

Argentina  
- 4 NOV 1997  
0524 ✓  
Legal Division

CMS Reg. #
0000000432

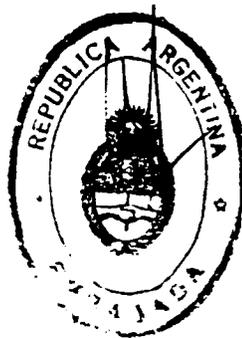
V. Nº 51

The EMBASSY of the ARGENTINE REPUBLIC presents its compliments to the TECHNICAL SECRETARIAT of the ORGANISATION for the PROHIBITION of CHEMICAL WEAPONS - **Office of the Director General** - and has the honour to send herewith enclosed the English version of the Decree 920/97 establishing the National Authority on Chemical Weapons in Argentina.

The EMBASSY of the ARGENTINE REPUBLIC avails itself of this opportunity to renew to the TECHNICAL SECRETARIAT of the ORGANISATION for the PROHIBITION of CHEMICAL WEAPONS - **Office of the Director General** - the assurances of its highest consideration.

The Hague, 31st October, 1997

amb



RECEIVED
03 NOV. 1997
ERD/DO

legal. Lisa.   
GRB to Reply ~~at~~ ~~request~~  
to request for information on  
NA

Copies: ODG  
ODDG  
VERI.

Huang

3/11

TRANSLATION.-----

NATIONAL EXECUTIVE POWER

DECREE 920 M. 150

BUENOS AIRES, September 11, 1997

WHEREAS the CONVENTION ON THE PROHIBITION OF DEVELOPMENT, PRODUCTION, STORAGE AND USE OF CHEMICAL WEAPONS AND THEIR DESTRUCTION signed on January 13th, 1993, was passed by Act No. 24534, and

CONSIDERING:

That the Convention deals with the fundamental goals of the foreign policy implemented by the NATIONAL EXECUTIVE POWER as regards non-proliferation of mass destruction weapons.

That its implementation is of essential interest for the international community in view of the experience on the use of chemical weapons in armed conflicts and its serious consequences for civil population and environment, all circumstances that make necessary the prohibition of development, production, storage and use of chemical weapons as well as the destruction of such weapons to avoid the above mentioned facts be repeated.

That the Convention shall positively affect Argentine chemical and petrochemical industry since it facilitates the transfer of technology, international cooperation and development among those countries that have ratified it.

That the ARGENTINE REPUBLIC has maintained a coherent policy on this issue, by timely ratifying the "1925 GENEVA PROTOCOL RELATED TO THE PROHIBITION IN WAR OF THE USE OF ASPHYXIATING, TOXIC OR SIMILAR GASES AND BACTERIOLOGICAL METHODS", passed by Act No. 18043 and the "CONVENTION ON THE PROHIBITION OF DEVELOPMENT, PRODUCTION AND STORAGE OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIC WEAPONS AND THEIR DESTRUCTION", passed by Act No. 21938, and the "CONVENTION ON THE PROHIBITION OF THE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES EITHER FOR MILITARY PURPOSES OR OTHER HOSTILE PURPOSES", passed by Act No. 23.455.

That Article seven, subsection four of the Convention passed by Act No. 24.534 provides the appointment of a NATIONAL AUTHORITY to be the liaison with the ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW) and with the other States Parties to the Convention.

That the NATIONAL AUTHORITY shall be in charge of implementing the provisions arising from the Convention such as, among others, to work out the

Initial Statements to be submitted within THIRTY (30) days prior to its entry into force and to represent the National Government before the OPCW and those other States Parties to the Convention.

That it is relevant to adopt the administrative measures essential to the setting-up, makeup and operation of the NATIONAL AUTHORITY FOR THE PROHIBITION OF CHEMICAL WEAPONS under the jurisdiction of the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP.

That the General Department of Legal Matters of the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP has given an opinion as regards the legal basis of the proposed measure.

That this act is performed according to the authority granted under Article 99, section 1 of the NATIONAL CONSTITUTION.

Therefore,

THE PRESIDENT OF THE ARGENTINE REPUBLIC  
HEREBY DECREES:

SECTION 1. Let the INTERMINISTERIAL COMMISSION FOR THE PROHIBITION OF CHEMICAL WEAPONS be set up within the scope of the Undersecretariat of Policy for Europe, North America, Africa, Asia, Oceania, International Organizations and special issues of the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP, pursuant to ARTICLE VII, paragraph 4 of the CONVENTION ON THE PROHIBITION OF DEVELOPMENT, PRODUCTION, STORAGE AND USE OF CHEMICAL WEAPONS AND THEIR DESTRUCTION, passed by Act 24534.

SECTION 2. The INTERMINISTERIAL COMMISSION shall be the Competent Authority in the territory of the ARGENTINE REPUBLIC as regards the commitments arising from the Convention on Chemical Weapons, passed by Act No. 24.534.

SECTION 3. The INTERMINISTERIAL COMMISSION shall be made up of ONE (1) Board of Directors and ONE (1) Executive Secretariat.

The Board of Directors shall be composed of ONE (1) regular representative and another one as deputy of the Undersecretariat of Policy for Europe, North America, Africa, Asia, Oceania, International Organizations and special issues of the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP; of the Industry, Trade and Mining Secretariat of the MINISTRY OF ECONOMY AND PUBLIC WORKS AND SERVICES; of the Planning General Department of the Planning and Modernization Secretariat of the MINISTRY OF DEFENSE; as well as ONE (1) regular representative and another one as deputy of the ARMED FORCES SCIENTIFIC AND TECHNICAL RESEARCH INSTITUTE (CITEFA) or those the agencies each ministry may appoint.

The Executive Secretariat shall be composed of an Executive Secretary and that administrative or support staff he/she may propose. The Executive Secretary shall be appointed by the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP, out of the members of the Foreign Service Standing Body of the Nation, who shall be a full member of the Board of Directors and shall coordinate the meetings. Should the Executive Secretariat be temporarily absent, the representative of the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP shall provisionally take office.

SECTION 4. The INTERMINISTERIAL COMMISSION shall determine the relevant channels to establish the relationship with the representative associations of the chemical industry involved in the Convention.

SECTION 5. The INTERMINISTERIAL COMMISSION shall draw up its own internal by-laws stating that the Board of Directors will at least meet once in a calendar month. The quorum shall be reached with the presence of TWO (2) of its regular or deputy members as a minimum, plus the Executive Secretariat.

SECTION 6. The specific functions of the INTERMINISTERIAL COMMISSION Executive Secretariat are as follows:

- a) To be the permanent liaison with the Organization and the States Parties to the Convention through the corresponding diplomatic channels of the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP.
- b) To coordinate the advice and assistance of the different areas of the INTERMINISTERIAL COMMISSION at a national level, and in those negotiations where the ARGENTINE REPUBLIC is, within the framework of the OPCW, represented by the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP, and in those subsidiary agencies that might be set up.
- c) To periodically inform the Board of Directors about the international negotiations on the subject, the OPCW functioning and, in general, the implementation of the Convention at an international level.
- d) To adopt all the necessary measures for the enforcement of the Convention.
- e) To propose to the NATIONAL EXECUTIVE POWER through the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP the necessary modifications to adequate national legislation to the Convention requirements.

SECTION 7. The Board of Directors of the INTERMINISTERIAL COMMISSION shall have the following authorities:

- a) To approve the initial and annual statements to be submitted to the OPCW as provided for in the Annex on Verification of the Convention, securing the confidential nature of the information as established by the legislation in force in the country.
- b) To approve those spots to enter the national territory where the inspectors appointed by the OPCW may carry out those inspections provided for in the Convention.
- c) To promote the scientific and technical cooperation with the OPCW and the States Parties to same as provided for in Article X of the Convention.
- d) To cooperate with and accompany those inspections ordered by the Organization to comply with the commitments stated in the Convention through arranged visits to the facilities located in the national territory.
- e) Should it be necessary, order the carrying out of inspections in the national territory to ensure those commitments assumed in the Convention are fulfilled.
- f) To get from the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP the issuing of visas and any other necessary documentation so that the inspectors appointed by the OPCW may carry out their mission, ensuring the privileges and immunities such inspectors are entitled to under ARTICLE VIII, Section E of the Convention and correlative provisions.
- g) To give the inspectors appointed by the OPCW, through the relevant agency, an identification certificate with his/her name, rank and functions so they may carry out the assigned mission in the national territory.
- h) To make known the scope and purposes of the Convention within the national territory.
- i) To coordinate with the ARMED FORCES SCIENTIFIC AND TECHNICAL RESEARCH INSTITUTE (CITEFA) the organization of courses and seminars to train national inspectors.
- j) To request other national or provincial agencies the necessary information and support for the fulfilment of the commitments assumed in the Convention.
- k) To require, through the corresponding legal mechanisms, the help of the police in case the inspectors are not allowed to enter the facilities, as provided for in the Convention, the national law and the regulations in force.
- l) To require, as regards its competence, the participation of the NATIONAL SENSITIVE AND WAR MATERIAL EXPORTS CONTROL COMMISSION in all the issues related to the export and import of chemical substances provided for in the Convention and its Annexes.

m) To request the FEDERAL ADMINISTRATION OF PUBLIC INCOME under the MINISTRY OF ECONOMY AND PUBLIC WORKS AND SERVICES an authorization for the prompt entry of the equipment accompanying the inspectors in the Organization so that they may carry out in the country the inspections specified in the Annex on the Application and Verification of the Chemical Weapons Convention, which must be out of the country once such mission has finished.

n) To require and accept any kind of financial assistance from international organizations for the fulfilment of its mission.

o) To impose administrative penalties, in accordance with the law in force, previously authorized by the Board of Directors, both to physical and legal persons, should any infringement to the provisions in the Convention be proved.

p) To carry out any other task derived from the responsibilities assumed by the country as State Party to the Convention or assigned in the future on account of its competence.

q) To determine the assistance and cooperation to the States Parties and the OPCW in the circumstances specified in ARTICLE X, subsection 7 of the Convention.

SECTION 8. The functions of the representatives of the Undersecretariat of Policy for Europe, North America, Africa, Asia, Oceania, International Organizations and special issues of the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP, as members of the Board of Directors of the INTERMINISTERIAL COMMISSION, shall be as follows:

a) To supervise the enforcement of the Convention in the national territory,

b) To deal with the requirements of foreign authorities and international organizations,

c) To supply the relevant information in order to comply with the commitments stated in the Convention,

d) To authorize the payments in national or foreign currency for the obligations assumed by the Republic with the OPCW,

e) To grant the visas, privileges and immunities to inspectors and representatives of the Organization and States Parties so that they may develop their specific functions in the national territory.

SECTION 9. The representatives of the Industry, Trade and Mining Secretariat of the MINISTRY OF ECONOMY AND PUBLIC WORKS AND SERVICES, as members of the Board of Directors of the INTERMINISTERIAL COMMISSION, shall be in charge of the following functions:

- a) To open ONE (1) Registry for those enterprises producing, commercializing, exporting and importing those goods numbered in Lists 1, 2 and 3 of the Convention and those defined organic chemical substances not included in the Lists, provided that the quantities of the transactions in weight units exceed the limits imposed by the Convention in part IX in the Annex on Application and Verification ("Annex on Verification").
- b) To process the Registry information in order to prepare the statements that shall be transmitted to the OPCW by the INTERMINISTERIAL COMMISSION.
- c) To receive, through the registry referred to in the above paragraph, an affidavit made by those enterprises within the scope of the Convention informing the activity they carry out, in the specified forms and terms in order to comply with the initial statements, annual statements and any other statements provided for in the Convention.
- d) To issue ONE (1) Final Certificate of Compliance once it has been controlled by the ARMED FORCES NATIONAL SCIENTIFIC AND TECHNICAL RESEARCH INSTITUTE (CITEFA). It shall be delivered by paying a fee, the amount of which shall be determined by the Board of Directors on a cost of service basis, and it shall be assigned to the payment of the operation expenses, being it the only valid receipt to prove that the obligation to register and inform has been complied with.
- e) To provide the ARMED FORCES NATIONAL SCIENTIFIC AND TECHNICAL RESEARCH INSTITUTE (CITEFA) with the information for the fulfilment of its functions.
- f) To cooperate, at the request of the Executive Secretariat, with the necessary additional information of the enterprises involved in the Convention, to carry out the national and international inspections in the national territory.

SECTION 10. The representatives of the ARMED FORCES NATIONAL SCIENTIFIC AND TECHNICAL RESEARCH INSTITUTE OF THE ARMED FORCES (CITEFA) shall, as members of the Board of Directors of the INTERMINISTERIAL COMMISSION, be in charge of the following functions:

- a) To act as a support technical agency for the INTERMINISTERIAL COMMISSION.
- b) To contribute with its technical staff to the training of national inspectors, in coordination with the Board of Directors, pursuant to the requirements specified by the OPCW.
- c) To provide the required technical advice.

- d) To organize, in coordination with the other members of the Board of Directors, training courses and seminars in the country of the inspectors, chemical engineers and laboratory staff.
- e) To have at their disposal and to manage the laboratory equipment and goods as well as any other element essential to those verifications and inspections to be carried out in accordance with the Convention.
- f) To deal with all the technical aspects during the inspections within the national territory.
- g) To supervise the transfer of chemical samples and inspection equipment to be used in the laboratory analysis as well as in the inspections to be carried out in compliance with the provisions in the Convention.
- h) To accompany and assist the inspectors in the Organization while inspecting industrial plants located within the National Territory.
- i) To carry out inspections, at the request of the Executive Secretariat, submitting then a technical report with the outcome.
- j) To control that the equipment the OPCW inspectors have taken to carry out inspections within the National Territory complies with the description laid down in the documents provided by the Organization and adequate to that specified type of inspection.

**SECTION 11.** The General Department of Planning of the **MINISTRY OF DEFENSE** as a member of the Board of Directors of the **INTERMINISTERIAL COMMISSION**, shall have the following functions:

- a) To recommend the pertinent laws so that the **NATIONAL SENSITIVE AND WAR MATERIAL EXPORTS CONTROL COMMISSION** may control the Convention requirements for the import and export of chemical substances.
- b) To provide the Board of Directors with the information corresponding to the Defense area, technically supported by CITEFA, to comply with the statements required by the Convention.
- c) To cooperate, at the request of the Executive Secretariat, with the organization and carrying out of national and international inspections within the national territory.
- d) To obtain from the competent areas the information related to the elements to control riots in accordance with **ARTICLE III, paragraph e)** of the Convention.

**SECTION 12.** The Ministries and agencies mentioned in this Decree shall take the necessary steps in its annual budgets to fulfil the commitments assumed by the Argentine Republic.

The expenses arising from the activities inherent to CITEFA for Training, Seminars, Inspection and Laboratory Support, receipt of OPCW Inspection Equipment as well as the assignments to the Convention central office shall be borne by the MINISTRY OF DEFENSE budget and allotted to CITEFA according to the needs determined by the INTERMINISTERIAL COMMISSION.

SECTION 13. Let it be known, published, and notice be given to the Official Registry Office, and be it filed.

DECREE No. 920

There is an illegible signature

Signed by: Eng. Guido José Di Tella, Ministry of Foreign Affairs, International Trade and Worship; Daniel R. Coronel, Chief, Internal Relations.

TRANSLATED FROM SPANISH, BS.AS., September, 1997.