

Yes

No

14. Annual approximate Turnover of the plant site

(Rs. in lakhs)

15. Membership of Apex/National Chemical Industry Association :

Name of Association/Council

(i)

(ii)

Verification

I, _____ son/daughter of _____ do hereby solemnly affirm and declare that all particulars furnished in the form are true and complete to the best of my knowledge and belief. I further declare that I am competent to furnish this declaration.

Date : _____

Place : _____

Signature
with seal.
Name and designation
Owner/Occupier/Authorised signatory

Instructions/Guidelines

1. Indicate your preferred address of communication at Sl. No.5.
2. At Sl.No.11, you may leave the CAS RN and Schedule Entry Number blank, if there is doubt. The chemicals name may be IUPAC name or common trade name. All Schedule 3 chemicals are to be listed even if their production/exports/imports are less than 30 tonnes.
3. At Sl.No.12, 'plant' means a self contained production facility or area. A plant site (factory) may have several plants.

Form 3.1

Aggregate National Data: Declaration of Schedule 3 Chemicals

Country Code: IND

Section: B

Page n of n pages:

Date (ccyy-mm-dd):

Confid.
mark

Please complete one form for each Schedule 3 chemical.

IUPAC chemical name:

CAS registry number:

Unit of weight:

Tonne q Kg q

Aggregate quantity for the previous calendar year:

Produced:

Imported:

Exported:

Form 3.1.1

**Aggregate National Data: Specification of Imports
or Exports of the Schedule 3 Chemical by Country**

Country Code: IND
Section: B
Page n of n pages:
Date (ccyy-mm-dd):

Confid.
mark

Please complete this form for each Schedule 3 chemical.

IUPAC chemical name:

CAS registry number:

Unit of weight:

Tonne q Kg q

Please repeat the following block(s) of information as many times as necessary to declare all import and export quantities of this chemical for all countries involved in the previous calendar year.

Country code (see Appendix 1):

Quantity imported (**by Declaring State Party**):

Quantity exported (**by Declaring State Party**):

Country code (see Appendix 1):

Quantity imported (**by Declaring State Party**):

Quantity exported (**by Declaring State Party**):

Country code (see Appendix 1):

Quantity imported (**by Declaring State Party**):

Quantity exported (**by Declaring State Party**):

Confid.
mark

Please complete one form for each plant site.

Plant Site Code:

Name of plant site:

The name of the owner, company, or enterprise operating the plant site:

Street address:

City/district:

Province/state/other:

Latitude, longitude/Precise location:

Identify the attachment for additional information on this plant site (if available):

Number of declared Schedule 2 Plants at the plant site:

Confid.
mark

Please complete one form for each plant.

Plant Code:

Plant Site Code:

Name of plant:

The name of the owner, company, or enterprise operating the plant:

The precise location of the plant within the plant site:

Specific structure number, if any:

Specific building number, if any:

Identify the attachments for additional information on a voluntary basis on this plant (if available):

Main activities of Schedule 3 plants.

Use product group codes (see Appendix 4) to describe main activities of the plant in terms of product group(s):

Is or was a chemical specified in subparagraph 8 of Article II of the CWC produced at the facility as an unavoidable by-product in an amount not exceeding 3 per cent of the total product?

Yes q

No q

Form 3.4

**Information on Each Schedule 3 Chemical above
the Declaration Threshold at the Plant Site**

Country Code: IND

Section: B

Page n of n pages:

Date (ccyy-mm-dd):

Confid.
mark

Please complete one form for each plant site.

Plant Site Code:

*Please repeat the following block(s) of information as often as
necessary to declare all Schedule 3 chemicals at the plant site.*

IUPAC chemical name:

Common or trade name used by the the plant site:

CAS registry number:

Production range for the Schedule 3 chemical (use code
of production range , see Appendix 6):

Purpose of production (use production purpose codes B11
to B13 in Appendix 5, or specify):

IUPAC chemical name:

Common or trade name used by the the plant site:

Form 3.8

Notification of Cessation of Declarable Activities at Schedule 3 Plant Sites

Country Code:
Section: B
Page n of n pages:
Date (ccyy-mm-dd):

Confid.
mark

Please complete one form for each plant site that ceased to undertake activities in regard to Schedule 3 chemicals

Plant Site Code: _____

Name of plant site: _____

The name of the owner, company, or enterprise operating the plant site: _____

Street address: _____

City/district: _____

Province/state/other: _____

Latitude, longitude/Precise location: _____ - _____

Has the plant site permanently ceased all declarable activities with regard to Schedule 3 chemicals? Yes No

Year in which the declarable activities ceased _____

Reason for cessation of activities (*tick all that apply*)

Plant site has been closed

Plant site has been dismantled

Declared Schedule 3 plant(s) have been closed

Declared Schedule 3 plant(s) have been dismantled

Declared plant(s) still operating but no longer producing Schedule 3 chemicals

Activities prior to cessation

Was a Schedule 3 chemical produced above the applicable declaration threshold in the calendar year in which the plant site ceased declarable activities with regard to Schedule 3 chemicals? Yes No

If "No" is checked, this form will be considered to be a nil declaration and no further declarations will be required for this Schedule 3 plant site.

If "Yes" is checked, then an annual declaration of past activities is required for the calendar year in which the plant site ceased declarable activities. This declaration can either be provided with this notification or 90 days after the end of that calendar year.

DECLARATION FORMS OF OTHER CHEMICAL PRODUCTION FACILITIES

FORM – 4.0

**DECLARATION OF “OTHER CHEMICAL PRODUCTION FACILITIES”
(DOC/DOC-PSF FACILITIES)**

^c Country Code: IND

Section: B

Page n of n pages:

Date (ccyy-mm-dd):

Page 1 of 4

Declaration For The Period “January 01, _____ To December 31, _____”

Please complete one form for each plant site.

1. Name of plant site (Facility)

2. Location and Address of plant site :

Place/Street

Village/Town/City_____

Tehsil/Taluka/P.O._____

District_____

State_____Pin_____

Latitude & longitude (if known) _____ - _____

Tele Nos. STD code_____No.____

_Fax STD code_____No_____

_Mobile No._____

E-Mail address _____

Website_____

3. Name of Owner / Enterprise / Company / Organisation

Complete

Address _____
_____ Pin

Tele Nos. _STD code _____ No. ____

_Fax STD code _____ No _____

No. _____

E-Mail address

Web

Site _____

4. Names of contact persons with telephone numbers : (Please provide STD code)

(i) _____

(ii) _____

5. Address for communications: 2 or 3
(tick whichever is applicable)

6. **Type of Organisation :**

a. Private Ltd. Company Public Ltd. Company
Central Govt. Undertaking State Govt. Undertaking
Others

b. Whether registered under Factory Act - 1948 YES NO

Page 2 of 4

Major Items / Products Manufactured (List not more than three in descending order of production in Quantity) :

(i) _____

(ii) _____

(iii) _____

8. Declare if production is more than 200 tonnes per year (aggregate quantity) of Discrete Organic Chemicals (DOCs) or have at least one plant producing more than 30 tonnes per year of a single DOC containing the elements Phosphorus, Sulfur, or Fluorine (PSF-DOC).

<u>DOC Chemicals</u> (Not more than five in descending order of production)	<u>DOC- PSF Chemicals</u> (Not more than five in order of production)
(i)	(i)
(ii)	(ii)
(iii)	(iii)
(iv)	(iv)
(v)	(v)

9. Number of plants and approximate aggregate production of DOC/PSF chemicals

No. of DOC plants at plant site _____	No. of DOC-PSF plants at plant site _____
Approximate, aggregate annual production of DOC chemicals (in MT) _____	Approximate aggregate annual production of DOC-PSF chemicals (in MT) _____ MT) _____

10. Annual approximate turnover of the plant site

Rs. _____ (Lac)

11. Configuration of plants & production process (Tick whichever is applicable)

<u>Types of plants</u>		<u>Plants site</u>	<u>Production process</u>
Multipurpose	<input type="checkbox"/>		Contin <input type="checkbox"/> s
Dedicated	<input type="checkbox"/>	Batch	<input type="checkbox"/>

12. Membership of Apex/National Chemical Industry Association :

Name of Association / Council

(i) _____

(ii) _____

Page 3 of 3

Verification

I, _____ Son/Wife/Daughter of
_____ do hereby solemnly affirm and declare that all
particulars furnished in the form are true and complete to the best of my knowledge
and belief. I further declare that I am competent to furnish this declaration.

Date : _____

Place : _____

Signature with Seal
With Name and Designation
Owner / Occupier / Authorised Signatory

Page 4 of 4

Form 4.1
Declaration of "Other Chemical Production Facilities"
 For The Period Jan 01, _____ To Dec. 31, _____

Country Code: IND
 Section: B
 Page n of n pages:
 Date (ccyy-mm-dd):

Confid.
 mark

Please complete one form for each "other chemical production facility".

Plant Site Code:

Name of plant site:
 The name of the owner, company, or enterprise operating the plant site:

Street address:
 City/district:
 Province/state/other:

Latitude, longitude/Precise location:

Identify the attachment for additional information on this plant site (if available):

Use product group codes (see Appendix 4) to describe main activities of the plant site that make the site declarable, in terms of product group(s):

For plant sites producing more than 200 tonnes of DOC chemicals (including DOC-PSF chemicals)

Aggregate amount of production of the unscheduled discrete organic chemicals, including DOC- PSF chemicals (use Codes of Production Range, see Appendix 7):

Approximate number of plants producing unscheduled discrete organic chemicals, including DOC- PSF chemicals at the plant site:

For plant sites comprising one or more plants producing more than 30 tonnes of a DOC- PSF chemical

Number of DOC-PSF plants at plant site:

Has this plant site during the previous calendar year produced more than 200 tonnes of a DOC-PSF-chemical?

Yes No

Aggregate amount of production of DOC- PSF chemicals produced by each DOC- PSF plant.

Number of plants producing 30 to 200 tonnes of DOC-PSF:
 Number of plants producing 200 to 1,000 tonnes of DOC-PSF:
 Number of plants producing 1,000 to 10,000 tonnes of DOC-PSF:
 Number of plants producing more than 10,000 tonnes of DOC-PSF::

Is or was a chemical specified in paragraph 8 of Article II of the CWC produced at the DOC/DOC- PSF facility as an unavoidable by-product in an amount not exceeding 3 per cent of the total product?

Yes No

DECLARATION FORMS FOR EXPORTERS AND IMPORTERS

FORM - 5.0

ANNUAL DECLARATION OF EXPORTERS AND IMPORTERS OF SCHEDULE 2 & SCHEDULE 3 CHEMICALS

CALENDER YEAR:.....

1.	Name of the enterprise/company/organization:			
2.	Address of Head /registered office:			
				Pin:
	Tel. No.		Fax No.	
	Mobile No.		e-mail ID	
3.	Acitivities of the enterprises (tick \checkmark those that are applicable)			
	Exporter	<input type="checkbox"/>	Importer	<input type="checkbox"/>
	Manufacturer Exporter	<input type="checkbox"/>	Manufacturer Importer	<input type="checkbox"/>
4.	(i) IEC No. and date			
	(ii) RCMC No. and date (of CAPEXIL)			
	(iii)RCMC No. and date (of CHEMEXIL)			
5.	Annual approximate turnover (Rs. in lakhs)			

Verification

I.....son/daughter ofdo hereby solemnly affirm that all particulars furnished in the form are true and complete to the best of my knowledge and belief. I further declare that I am competent to furnish this declaration.

Date:
Place:

Signature
With seal
Name and designation
Owner/ Occupier/ Authorized signatory

Instructions:

- i. Address at S.No.2 is the address for communication.
- ii. At S.No. 3, Exporter/ Importer means those who export/import Schedule 2 and Schedule 3 chemicals but do not produce them.

FORM - 5.1

ANNUAL DECLARATION OF EXPORTERS AND IMPORTERS OF SCHEDULE 2 & SCHEDULE 3 CHEMICALS

CALENDER YEAR:.....

Please fill-in one form for each schedule chemical information for the calendar year

1.	Name of the enterprise/company/organization:					
2.	Address of Head /registered office: (Address for communication)					
	Pin:					
	Telephone	STD code	No.	mobile No.:		
	Fax	: STD code	No.			
	E-mail address:					
3.	(i)	Name of scheduled chemical:				
	(ii)	CAS Registry No.				
	(iii)	ITC(HS) Code of Scheduled Chemical				
	(iv)	Schedule and Entry Number in the Schedule of CWC:				
4.	Aggregate Annual Export of chemical (in MT)					
5.	Aggregate annual Import of Chemical (in MT)					
6.	Details of Exports:					
	S.N.	Country to (use three digit country code)	End user company	Export bill of entry No. and date	Quantity (MT)	Value (in Rs. lakhs)
	1.					
	2.					
	3.					
	4.					
	Total					
7.	Detail of Imports:					
	S.N.	Country from (use three digit country code)	Company imported from	Import bill of lading No. and date	Quantity (MT)	Value (in Rs. lakhs)
	1.					
	2.					
	3.					
	4.					
	Total					

Verification:

I.....son/daughter ofdo hereby solemnly affirm that all particulars furnished in the form are true and complete to the best of my knowledge and belief. I further declare that I am competent to furnish this declaration.

Signature

Date:

With seal

Place:

Name and designation

Owner/ Occupier/ Authorized signatory

Instructions:

- i. At S.No. 3(i) the trade name or IUPAC name of chemical be given.
- ii. At S.No. 3(iv), Schedule (whether 2 or 3) be indicated and its entry number given as per schedule list.
- iii. The total of export and import at S.No. 4 and 5 should tally with the total of S.No. 6 and 7 respectively
- iv. At S.No. 6 and 7, all export and import transactions are to be listed for the calendar year

Annex E

Appendices for description of Codes for completing declaration forms

Appendix	Code Description	Page No.
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Country Codes

Afghanistan	the Islamic Republic of Afghanistan	AFG
Albania	the Republic of Albania	ALB
Algeria	the People's Democratic Republic of Algeria	DZA
Andorra	the Principality of Andorra	AND
Angola	the Republic of Angola	AGO
Antigua and Barbuda	Antigua and Barbuda	ATG
Argentina	the Argentine Republic	ARG
Armenia	the Republic of Armenia	ARM
Australia	Australia	AUS
Austria	the Republic of Austria	AUT
Azerbaijan	the Azerbaijani Republic	AZE
Bahamas (the)	the Commonwealth of the Bahamas	BHS
Bahrain	the Kingdom of Bahrain	BHR
Bangladesh	the People's Republic of Bangladesh	BGD
Barbados	Barbados	BRB
Belarus	the Republic of Belarus	BLR
Belgium	the Kingdom of Belgium	BEL
Belize	Belize	BLZ
Benin	the Republic of Benin	BEN
Bhutan	the Kingdom of Bhutan	BTN
Bolivia	the Republic of Bolivia	BOL
Bosnia and Herzegovina	Bosnia and Herzegovina	BIH
Botswana	the Republic of Botswana	BWA
Brazil	the Federative Republic of Brazil	BRA
Brunei Darussalam	Brunei Darussalam	BRN
Bulgaria	the Republic of Bulgaria	BGR
Burkina Faso	Burkina Faso	BFA
Burundi	the Republic of Burundi	BDI
Cambodia	the Kingdom of Cambodia	KHM
Cameroon	the Republic of Cameroon	CMR
Canada	Canada	CAN
Cape Verde	the Republic of Cape Verde	CPV
Central African Republic (the)	the Central African Republic	CAF
Chad	the Republic of Chad	TCD
Chile	the Republic of Chile	CHL
China	the People's Republic of China	CHN
Colombia	the Republic of Colombia	COL
Comoros (the)	the Union of the Comoros	COM
Congo (the)	the Republic of the Congo	COG
Cook Islands	the Cook Islands	COK
Costa Rica	the Republic of Costa Rica	CRI
Côte d'Ivoire	the Republic of Côte d'Ivoire	CIV

Croatia	the Republic of Croatia	HRV
Cuba	the Republic of Cuba	CUB
Cyprus	the Republic of Cyprus	CYP
Czech Republic (the)	the Czech Republic	CZE
Democratic People's Republic of Korea (the)	the Democratic People's Republic of Korea	PRK
Democratic Republic of the Congo (the)	the Democratic Republic of the Congo	COD
Denmark	the Kingdom of Denmark	DNK
Djibouti	the Republic of Djibouti	DJI
Dominica	the Commonwealth of Dominica	DMA
Dominican Republic (the)	the Dominican Republic	DOM
Ecuador	the Republic of Ecuador	ECU
Egypt	the Arab Republic of Egypt	EGY
El Salvador	the Republic of El Salvador	SLV
Equatorial Guinea	the Republic of Equatorial Guinea	GNQ
Eritrea	Eritrea	ERI
Estonia	the Republic of Estonia	EST
Ethiopia	the Federal Democratic Republic of Ethiopia	ETH
Fiji	the Republic of Fiji	FJI
Finland	the Republic of Finland	FIN
France	the French Republic	FRA
Gabon	the Gabonese Republic	GAB
Gambia (the)	the Republic of the Gambia	GMB
Georgia	Georgia	GEO
Germany	the Federal Republic of Germany	DEU
Ghana	the Republic of Ghana	GHA
Greece	the Hellenic Republic	GRC
Grenada	Grenada	GRD
Guatemala	the Republic of Guatemala	GTM
Guinea	the Republic of Guinea	GIN
Guinea-Bissau	the Republic of Guinea-Bissau	GNB
Guyana	the Republic of Guyana	GUY
Haiti	the Republic of Haiti	HTI
Holy See (the)	the Holy See	VAT
Honduras	the Republic of Honduras	HND
Hungary	the Republic of Hungary	HUN
Iceland	the Republic of Iceland	ISL
India	the Republic of India	IND
Indonesia	the Republic of Indonesia	IDN
Iran (Islamic Republic of)	the Islamic Republic of Iran	IRN
Iraq	the Republic of Iraq	IRQ
Ireland	Ireland	IRL
Israel	the State of Israel	ISR
Italy	the Italian Republic	ITA
Jamaica	Jamaica	JAM
Japan	Japan	JPN

Kyrgyzstan	the Kyrgyz Republic	KGZ
Lao People's Democratic Republic (the)	the Lao People's Democratic Republic	LAO
Latvia	the Republic of Latvia	LVA
Lebanon	the Lebanese Republic	LBN
Lesotho	the Kingdom of Lesotho	LSO
Liberia	the Republic of Liberia	LBR
Libyan Arab Jamahiriya (the)	the Socialist People's Libyan Arab Jamahiriya	LYB
Liechtenstein	the Principality of Liechtenstein	LIE
Lithuania	the Republic of Lithuania	LTU
Luxembourg	the Grand Duchy of Luxembourg	LUX
Madagascar	the Republic of Madagascar	MDG
Malawi	the Republic of Malawi	MWI
Malaysia	Malaysia	MYS
Maldives	the Republic of Maldives	MDV
Mali	the Republic of Mali	MLI
Malta	the Republic of Malta	MLT
Marshall Islands (the)	the Republic of the Marshall Islands	MHL
Mauritania	the Islamic Republic of Mauritania	MRT
Mauritius	the Republic of Mauritius	MUS
Mexico	the United Mexican States	MEX
Micronesia (Federated States of)	the Federated States of Micronesia	FSM
Monaco	the Principality of Monaco	MCO
Mongolia	Mongolia	MNG
Montenegro	Montenegro	MNE
Morocco	the Kingdom of Morocco	MAR
Mozambique	the Republic of Mozambique	MOZ
Myanmar	the Union of Myanmar	MMR
Namibia	the Republic of Namibia	NAM
Nauru	the Republic of Nauru	NRU
Nepal	the Federal Democratic Republic of Nepal	NPL
Netherlands (the)	the Kingdom of the Netherlands	NLD
New Zealand	New Zealand	NZL
Nicaragua	the Republic of Nicaragua	NIC
Niger (the)	the Republic of the Niger	NER
Nigeria	the Federal Republic of Nigeria	NGA
Niue	Niue	NIU
Norway	the Kingdom of Norway	NOR
Oman	the Sultanate of Oman	OMN
Pakistan	the Islamic Republic of Pakistan	PAK
Palau	the Republic of Palau	PLW
Panama	the Republic of Panama	PAN

Poland	the Republic of Poland	POL
Portugal	the Portuguese Republic	PRT
Qatar	the State of Qatar	QAT
Republic of Korea (the)	the Republic of Korea	KOR
Republic of Moldova (the)	the Republic of Moldova	MDA
Romania	Romania	ROU
Russian Federation (the)	the Russian Federation	RUS
Rwanda	the Rwandese Republic	RWA
Saint Kitts and Nevis	Saint Kitts and Nevis	KNA
Saint Lucia	Saint Lucia	LCA
Saint Vincent and the Grenadines	Saint Vincent and the Grenadines	VCT
Samoa	the Independent State of Samoa	WSM
San Marino	the Republic of San Marino	SMR
Sao Tome and Principe	the Democratic Republic of Sao Tome and Principe	STP
Saudi Arabia	the Kingdom of Saudi Arabia	SAU
Senegal	the Republic of Senegal	SEN
Serbia	the Republic of Serbia	SRB
Seychelles	the Republic of Seychelles	SYC
Sierra Leone	the Republic of Sierra Leone	SLE
Singapore	the Republic of Singapore	SGP
Slovakia	the Slovak Republic	SVK
Slovenia	the Republic of Slovenia	SVN
Solomon Islands	Solomon Islands	SLB
Somalia	the Somali Democratic Republic	SOM
South Africa	the Republic of South Africa	ZAF
Spain	the Kingdom of Spain	ESP
Sri Lanka	the Democratic Socialist Republic of Sri Lanka	LKA
Sudan (the)	the Republic of the Sudan	SDN
Suriname	the Republic of Suriname	SUR
Swaziland	the Kingdom of Swaziland	SWZ
Sweden	the Kingdom of Sweden	SWE
Switzerland	the Swiss Confederation	CHE
Syrian Arab Republic (the)	the Syrian Arab Republic	SYR
Tajikistan	the Republic of Tajikistan	TJK
Thailand	the Kingdom of Thailand	THA
The former Yugoslav Republic of Macedonia	The former Yugoslav Republic of Macedonia	MKD
Timor-Leste	the Democratic Republic of Timor-Leste	TLS
Togo	the Togolese Republic	TGO
Tonga	the Kingdom of Tonga	TON
Trinidad and Tobago	the Republic of Trinidad and Tobago	TTO

Tunisia	the Republic of Tunisia	TUN
Turkey	the Republic of Turkey	TUR
Turkmenistan	Turkmenistan	TKM
Tuvalu	Tuvalu	TUV
Uganda	the Republic of Uganda	UGA
Ukraine	Ukraine	UKR
United Arab Emirates (the)	the United Arab Emirates	ARE
United Kingdom of Great Britain and Northern Ireland (the)	the United Kingdom of Great Britain and Northern Ireland	GBR
United Republic of Tanzania (the)	the United Republic of Tanzania	TZA
United States of America (the)	the United States of America	USA
Uruguay	the Eastern Republic of Uruguay	URY
Uzbekistan	the Republic of Uzbekistan	UZB
Vanuatu	the Republic of Vanuatu	VUT
Venezuela	the Bolivarian Republic of Venezuela	VEN
Viet Nam	the Socialist Republic of Viet Nam	VNM
Yemen	the Republic of Yemen	YEM
Zambia	the Republic of Zambia	ZMB
Zimbabwe	the Republic of Zimbabwe	ZWE

Appendix 3

Main Activity Codes

Code	Main Activities
B01	Production
B02	Processing
B03	Consumption
B04	Storage
B05	Re-packaging, distribution
B06	R&D

APPENDIX 4

Product Group Codes

Chemicals and related products

Code	Description
511	Hydrocarbons and their halogenated, sulphonated, nitrated or nitrosated derivatives
512	Alcohols, phenols, phenol-alcohols, and their halogenated, sulphonated, nitrated or nitrosated derivatives
513	Carboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives
514	Nitrogen-function compounds
515	Organo-inorganic compounds, heterocyclic compounds, nucleic acids and their salts, and sulphonamides
516	Other organic chemicals
522	Inorganic chemical elements, oxides and halogen salts
523	Metal salts and peroxysalts, of inorganic acids
524	Other inorganic chemicals; organic and inorganic compounds of precious metals
525	Radioactive and associated materials
531	Synthetic organic colouring matter and colour lakes, and preparations based thereon
532	Dyeing and tanning extracts, and synthetic tanning materials
533	Pigments, paints, varnishes and related materials
541	Medicinal and pharmaceutical products, other than medicaments of Group 542
542	Medicaments (including veterinary medicaments)
551	Essential oils, perfume and flavour materials
553	Perfumery, cosmetic or toilet preparations (excluding soaps)
554	Soap, cleansing and polishing preparations
562	Fertilizers (other than those of Group 272)
571	Polymers of ethylene, in primary forms
572	Polymers of styrene, in primary forms

573	Polymers of vinyl chloride or of other halogenated olefins in primary forms
574	Polyacetals, other polyethers and epoxide resins, in primary forms; Polycarbonates, alkyd resins, polyallyl esters and other polyesters
575	Other plastics, in primary forms
579	Waste, parings and scrap, of plastics
581	Tubes, pipes and hoses, and fittings therefor, of plastics
582	Plates, sheets, film, foil and strip, of plastics
583	Monofilament of which any cross-sectional dimension exceeds 1 mm, rods, sticks and profile shapes, whether or not surface-worked but not otherwise worked, of plastics
591	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (e.g. sulphur-treated bands, wicks and candles, and fly papers)
592	Starches, inulin and wheat gluten; albuminoidal substances; glues
593	Explosives and pyrotechnic products
597	Prepared additives for mineral oils and the like; Prepared liquids for hydraulic transmission; Anti-freezing preparations and prepared de-icing fluids; Lubricating preparations
598	Miscellaneous chemical products
599	Others

Appendix 5

Production Purpose Codes for Schedule 3 Chemicals

Code	Purposes of Production
B11	In-line consumption as produced (captive use)
B12	Synthetic intermediate stored and/or used on site
B13	Transfer to other industry

Appendix 6

Codes for Schedule 3 Chemical Production Ranges

Code	Production Range
B21	$30 \leq P < 200$ tonnes
B22	$200 \leq P < 1,000$ tonnes
B23	$1,000 \leq P < 10,000$ tonnes
B24	$10,000 \leq P \leq 100,000$ tonnes
B25	$P > 100,000$ tonnes

Remark: P represents the annual production amount of a Schedule 3 chemical.

Appendix 7

Codes of Production Ranges for Plant Sites that Produce Unscheduled Discrete Organic Chemicals

Code	Production Range
B31	$200 \leq R < 1,000$ tonnes
B32	$1,000 \leq R \leq 10,000$ tonnes
B33	$R > 10,000$ tonnes

Remark: R represents the annual production amount of unscheduled discrete organic chemicals.

Annex F

Member States (as on 31st March, 2010) & Non-Member State Parties (as on 31st March, 2010) to the Convention

No.	Member State	Signature	Ratification, accession or succession	Entry into Force
1	Afghanistan	14/01/1993	24/09/2003	24/10/2003
2	Albania	14/01/1993	11/05/1994	29/04/1997
3	Algeria	13/01/1993	14/08/1995	29/04/1997
4	Andorra	—	27/02/2003	29/03/2003
5	Antigua and Barbuda	—	29/08/2005	28/09/2005
6	Argentina	13/01/1993	02/10/1995	29/04/1997
7	Armenia	19/03/1993	27/01/1995	29/04/1997
8	Australia	13/01/1993	06/05/1994	29/04/1997
9	Austria	13/01/1993	17/08/1995	29/04/1997
10	Azerbaijan	13/01/1993	29/02/2000	30/03/2000
11	Bahamas	02/03/1994	21/04/2009	21/05/2009
12	Bahrain	24/02/1993	28/04/1997	29/04/1997
13	Bangladesh	14/01/1993	25/04/1997	29/04/1997
14	Barbados	—	07/03/2007	06/04/2007
15	Belarus	14/01/1993	11/07/1996	29/04/1997
16	Belgium	13/01/1993	27/01/1997	29/04/1997
17	Belize	—	01/12/2003	31/12/2003
18	Benin	14/01/1993	14/05/1998	13/06/1998
19	Bhutan	24/04/1997	18/08/2005	17/09/2005
20	Bolivia (Plurinational State of)	14/01/1993	14/08/1998	13/09/1998
21	Bosnia and Herzegovina	16/01/1997	25/02/1997	29/04/1997
22	Botswana	—	31/08/1998	30/09/1998
23	Brazil	13/01/1993	13/03/1996	29/04/1997

24	Brunei Darussalam	13/01/1993	28/07/1997	27/08/1997
25	Bulgaria	13/01/1993	10/08/1994	29/04/1997
26	Burkina Faso	14/01/1993	08/07/1997	07/08/1997
27	Burundi	15/01/1993	04/09/1998	04/10/1998
28	Cambodia	15/01/1993	19/07/2005	18/08/2005
29	Cameroon	14/01/1993	16/09/1996	29/04/1997
30	Canada	13/01/1993	26/09/1995	29/04/1997
31	Cape Verde	15/01/1993	10/10/2003	09/11/2003
32	Central African Republic	14/01/1993	20/09/2006	20/10/2006
33	Chad	11/10/1994	13/02/2004	14/03/2004
34	Chile	14/01/1993	12/07/1996	29/04/1997
35	China	13/01/1993	25/04/1997	29/04/1997
36	Colombia	13/01/1993	05/04/2000	05/05/2000
37	Comoros	13/01/1993	18/08/2006	17/09/2006
38	Congo	15/01/1993	04/12/2007	03/01/2008
39	Cook Islands	14/01/1993	15/07/1994	29/04/1997
40	Costa Rica	14/01/1993	31/05/1996	29/04/1997
41	Côte d'Ivoire	13/01/1993	18/12/1995	29/04/1997
42	Croatia	13/01/1993	23/05/1995	29/04/1997
43	Cuba	13/01/1993	29/04/1997	29/05/1997
44	Cyprus	13/01/1993	28/08/1998	27/09/1998
45	Czech Republic	14/01/1993	06/03/1996	29/04/1997
46	Democratic Republic of the Congo	14/01/1993	12/10/2005	11/11/2005
47	Denmark	14/01/1993	13/07/1995	29/04/1997
48	Djibouti	28/09/1993	25/01/2006	24/02/2006
49	Dominica	02/08/1993	12/02/2001	14/03/2001
50	Dominican Republic	13/01/1993	27/03/2009	26/04/2009
51	Ecuador	14/01/1993	06/09/1995	29/04/1997
52	El Salvador	14/01/1993	30/10/1995	29/04/1997

53	Equatorial Guinea	14/01/1993	25/04/1997	29/04/1997
54	Eritrea	_	14/02/2000	15/03/2000
55	Estonia	14/01/1993	26/05/1999	25/06/1999
56	Ethiopia	14/01/1993	13/05/1996	29/04/1997
57	Fiji	14/01/1993	20/01/1993	29/04/1997
58	Finland	14/01/1993	07/02/1995	29/04/1997
59	France	13/01/1993	02/03/1995	29/04/1997
60	Gabon	13/01/1993	08/09/2000	08/10/2000
61	Gambia	13/01/1993	19/05/1998	18/06/1998
62	Georgia	14/01/1993	27/11/1995	29/04/1997
63	Germany	13/01/1993	12/08/1994	29/04/1997
64	Ghana	14/01/1993	09/07/1997	08/08/1997
65	Greece	13/01/1993	22/12/1994	29/04/1997
66	Grenada	09/04/1997	03/06/2005	03/07/2005
67	Guatemala	14/01/1993	12/02/2003	14/03/2003
68	Guinea	14/01/1993	09/06/1997	09/07/1997
69	Guinea-Bissau	14/01/1993	20/05/2008	19/06/2008
70	Guyana	06/10/1993	12/09/1997	12/10/1997
71	Haiti	14/01/1993	22/02/2006	24/03/2006
72	Holy See	14/01/1993	12/05/1999	11/06/1999
73	Honduras	13/01/1993	29/08/2005	28/09/2005
74	Hungary	13/01/1993	31/10/1996	29/04/1997
75	Iceland	13/01/1993	28/04/1997	29/04/1997
76	India	14/01/1993	03/09/1996	29/04/1997
77	Indonesia	13/01/1993	12/11/1998	12/12/1998
78	Iran (Islamic Republic of)	13/01/1993	03/11/1997	03/12/1997
79	Iraq	_	13/01/2009	12/02/2009
80	Ireland	14/01/1993	24/06/1996	29/04/1997
81	Italy	13/01/1993	08/12/1995	29/04/1997

82	Jamaica	18/04/1997	08/09/2000	08/10/2000
83	Japan	13/01/1993	15/09/1995	29/04/1997
84	Jordan	–	29/10/1997	28/11/1997
85	Kazakhstan	14/01/1993	23/03/2000	22/04/2000
86	Kenya	15/01/1993	25/04/1997	29/04/1997
87	Kiribati	–	07/09/2000	07/10/2000
88	Kuwait	27/01/1993	29/05/1997	28/06/1997
89	Kyrgyzstan	22/02/1993	29/09/2003	29/10/2003
90	Lao People's Democratic Republic	13/05/1993	25/02/1997	29/04/1997
91	Latvia	06/05/1993	23/07/1996	29/04/1997
92	Lebanon	–	20/11/2008	20/12/2008
93	Lesotho	07/12/1994	07/12/1994	29/04/1997
94	Liberia	15/01/1993	23/02/2006	25/03/2006
95	Libyan Arab Jamahiriya	–	06/01/2004	05/02/2004
96	Liechtenstein	21/07/1993	24/11/1999	24/12/1999
97	Lithuania	13/01/1993	15/04/1998	15/05/1998
98	Luxembourg	13/01/1993	15/04/1997	29/04/1997
99	Madagascar	15/01/1993	20/10/2004	19/11/2004
100	Malawi	14/01/1993	11/06/1998	11/07/1998
101	Malaysia	13/01/1993	20/04/2000	20/05/2000
102	Maldives	01/10/1993	31/05/1994	29/04/1997
103	Mali	13/01/1993	28/04/1997	29/04/1997
104	Malta	13/01/1993	28/04/1997	29/04/1997
105	Marshall Islands	13/01/1993	19/05/2004	18/06/2004
106	Mauritania	13/01/1993	09/02/1998	11/03/1998
107	Mauritius	14/01/1993	09/02/1993	29/04/1997
108	Mexico	13/01/1993	29/08/1994	29/04/1997
109	Micronesia (Federated States of)	13/01/1993	21/06/1999	21/07/1999
110	Monaco	13/01/1993	01/06/1995	29/04/1997

111	Mongolia	14/01/1993	17/01/1995	29/04/1997
112	Montenegro	_	23/10/2006	03/06/2006
113	Morocco	13/01/1993	28/12/1995	29/04/1997
114	Mozambique	_	15/08/2000	14/09/2000
115	Namibia	13/01/1993	27/11/1995	29/04/1997
116	Nauru	13/01/1993	12/11/2001	12/12/2001
117	Nepal	19/01/1993	18/11/1997	18/12/1997
118	Netherlands	14/01/1993	30/06/1995	29/04/1997
119	New Zealand	14/01/1993	15/07/1996	29/04/1997
120	Nicaragua	09/03/1993	05/11/1999	05/12/1999
121	Niger	14/01/1993	09/04/1997	29/04/1997
122	Nigeria	13/01/1993	20/05/1999	19/06/1999
123	Niue	_	21/04/2005	21/05/2005
124	Norway	13/01/1993	07/04/1994	29/04/1997
125	Oman	02/02/1993	08/02/1995	29/04/1997
126	Pakistan	13/01/1993	28/10/1997	27/11/1997
127	Palau	_	03/02/2003	05/03/2003
128	Panama	16/06/1993	07/10/1998	06/11/1998
129	Papua New Guinea	14/01/1993	17/04/1996	29/04/1997
130	Paraguay	14/01/1993	01/12/1994	29/04/1997
131	Peru	14/01/1993	20/07/1995	29/04/1997
132	Philippines	13/01/1993	11/12/1996	29/04/1997
133	Poland	13/01/1993	23/08/1995	29/04/1997
134	Portugal	13/01/1993	10/09/1996	29/04/1997
135	Qatar	01/02/1993	03/09/1997	03/10/1997
136	Republic of Korea	14/01/1993	28/04/1997	29/04/1997
137	Republic of Moldova	13/01/1993	08/07/1996	29/04/1997
138	Romania	13/01/1993	15/02/1995	29/04/1997
139	Russian Federation	13/01/1993	05/11/1997	05/12/1997

140	Rwanda	17/05/1993	31/03/2004	30/04/2004
141	Saint Kitts and Nevis	16/03/1994	21/05/2004	20/06/2004
142	Saint Lucia	29/03/1993	09/04/1997	29/04/1997
143	Saint Vincent and the Grenadines	20/09/1993	18/09/2002	18/10/2002
144	Samoa	14/01/1993	27/09/2002	27/10/2002
145	San Marino	13/01/1993	10/12/1999	09/01/2000
146	Sao Tome and Principe	–	09/09/2003	09/10/2003
147	Saudi Arabia	20/01/1993	09/08/1996	29/04/1997
148	Senegal	13/01/1993	20/07/1998	19/08/1998
149	Serbia	–	20/04/2000	20/05/2000
150	Seychelles	15/01/1993	07/04/1993	29/04/1997
151	Sierra Leone	15/01/1993	30/09/2004	30/10/2004
152	Singapore	14/01/1993	21/05/1997	20/06/1997
153	Slovakia	14/01/1993	27/10/1995	29/04/1997
154	Slovenia	14/01/1993	11/06/1997	11/07/1997
155	Solomon Islands	–	23/09/2004	23/10/2004
156	South Africa	14/01/1993	13/09/1995	29/04/1997
157	Spain	13/01/1993	03/08/1994	29/04/1997
158	Sri Lanka	14/01/1993	19/08/1994	29/04/1997
159	Sudan	–	24/05/1999	23/06/1999
160	Suriname	28/04/1997	28/04/1997	29/04/1997
161	Swaziland	23/09/1993	20/11/1996	29/04/1997
162	Sweden	13/01/1993	17/06/1993	29/04/1997
163	Switzerland	14/01/1993	10/03/1995	29/04/1997
164	Tajikistan	14/01/1993	11/01/1995	29/04/1997
165	Thailand	14/01/1993	10/12/2002	09/01/2003
166	The former Yugoslav Republic of Macedonia	–	20/06/1997	20/07/1997
167	Timor-Leste	–	07/05/2003	06/06/2003
168	Togo	13/01/1993	23/04/1997	29/04/1997

169	Tonga	_	29/05/2003	28/06/2003
170	Trinidad and Tobago	_	24/06/1997	24/07/1997
171	Tunisia	13/01/1993	15/04/1997	29/04/1997
172	Turkey	14/01/1993	12/05/1997	11/06/1997
173	Turkmenistan	12/10/1993	29/09/1994	29/04/1997
174	Tuvalu	_	19/01/2004	18/02/2004
175	Uganda	14/01/1993	30/11/2001	30/12/2001
176	Ukraine	13/01/1993	16/10/1998	15/11/1998
177	United Arab Emirates	02/02/1993	28/11/2000	28/12/2000
178	United Kingdom of Great Britain & Northern Ireland	13/01/1993	13/05/1996	29/04/1997
179	United Republic of Tanzania	25/02/1994	25/06/1998	25/07/1998
180	United States of America	13/01/1993	25/04/1997	29/04/1997
181	Uruguay	15/01/1993	06/10/1994	29/04/1997
182	Uzbekistan	24/11/1995	23/07/1996	29/04/1997
183	Vanuatu	_	16/09/2005	16/10/2005
184	Venezuela	14/01/1993	03/12/1997	02/01/1998
185	Viet Nam	02/01/1998	30/09/1998	30/10/1998
186	Yemen	08/02/1993	02/10/2000	01/11/2000
187	Zambia	13/01/1993	09/02/2001	11/03/2001
188	Zimbabwe	13/01/1993	25/04/1997	29/04/1997

Non-Member States (as on 31st March, 2010)

Signatory States which have not yet ratified the Chemical Weapons Convention

No.	State	Signature
1	Israel	13/01/1993
2	Myanmar	14/01/1993

States that have neither signed nor acceded to the Chemical Weapons Convention (as on 31st March. 2010)

No.	State
1	Angola
2	Democratic People's Republic of Korea
3	Egypt
4	Somalia
5	Syrian Arab Republic

Annex G

THE TEMPALTE FOR PRE- INSPECTION BRIEFING

Presentation on Pre-inspection briefing (PIB)

To OPCW Inspection Team

Type of facility (Schedule 2 / 3 / OCPF).....

Name and Address of the facility:-

.....

Name of the related Industrial area:-.....

District:-.....State:-.....

Date of Inspection:-.....

Details of Contact Persons:-.....

INDEX FOR PIB

NO.	CONTENT	PAGE NO.
1.	INTRODUCTION	
2.	SECURITY PROCEDURE	
3.	LOGISTICS	
4.	LOCATION	
5.	ACCESS TO LOCATION	
6.	SPECIAL NOTE	
7.	LAYOUT PLAN	
8.	MANUFACTURING PROCESS & CHEMICAL REACTION	
9.	FLOW DIAGRAM	
10.	PRODUCTS HANDLED AT PLANT SITE	
11.	LIST OF RAW MATERIALS	
12.	EQUIPMENT LIST	
13.	LIST OF UTILITIES	
14.	SAFETY, HEALTH & ENVIRONMENTAL ASPECTS	
15.	ANNEXES 1(A) MAP OF INDIA 1(B) MAP OF STATE 1(C) MAP OF DISCTRICT AND INDUSTRIAL AREA	

1. INTRODUCTION

M/s.is a Public Limited Company / Small Scale Unit / Partnership Firm and started its operation in the year.....The company is in the field of manufacture of.....M/s.....is an ISO 9001:2000 certified company. Products manufactured by the company include Scheduled / Unscheduled discrete organic chemicals listed under Chemical Weapons Convention.

The facility has complied with the following regulations:

- 1.....
- 2.....

And so on.

Uses of the products manufactured.....

2. Location , Transportation

The Facility can be reached from , by the following

Means:

Access to Location:

Complete address of the facility:

Name of Facility

Boundaries

- East.....
- West.....
- North.....
- South.....

Mode of transportation

Means of Access to location from Point of Entry (POE) i.e.; New Delhi.

- Road.....
-
- Rail.....
-
- Air.....
-

3. Security and Liaison Arrangements:

Management of Entry and Exit by Security Personnel: (Please tick marks the following as applicable):

Security passes issued	Special Security in place	General Facility Security

No. of gate (s) and gate through which IT may access

Facility.....

Whether Security at the Gate has been informed of IT's visit (Yes/No)

Name and Details of the Facility's Head:-.....

Room arrangements during inspection:

Pre-inspection briefing room no.....

OPCW inspection team's room no.....

National escort team's room no.....

4. PLANT SITE PRODUCTION PROFILE:

- Number of plants :
(Such as carbon monoxide plant, chlorine-alkali plant, phosgene plants, Toluene diisocyanate plant and methyl isocyanate plant etc .)
- Plant site lay out indicating details : (Please attach a plant site layout plan as Annexure-2)

Administrative building, location of gate (s), Toilet, Raw material storage area, Finished product area, Location of different plant site specifically Scheduled Chemicals Site, Quality control lab., Pollution control/treatment plant and solvent recovery unit etc. inside the facility.

5. DETAILS OF PRODUCTS PRODUCED AT PLANT SITE

Method of Manufacture /production Process	
Chemical reaction involved Including material balance:	
Raw materials required:	
Utilities required:	

Please Attach Block Schematic Process Flow Diagram (PFD) as an Annexure.

6. Infrastructure & Equipment :

Total Plot Area
Covered area.....
Equipments:

(Please attach List of critical equipments used for manufacture of Scheduled Chemicals listed in CWC)

Workshop Details:

--

Laboratory Details:

Details of R & D Laboratory:	
Details of Quality Control Laboratory:	

7. Details of Raw Materials Consumed:

Product Manufactured	Raw Material	Qty.
----------------------	--------------	------

--	--	--

8. Details of production and Disposal of Product (While providing these details the information must remain consistent with that provided in the declarations submitted to DCPC)
Quantities of product produced, processed, consumed and domestic export/import:

Product Manufactured	Total quantity Produced	Quantity Product consumed	of Quantity of Product exported/imported

9. Storage And Handling:

Number and type of storage tanks

.....
List of OPCWs Scheduled Chemicals stored and their quantity:

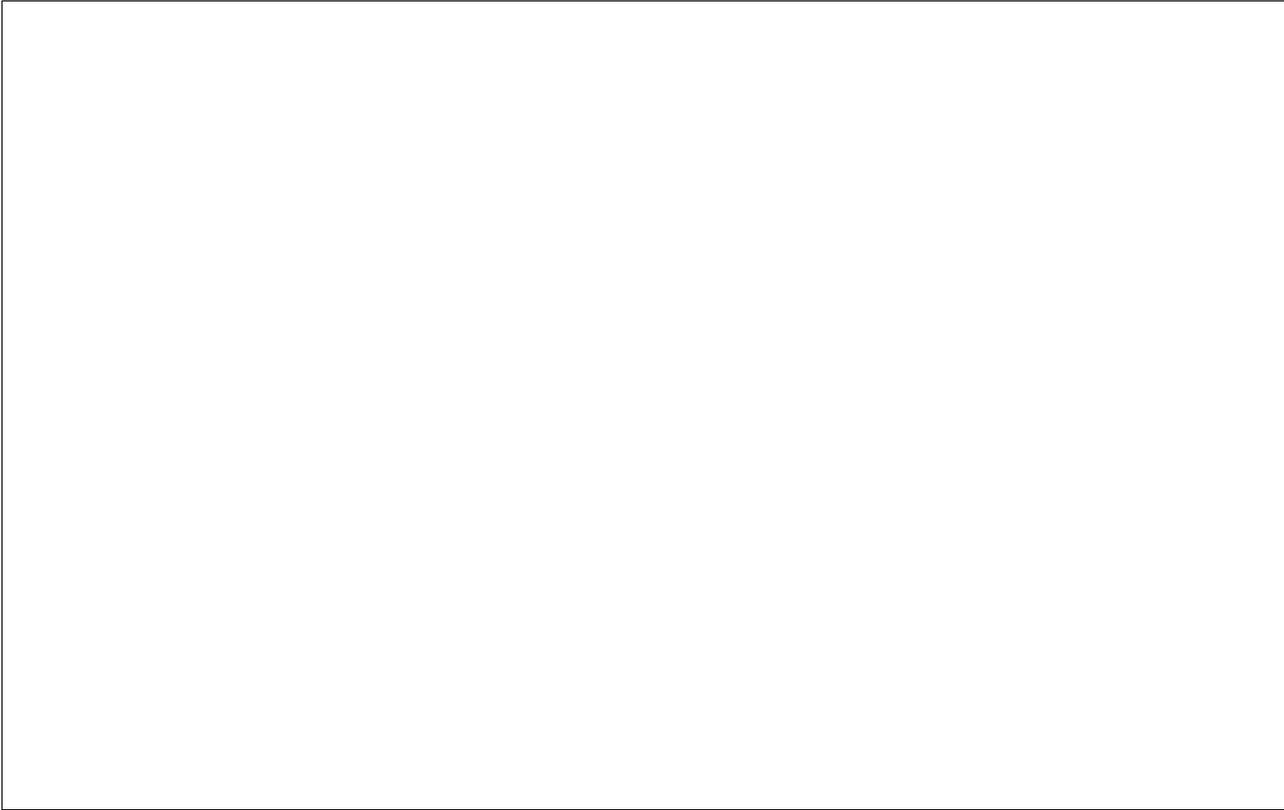
Chemical	Quantity

List of other products/chemicals stored:

Chemical	Quantity

10. Health and Safety Aspects:

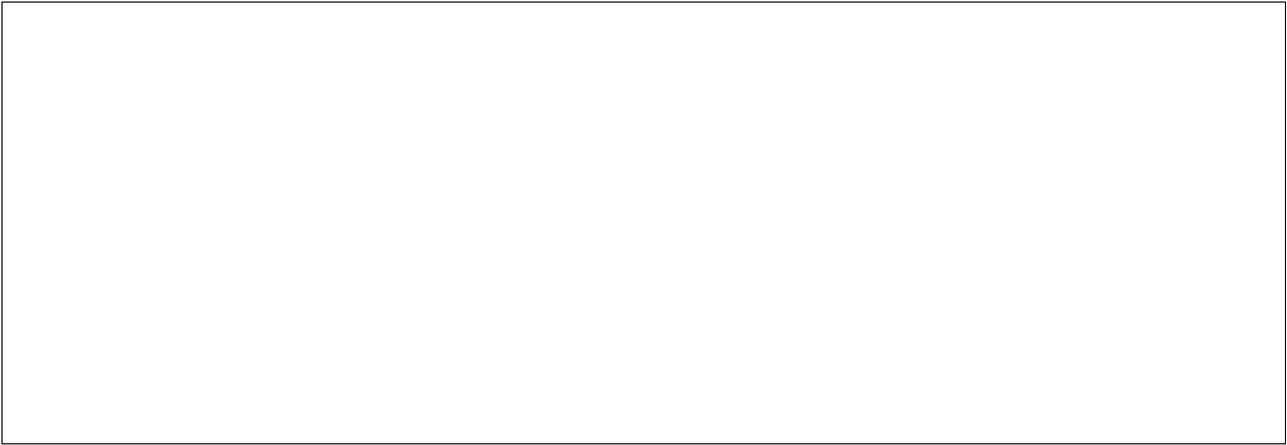
Measures in place for ensuring health of employees:



Safety equipment provided to employees:



Fire Prevention & Control Measures:



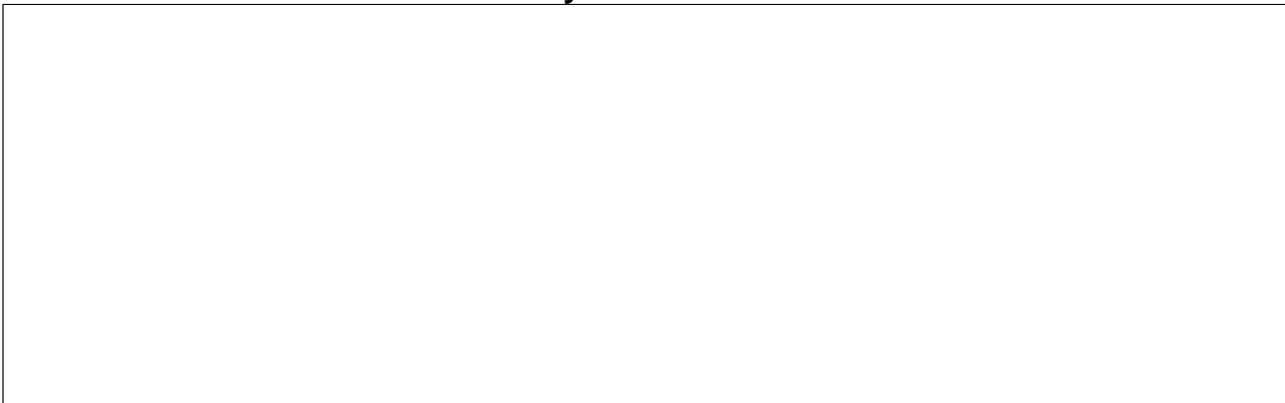
Emergency Preparedness:



Details of Pollution control measures:



Details of First Aid & Medical Facility:





11. Details of Manpower, Shifts & Working Hours:

Manpower : 1. No. of regular employees :.....
2. No. of Employees on Contractors :.....
Total no. of employees :.....

Number of shifts:

First Shifthrs tohrs
Second Shifthrs tohrs
Third Shifthrs tohrs
Working days in a week:
Weekly Holidays

12 . Confidentiality:

Requirements for Confidentiality of the facility, if any such as Photography, use of Mobile Phone inside the facility etc.

13. Map of industrial Area & District:

(Please attach Government approved map)

Note: Please attach separate sheets wherever necessary, and give them annexure

Nos. starting with Annexure-3.

Instructions

^a Broad field of activities may be mentioned. For example: Pharmaceuticals, Pesticides, Dyes. Broad product Group Code (mentioned in Appendix 4) may be mentioned. (List of Product Group is annexed).

^b Source of certification may be mentioned. For example ISO certification, BIS certifications, Responsible care, etc.

^c Tick mark as applicable.

^d Name the regulations that have been complied. Such as: Pollution Control Standards, Occupational, Safety and Health Regulations.

2. Security Procedure

Numbers and use of gates for example:

- First gate is for employees, visitors & Finished Goods
- Second gate for receiving Raw Materials.
- Entry and Exit manned by Security personnel round the clock.
- Documented System for incoming and out going materials.

3. Logistics

The pre-inspection briefing is being held in room no....of the company. The room no....has been allotted for use by the OPCW inspection team and the room no.... use of national escorts and facility personal. OPCW work space phone number is xxxxxxxxxx
The facility phone number and fax number is xxxxxx and xxxxx respectively

Hotel arrangement:

Name and address of Hotel.....

.....

.....

Phone No. : 0091-

Fax No.: 0091 –

The hotel is about _____ kms. away from M/s. _____ plant site and will take about _____ minutes travelling time. This is one of the best available hotel in the area and can provide continental food of your taste on request. We hope you will find this accommodation comfortable and convenient.

Transport

- The car which brought you from _____ to _____ will be available for your use during inspection.
- The same car will take you back from _____ to _____.

4. Location

Manufacturing site of M/s. _____ is located in Industrial Development Corporation Area Plot No. _____ Taluka _____, District _____, _____ State. (M/s. _____ (type of company eg. MNC, Family owned/Partnership etc.) is located at Plot No. _____. There is no boundary wall between the plant site of M/s. _____ and _____ to be mentioned in case of other unit inside the same boundary wall) (as applicable).

Boundary

EAST :
 WEST :
 NORTH :
 SOUTH :

5. Access to Location

INDUSTRIAL ESTATE OF _____, TALUKA _____, DISTRICT _____ (NAME OF STATE)

By Road

National Highway No. _____
 _____ Kms From _____

By Rail

_____ Kms from _____
 _____ Kms from New Delhi to _____

By Air

New Delhi to _____
 _____ to New Delhi.

**6. SPECIAL NOTE
 (in case of Gujarat)**

- Kindly note that the State of Gujarat is dry and drinking of alcoholic beverages is prohibited.
- However, drinking is permitted to foreign citizens subject to procuring licence for them.
- Drinking in Public place is strictly prohibited and must be avoided.

7. LAYOUT PLAN OF M/S...



Diagram indication of layout plan, must indicate the following:

- 1) Office
- 2) Manufacturing Plant
- 3) Electric Room
- 4) Utility Block
- 5) Assembly Point Area
- 6) Raw Material Store
- 7) Finished Product Area
- 8) Effluent Treatment Plant
- 9) Occupational Health Centre
- 10) Quality Control, R & D
- 11) Engineering Store
- 12) Administration, Accounts Room etc.
- 13) Any other information not covered.

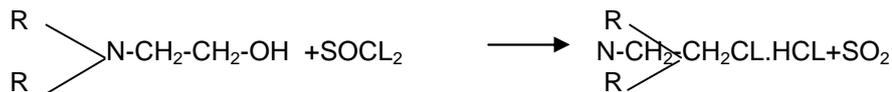
8. Manufacturing process

To be given for the product e.g. in case of N, N-DIALKYL AMINOETHYL CHLORIDE HYDROCHLORIDE

N, N – Dialkyl Amino Ethanol is reacted with Thionyl Chloride to get N, N-Dialkyl Aminoethyl Chloride HCL in a suitable solvent. This is then crystallized to get a pure product, N,N-Dialkyl Aminoethyl Chloride HCL. The product is centrifuged and dried in fluid bed dryer by hot air.

Chemical reaction:

The production of N, N-Dialkyl Aminoethyl Chloride HCL involves the following reaction :



N, N-Dialkyl Amino Ethanol Thionyl Chloride N, N Dialkyl Amino Ethyl Chloride
Hydrochloride

R= -CH₃ / -C₂H₅

Reaction in scrubber

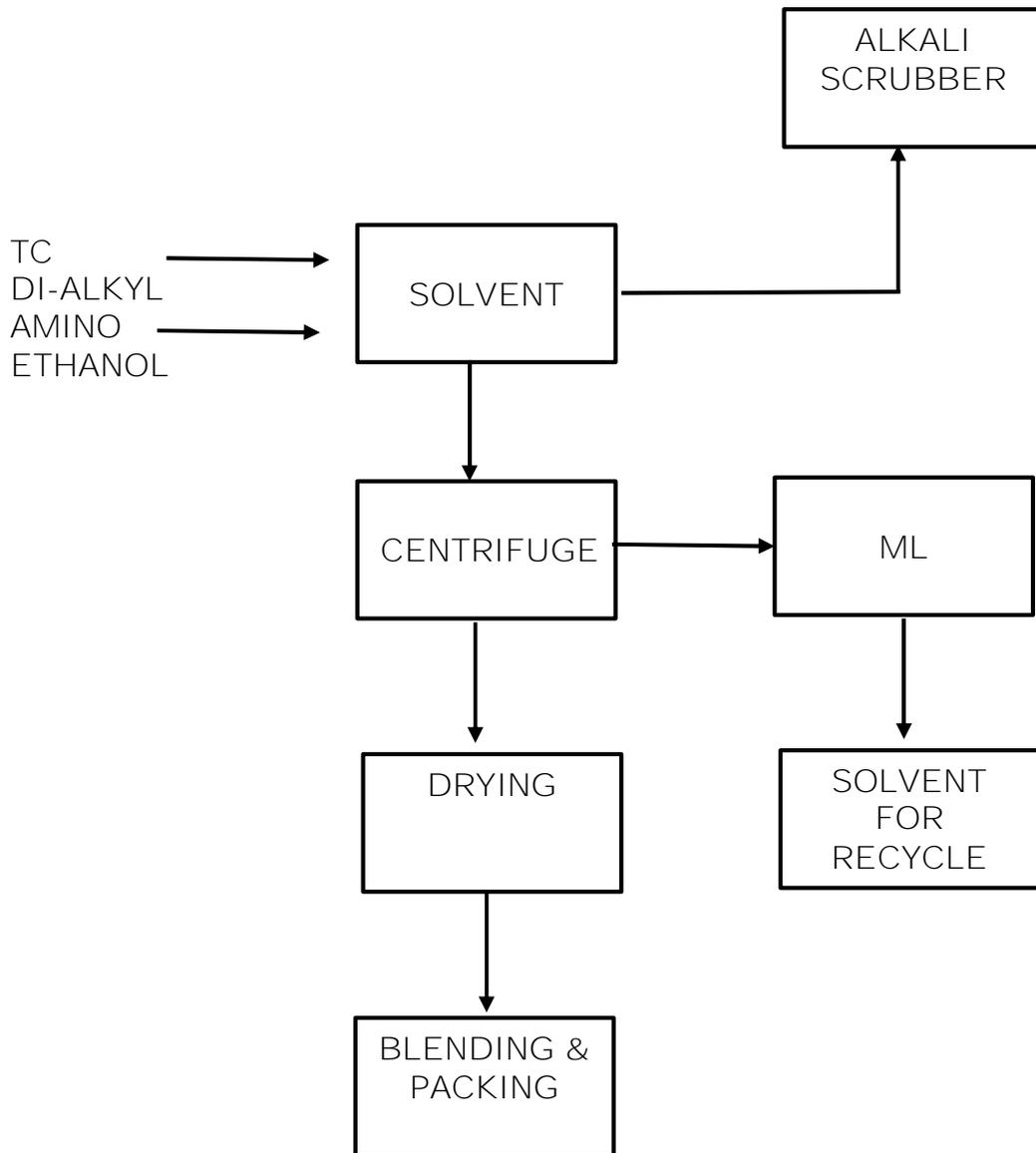


(a) If the declaration for consumption of Scheduled 2 Chemical is given, the detail of process, reaction etc. for the product manufactured wherein Schedule 2 Chemical is used, have to be furnished.

(b) In case of consumption of N, N Dimethyl amino ethyl chloride hydrochloride, there is formation of free base as N, N Dimethyl amino ethyl chloride as intermediate of concentration 30% w/w or above, the production and consumption of same is also to be given in the declaration(e.g. in the manufacture of Pheneramine base and then maleate etc.).

9. PROCESS FLOW DIAGRAM

Example indicated below.



10. Products Handled at the Plant Site (Schedule – 2)

(A) Name of the products Schedule 2.

e.g.

1. Dimethyl Aminoethyl Chloride Hydrochloride
2. Diethyl Aminoethyl Chloride Hydrochloride

(B) Other products handled at the Plant Site

11. Total List of Raw Materials irrespective of product handled at plant site

e.g.

1. Dimethyl Aminoethanol
2. Diethyl Aminoethanol
3. Ethylene Di Chloride
4. Toluene
5. Thionyl Chloride
6. Caustic Soda
7. Acetone
8. -
9. -
10. -

12. Equipment List for manufacture/ processing/ consumption/ of Schedule 2 Chemicals

Indicative list

1. Reactors – Jacketed.
2. Centrifuge
3. Receiver
4. Dryer
5. Blender
6. Storage Tanks

13. List of Utilities for manufacture/ processing/ consumption of Schedule 2 Chemicals.

Indicative list

1. N₂ Gas
2. Power
3. Steam
4. Hot Air
5. Cooling Water
6. Brine

14. M/s _____

(A) Corporate Safety Health & Environment Policy of M/s

(B) Safety, Health & Environmental Aspects

1. Exposure Prevention & Control Measure

e.g. An indicative list is mentioned below:

A)	Enclosed Process	Yes, Except Vents
B)	Scrubber System	Provided
C)	Alkali /Acid	Handled in HDPE Carboy/Bags
D)	Thionyl Chloride	Closed Pipes

2) Personnel Protective Equipment:

e.g. An indicative list is mentioned below:

A)	Nose Masks	Nose Masks used at Appropriate places.
B)	Safety, Helmet, Shoes, Gloves, Goggles	Being Tropical Country, Continuous use not insisted, but is compulsory while handling Alkalies and other operations as Appropriate
C)	Self Contained Breathing Apparatus (SCBA)	Yes

3) Fire Prevention and Control Measures:

e.g. An indicative list is mentioned below:

A)	Earthing of Equipment	All the motors are earthed and also flame proof as necessary.
B)	Fire Extinguishers	Portable Fire Extinguishers Provided.
C)	Smoking in the plant	Smoking is strictly prohibited

4) Work Atmosphere Monitoring:

e. g. An indicative list is mentioned below:

A)	Periodic Monitoring	Monitoring is done by ----- (Name of State) Pollution control board in order to check our compliance as per statutory requirements.
----	---------------------	--

5) **First Aid Medical Facility :**

e.g. An indicative list is mentioned below.

A)	First Aid	First Aid box Available.
B)	Factory Medical Officer	Physician Available on Call
C)	Emergency Vehicle	Vehicle available on call
D)	Hospital Facility	1) _____ Hospital, ___ Beds, _____ Km from Factory. Tel. No. 0091 -----

6) **Emergency Plan**

A)	Evacuation Assembly Site	Yes, 1 Identified Site
----	--------------------------	------------------------

7) **Hazard Control Measures**

e.g. An indicative list is mentioned below.

A) Types of fire extinguishers provided

e.g.

* Carbon Dioxide

* Foam Type (Including Light Weight)

* Dry Chemical powder

B) Earthing of Equipment is done

C) Nitrogen Blanketing is provided.

D) Any other system.

Annexure 1 (A) - MAP OF INDIA

Annexure-1(B) - MAP OF STATE

Annexure-1(C) - MAP OF DISTRICT AND INDUSTRIAL AREA

(Government approved maps such as Telecom map, GIDC map)

Annex H

The tentative plan for inspection of a Schedule 2 facility.

Date	Activity	
Day 1	Pre-Inspection Briefing Site Tour Presentation of Inspection Plan Inspection of declared plant(s) which may include: Control Room Schedule 2 storage area Analytical laboratory Reactors and ancillary equipment for Schedule 2 production and consumption. Any additional areas to trace Schedule-2 material flow Waste treatment Any areas for handling out –of-specn. Chemicals Documentation/records review, which may include: Schedule-2 chemical purchases/deliveries Schedule-2 chemical certificates of analysis Schedule-2 chemical issues to production Schedule 2 chemical precursor records Co-product issues to production Schedule batch product SOP Finished product output Finished product analysis Records for off-specification material Review of Schedule-2 chemical records. Documentation to confirm site location	As required
Day 2	Conclude inspection of declared plant. Conclude documentation/records review “Inspection of related plant site infrastructure: Q/C laboratories Medical facility Waste treatment facility Gather site specific information for Draft Facility Agreement (DFA)	As required
Day 3	Conclude on-site inspection activities Conclude DFA activities Commence drafting of PF report	
Day 4	Commence post-inspection activities Review and sign PF report	
	Return journey to POE	

Annex I

The tentative plan for inspection of a Schedule 3 facility.

Date	Activity	
Day 1	<p>Pre-Inspection Briefing Site Tour Presentation of Inspection Plan Inspection of declared plant(s) which may include: Control Room Schedule 3 storage area Analytical laboratory Reactors and ancillary equipment for Schedule 3 production. Any additional areas to trace Schedule-3 material flow Waste treatment Any areas for handling off-specification. Chemicals</p> <p>Documentation/records review, which may include: Schedule-3 chemical certificates of analysis Schedule 3 chemical precursor records Co-product issues to production Schedule batch product SOP Finished product output Finished product analysis Records for out-of-specification material Review of Schedule-3 chemical records. Documentation of confirm site location</p> <p>Conclude inspection of declared plant. Conclude documentation/records review "Inspection of related plant site infrastructure: Q/C laboratories Medical facility Waste treatment</p> <p>Conclude on-site inspection activities Commence drafting of PF report Commence post-inspection activities</p>	As required

Annex J

The tentative plan for inspection of an Other Chemical Production Facility.

Date	Activity	
Day 1	<p>Pre-Inspection Briefing Site Tour Presentation of Inspection Plan Inspection of declared plant(s) which may include: Control Room Schedule 2 storage area Analytical laboratory Reactors and ancillary equipment for OCPF production.</p> <p>Waste treatment Any areas for handling out –of-specn. Chemicals</p> <p>Finished product output Finished product analysis Records for out-of-specification material Documentation of confirm site location Review of DOC Chemical production records.</p> <p>Conclude inspection of declared plant. Conclude documentation/records review “Inspection of related plant site infrastructure: Q/C laboratories Medical facility Waste treatment</p> <p>Conclude on-site inspection activities Commence drafting of PF report Commence post-inspection activities</p>	As required

GLOSSARY OF TERMS

This glossary includes abbreviations and acronyms used throughout this document

Abbreviation	Full Phrase
ADAA	Annual Declaration for Anticipated Activities
ADPA	Annual Declaration for Past Activities
AND	Aggregate National Data
CAS Number	Chemical Abstracts Service registry number
CCYY-MM-DD	Century, year – Month- Day (e.g. 2009-11-10)
CHEMEXIL	Basic Chemicals, Pharmaceuticals & Cosmetics Export Promotion Council, popularly known as CHEMEXCIL
CAPEXIL	organization, to promote export of Chemical and Allied Products from India.
CSP	Conference of State Parties - An organ of OPCW
CWA	Chemical Warfare Agent
CWC	Chemical Weapons Convention
CWC Act	Chemical Weapons Convention Act,2000 passed by Parliament of India
CY	Calendar Year
DCPC	Department of Chemicals and Petrochemicals - Ministry of Chemicals and Fertilizers, Government of India
DFA	Draft Facility Agreement
DG	Director General of Technical Secretariat of OPCW
DGFT	Director General of Foreign Trade
D&ISA	Disarmament & International Security Affairs - A Division of the Ministry of External Affairs
DOC	Discrete Organic Chemical
DRI	Directorate of Revenue intelligence
EC	Executive Council – An organ of OPCW
EIF	Entry Into Force
EXIM policy	Export Import Policy
ETP	Effluent Treatment Plant
FA	Facility Agreement
GOI	Government of India
GPS	Global Positioning System
HS	Harmonized System” or simply “HS”- It is a multipurpose international product nomenclature developed by the World

	Customs Organization (WCO).
ICC	Indian Chemical Council
IAW	In Accordance With
IEC Number	Importer Exporter Code Number
IGIA	Indira Gandhi International Airport
IM	Inspection Mandate
IND	Country code for India-
ISP	Inspected State Party (i.e. India as for inspection in India)
IT	Inspection Team
IUPAC	International Union of Pure and Applied Chemistry
NACWC	National Authority for Chemical Weapons Convention
NLT	Not Later Than
MoC & F	Ministry of Chemicals and Fertilisers
MSDS	Material Safety Data Sheet
MT	Metric tonnes
OCPF	Other Chemical Production Facility
OPCW	Organisation for the Prohibition of Chemical Weapons
OPCW- R	OPCW Restricted – OPCW’s recognised confidentiality Classification
OPCW- P	OPCW Protected – OPCW’s recognised confidentiality Classification
OPCW- H	OPCW Highly Protected – OPCW’s recognised confidentiality Classification
PARA	Paragraph
PF	Preliminary Findings
PIB	Pre- Inspection Briefing
PPE	Personal Protective Equipment
POE	Point of Entry/ Point of Exit
PSF Chemical	Phosphorus, Sulphur or Fluorine containing chemical
QC Lab	Quality Control Laboratory
Sch	Schedule
RA	Risk Assessment
RCMC No.	REGISTRATION-CUM-MEMBERSHIP CERTIFICATE NUMBER
SCOMET	Special Chemicals, Organisms, Materials, Equipment and Technologies
Section B of declaration form	For all industry related declarations i.e. Sch 2, Sch 3 and OCPF. This has already been incorporated in all declaration forms
SITC	Standard International Trade Classification. (Product group codes were developed based on the 3 digit SITC code by the United Nations)
S.No.	Serial Number
SP	State Party
TS	Technical Secretariat – An organ of OPCW
VA	Verification Annex (An Integral part of CWC)

End use Certificate**Form T30**

(For transfers of Schedule 3 chemicals to States not party to the Convention)

**Exporter's Transfer
Identification:****Country Code**

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Year

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Transfer Number

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A. CHEMICAL TO BE TRANSFERRED:	
Type:	IUPAC chemical name
	CAS registry number
Total Quantity (Kilograms):	
B. END-USE(S) OF THE CHEMICAL:	
1.	
2.	
3.	
C. END USER(S)	
I (we) certify that I (we) am (are) the end-user(s) of the chemical referred to under A above. I (we) will not export, resell or otherwise dispose of any amount thereof (1) outside the recipient State on whose territory the end user(s) listed below is (are) located, or (2) to any other person, natural or legal. I (we) further certify that, to the best of my (our) knowledge and belief, all of the facts contained in this certificate are true, and that I (we) do not know of any additional facts that are inconsistent with this certificate.	
Name:	Quantity (Kg):
Position:	
Organisation:	
Address:	
Signature:	Date:
Name:	Quantity (Kg):
Position:	
Organisation:	
Address:	
Signature:	Date:
Name:	Quantity (Kg):
Position:	
Organisation:	
Address:	
Signature:	Date:

D. CERTIFICATION ON BEHALF OF THE RECIPIENT STATE

It is hereby certified that the transferred chemical referred to above will be used only for purposes not prohibited under the Convention on the Prohibition of the Development, Stockpiling and Use of Chemical Weapons and on Their Destruction, and that it will not be re-transferred.

Name:

Position:

Organisation:

Address:

Signature:

Date:

* After 29 April 2002, the transfer of Schedule 3 chemicals to States not party to the Convention shall be subject to any restrictions which may be determined by the Conference of the States Parties of the OPCW

nex M

C-14/DEC.4
2 December 2009
Original: English

DECISION

GUIDELINES REGARDING LOW-CONCENTRATION LIMITS FOR DECLARATIONS OF SCHEDULE 2A AND 2A* CHEMICALS

The Conference of the States Parties,

Recalling that paragraph 5 of Part VII of the Verification Annex to the Chemical Weapons Convention (hereinafter “the Verification Annex”) states that declarations are required for mixtures containing low concentrations of Schedule 2 chemicals, in accordance with guidelines, in cases where the ease of recovery from the mixture of a Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of the Chemical Weapons Convention (hereinafter “the Convention”);

Taking into account the enhancement of the transparency that will result from the provision of such information in relation to the implementation of the Convention;

Recognising that these guidelines would enable the uniform implementation of the Convention with regard to declarations and inspections of facilities;

Stressing the desirability of adopting a common approach with respect to low concentration guidelines, consistent with the non-discriminatory and effective implementation of the Convention;

Recalling that declarations of plant sites in accordance with paragraph 5 of Part VII and paragraph 5 of Part VIII of the Verification Annex are triggered by the amount of a Schedule 2 or Schedule 3 chemical contained in a mixture, as well as its concentration (C-IV/DEC.16, dated 1 July 1999);

Recalling the decision of the Conference of the States Parties on guidelines regarding low-concentration limits for declarations of Schedule 2B and 3 chemicals (C-V/DEC.19, dated 19 May 2000) and bearing in mind the risks to the object and purpose of the Convention represented by Schedule 2A and 2A* chemicals;

Having considered the Note by the Director General on the report of the Fourth Session of the Scientific Advisory Board (SAB) (EC-XXIV/DG.2, dated 9 March 2001), as well as the technical considerations of the SAB on the relevant aspects of the applicable concentration C-14/DEC.4 page 2 limits for mixtures of chemicals containing Schedule 2A and 2A* chemicals (SAB-IV/1, dated 6 February 2001);

Taking into account the understanding of the concept of “captive use” in connection with the declarations of production and consumption under Parts VII and VIII of the Verification Annex (C-9/DEC.6, dated 30 November 2004);

Recalling that the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention “noted with concern that the issue of low concentrations in relation to Schedule 2A and 2A* chemicals has not yet been resolved”, and urged the Executive Council (hereinafter “the Council”) “to resume work promptly, with the support of the Secretariat, towards the earliest resolution of the issue” (paragraph 9.63 of RC-2/4, dated 18 April 2008); and

Cognisant of the economic and administrative implications of the implementation of such guidelines for States Parties;

Hereby decides that:

1. Declarations are not required under Part VII of the Verification Annex for:
 - (a) mixtures of chemicals containing one percent (1%) or less of a Schedule 2A or 2A* chemical;
 - (b) mixtures of chemicals containing more than 1% but less than or equal to 10% of a Schedule 2A or 2A* chemical, provided that the annual amount produced, processed, or consumed is less than the relevant verification thresholds specified in paragraph 12 of Part VII of the Verification Annex;
2. States Parties, in accordance with their constitutional processes, implement these guidelines as soon as practicable;
3. The Technical Secretariat report in detail annually to the Council in the Verification Implementation Report on the progress that States Parties have made in implementing this decision, beginning not later than 1 January 2012; and
4. The Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention review progress in carrying out this decision, with a view to ensuring its effective implementation.

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