



THE CHEMICAL WEAPONS CONVENTION - ISSUES FOR RESEARCH & MEDICAL INSTITUTIONS

The Chemical Weapons Convention (CWC) is an international treaty that bans the development, production, possession or use of chemical weapons.

A number of chemicals produced or used for normal industrial, medical or research purposes can also have applications in the production of chemical weapons. Australia applies licensing requirements to activities producing, using or transferring certain such chemicals as a part of mechanisms for verifying international compliance with the CWC. The coverage of these requirements may extend to activities in universities and medical and/or research institutions.

Companies and institutions dealing with chemicals should determine whether they may have reporting and/or inspection obligations under the CWC and Australia's implementing legislation.

To provide assurance to the international community that it is honouring its commitments not to engage in activities prohibited by the CWC, each country which is a Party to the Convention must declare information on certain chemical activities to the Organisation for the Prohibition of Chemical Weapons (OPCW), the international organisation established under the CWC, and permit inspection of relevant chemical facilities by that organisation.

The CWC's routine reporting and inspection requirements apply to the production, trade, or use of chemicals as specified in the Convention. In Australia, these requirements are implemented through the *Chemical Weapons (Prohibition) Act 1994*. Import and export controls relating to CWC Schedule 1 chemicals have also applied from 1 January 1997. The Australian Safeguards and Non-Proliferation Office in the Department of Foreign Affairs and Trade administers that Act.

For further details please contact the Director of the Chemical Weapons Convention Implementation Section on either (02) 6261 1914 or 02 6261 1920. Information is also available on the internet, at <http://www.dfat.gov.au/cwco>.

Schedule 1 of the CWC lists chemicals which are considered to pose a high risk to the purposes of the Convention, but which have very limited, if any, commercial applications. They include nerve agents, nerve agent precursors for binary chemical weapons, and blister agents.

However, some of these chemicals do have small-scale legitimate uses in areas such as pesticide development, flame retardant additive research, and in medical and pharmaceutical preparations, eg. antineoplastic agents, neuromuscular blocking agents, monoclonal antibody preparations, intermediates for analgesics. Chemicals such as ricin, saxitoxin and the nitrogen mustards are known to be used, and sometimes produced, in Australia in small quantities in research, especially in medical research. The nitrogen mustards are also used in medical treatment (eg. mustard).

A permit is required under the *Chemical Weapons (Prohibition) Act* if Schedule 1 chemicals are likely to be produced*, acquired, retained or used at, or transferred from a facility during a calendar year.

A permit is not required, however, if

- there is no production of Schedule 1 chemicals at the facility, and
- the total quantity of the Schedule 1 chemicals does not exceed 100g in the year, and
- they are intended only to be put to research, medical or pharmaceutical purposes.

* For the Act, **production** of saxitoxin and ricin also includes **extracting** and **purifying** saxitoxin or ricin.

The CWC and the *Chemical Weapons (Prohibition) Act* define several different types of Schedule 1 permits. Of particular interest to research and medical institutions are:

- A permit for a ‘**research facility**’, including a medical or pharmaceutical research facility, that produces less than **10 kg** each year of Schedule 1 chemicals. All chemicals to which the permit relates are to be applied for research, medical or pharmaceutical purposes.
- A permit for a facility that acquires, retains, uses or transfers more than **100 g** of Schedule 1 chemicals in a year, but does not produce any such chemicals. This is termed a ‘**consumption facility**’.

A licence is required under Customs regulations to import or export any Schedule 1 chemical (including mixtures containing such chemicals).

The following conditions also apply :

- Applications for import/export licenses must be received by the CWCO not less than 37 days before the shipment date.
- Schedule 1 chemicals may only be imported from a CWC State Party
- Export of Schedule 1 chemicals (including mixtures) will only be permitted to other CWC Parties.
- Imported Schedule 1 chemicals may not be re-exported to a third country.

Declarations to the OPCW

A research facility producing **more than 100 grams** of Schedule 1 chemicals in a year needs to provide information to the CWCO so declarations to the OPCW can be prepared. This includes a detailed technical description of the relevant part(s) of the facility, updated regularly. It also includes details of activities for the previous year, for each Schedule 1 chemical:

- chemical name, structural formula and CAS number;
- quantity produced;
- name and quantity of precursors listed in Schedules 1, 2, or 3, used for production of Schedule 1 chemicals;
- quantity consumed at the facility and the purpose of the consumption;
- quantity transferred to other facilities within Australia. For each transfer the quantity, recipient and purpose should be included; and
- maximum quantity stored at any time during the year, and at the end of the year.

Information on anticipated activities for the following year also needs to be provided, including quantities to be produced, the purpose of production, and the time periods when this is expected to take place. Any anticipated changes to the technical description, or to planned activities also need to be reported to the CWCO.

Inspections

A research facility which produces more than **100 grams** of Schedule 1 chemicals in a year is subject to inspection by both CWCO and OPCW inspectors. The aim of OPCW inspections at such a facility is to verify compliance with the Convention. Australia will be notified by the OPCW of a proposed routine inspection of a Schedule 1 facility not less than 24 hours before the arrival of OPCW inspectors. The CWCO will relay that information directly to the facility operator.

A 'facility agreement' prescribing procedures for inspection activities at the facility will need to be developed and agreed.

Facilities not declared to the OPCW

Any medical or pharmaceutical research facility with production of **less than 100 grams** in the year, and all consumption facilities, is required to report to the CWCO quantities of Schedule 1 chemicals handled, as well as notification of any transfers. This information is used by the CWCO to account for quantities of Schedule 1 chemicals in Australia and will not ordinarily be reported to the OPCW in detail. A facility may be visited by CWCO inspectors to verify compliance with the *Chemical Weapons (Prohibition) Act*, but will not receive routine OPCW inspections.