

LAW 18 November 1995, n. 496.

Ratification and Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, with Annexes, done at Paris on 13 January 1993.

The Chamber of Deputies and the Senate of the Republic have approved:

THE PRESIDENT OF THE REPUBLIC

promulgates:

the following law:

Article 1.

1. The President of the Republic has been authorized to ratify the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, with Annexes, done at Paris on 13 January 1993.

Article 2.

1. The Convention referred to in Article 1 shall be fully implemented from its entry into force, in accordance with Article XXI of the Convention.

Article 3.

1. Production, transfer or receipt, directly or indirectly, acquisition, import, export, transit, retention and use - with the exception of the cases referred to in comma 2 - of the chemicals listed in Schedule 1 of the Annex on Chemicals of the Convention, as well as of any other compound which might be exclusively employed for the production of chemical weapons, are prohibited.

2. The activities carried out on the national territory and those related to transfer to States Parties, allowed pursuant to Part VI of the Verification Annex, shall be authorized by the Ministry of Industry, Trade and Crafts and the Ministry of Foreign Trade respectively.

3. The Ministry of Industry, Trade and Crafts, within its powers, shall give the above mentioned authorizations after preliminary examination and upon positive recommendation of the Advisory Board referred to in Article 5.

4. The Ministry of Foreign Trade shall grant the required authorizations upon the recommendation of the Board envisaged in Article 5 of law 27 february 1992, n.222, and subsequent emendments, in accordance with the procedures therein set forth. For these purposes the Board, when required to

provide recommendations on requests for authorization submitted pursuant to this law, shall include a representative of the Ministry of Health and can request the advice of experts on defence, health and scientific research issues.

Article 4.

1. Import and export to States not party to this Convention of chemicals listed in Schedule 2 and 3 of the Convention Annex, shall be authorized by the Ministry of Foreign Trade, in accordance with Part VII and VIII of the Verification Annex of the Convention, upon the recommendation of the Board referred to in Article 3, comma 4.

Article 5.

1. An Advisory Board shall be established at the Ministry of Industry, Trade and Crafts. The Board shall make recommendations to the Ministry of Industry, Trade and Crafts for the purposes of giving authorizations pursuant to Article 3, comma 3.

2. The Board shall be appointed by decree of the Minister of Foreign Affairs and shall be composed of an Official of the Ministry of Industry, Trade and Crafts, as Chairman, and of one representative for each of the following Ministries: Foreign Affairs, Interior, Defence, Health, University and Scientific and Technological Research. Alternates of the members of the Board shall be appointed by the same decree.

3. The Board shall avail itself of the technical advice of three experts designated by the Ministers of Defence, Health and of University and Scientific and Technological Research, appointed by the Minister of Foreign Affairs in agreement with the Minister of Industry, Trade and Crafts. The amount of the experts' attendance allowance for the meetings of the Board, shall be established by decree of the Minister of Foreign affairs in agreement with the Minister of Treasury.

4. Two thirds of its components shall constitute a quorum for the Board.

Article 6.

1. The obligation to provide to the Ministry of Industry, Trade and Crafts the data and information required under Article VI and the Verification Annex of the Convention referred to in Article 1, shall apply to all those who:

a) produce, process and transform the chemicals listed in Schedule 1 and 2 of the Annex on Chemicals of the Convention;

b) produce the chemicals listed in Schedule 3 of the Annex on Chemicals of the Convention;

c) carry out the activities listed in Part IX of the Verification Annex of the Convention.

2. Information and data relevant for the purposes of initial declarations must be provided to the Ministry of Industry, Trade and Crafts by the subjects referred to in comma 1, not later than 90 days from the entry into force of the present law, according to the procedures set forth by the Preparatory Commission of the Organization for the Prohibition of Chemical Weapons: they shall be updated in accordance with the time-limits set by the interministerial decree referred to in Article 15.

Article 7.

1. The National Authority referred to in Article 9 and the Departments concerned shall ensure the confidentiality of the information they handle in the performance of their respective functions for implementing this law, pursuant to the legal requirements regarding the handling of private data or restricted information.

Article 8.

1. Natural persons, companies or enterprises, owners of a building or of an area at which an inspection is carried out shall, in fulfilling the obligations under the Convention, provide access for the Inspection Team and the In-Country Escort to the Inspection Site, as well as facilitate the conduct of the inspection and provide, upon request, any information deemed necessary in order to successfully carry out the inspection.

Article 9.

1. The Ministry of Foreign Affairs is designated as National Authority, in accordance with Article VII, Paragraph 4, of the Convention. The National Authority may require the support, in their respective functions, of the Ministry of the Interior, the Ministry of Defence, the Ministry of Industry, Trade and Crafts and the Ministry of Foreign Trade. For carrying out their respective functions the cooperation of other Ministries concerned may also be required.

Article 10.

1. All those who produce, transfer or receive, directly or indirectly, import, export, allow the transit on the State territory, retain or however use the chemicals listed in Schedule 1 annexed to the Convention, in violation of the prohibition under Article 3, comma 1, or without the authorization under the same Article 3, comma 2, shall be punished with a prison sentence of 4 to 12 years and with a fine of 100 to 500 million lire.

2. All those who import or export the chemicals listed in Schedule 2 and 3 annexed to the Convention without the authorization under Article 4 shall be

punished with a prison sentence of 2 to 6 years and with a fine of 50 to 250 million lire.

3. The above provisions do not affect those under law 2 October 1967, n. 895, law 18 April 1975, n. 11, and further amendements, law 9 July 1990, n. 185 and law 27 February 1992, n. 222, and further amendements, .

Article 11.

1. All those who fail to provide or give false information under Article 6 shall be punished with a prison sentence of 1 to 3 years, provided that the action is not a more serious offence.

Article 12.

1. All those who hamper the conduct of the inspection under Article 8 or however hinder its being carried out shall be punished with a prison sentence of 2 to 5 years.

2. Under the circumstances referred to in comma 1 of this Article, the Officers or the members of the criminal police of the In-Country Escort of the Inspection Team shall promptly provide a report to the District Attorney who, after listening to the persons who have opposed the inspection, shall order the coercive implementation of the inspection.

Article 13.

1. The Italian citizen who commits abroad one of the violations set forth in Article 10 shall be subject to the sanctions referred to in that Article.

Article 14.

1. The costs of the implementation of this law, estimated at 7.100 million lire per year starting from 1995, shall be met by a corresponding reduction of the funds registered, for the three-year budget 1995-1997, on item 6856 of the budget of the Ministry of Treasury for 1995, partially using if necessary the reserve fund of the Ministry of Foreign Affairs.

2. The Minister of Treasury has the authority to decide, with his own decrees, any necessary change to the budget.

Article 15.

1. A decree agreed upon by the Ministries of Foreign Affairs, Industry, Trade and Crafts, Foreign Trade, Defence, Interior, Health and University and Scientific and Technological Research, shall be issued, in accordance with Article 17, Paragraph 3, of law 23 August 1988, n. 400, within 90 days from the entry into force of this law. The said decree shall regulate in particular the procedures for submitting the requests for authorizations under Articles 3 and

4 and the time limits within which the relating procedures shall be concluded, either with an authorization or its refusal. Furthermore the decree shall regulate the obligations to provide information under Article 6, as well as the subjects and procedures for verification and control pursuant to Article VI of the Convention and Annexes.

Article 16.

1. This law shall enter into force on the day following its publication on the Official Gazette.

2. The provisions of Article 3, 4, 5, 8, 10, 11, 12, 13 and 14, shall be effective from the entry into force of the Convention under Article 1.

The present law affixed with the State Seal shall be inserted in the official Collection of the laws and regulations of the Italian Republic. All those concerned shall have the obligation to observe this law and to make it observed as a law of the State.

Rome, 18 November 1995

SCALFARO

DINI, President of the Council of Ministers
AGNELLI, Minister of Foreign Affairs

LAW 4 April 1997, n. 93.

Rules for the implementation of and amendments to law 18 November 1995, n. 496, concerning the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, with Annexes, done at Paris on 13 January 1993.

The Chamber of Deputies and the Senate of the Republic have approved:

THE PRESIDENT OF THE REPUBLIC

promulgates:

the following law:

Article 1.

1. For the purposes of the provisions which follow:

a) "law" means the law 18 November 1995, n. 496;

b) "Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, with Annexes, done at Paris on 13 January 1993.

Article 2.

1. In Article 4, comma 1, of the law, the words : "import and export" are replaced by "exports", and the following sentence is added at the end: "After three years from the date of entry into force of the Convention, the chemicals listed in Schedule 2 of the Annex on Chemicals of the Convention shall only be transferred among States Parties":

Article 3.

1. The Board referred to in Article 5 of the law as well as the three experts it avails itself of shall be appointed by decree of the Minister of Industry, Trade and Crafts. The amount of the experts' attendance allowances shall be established by decree of the same Minister in agreement with the Minister of Treasury.

Article 4.

1. Article 6 of the law is replaced by the following:

"Art. 6.- 1. The obligation to provide to the Ministry of Industry, Trade and Crafts all data, information and any other detail relevant to the initial and periodical declarations set forth in Article VI of the Convention and in the corresponding parts of the Verification Annex of the Convention, applies to all those that:

a) produce, process and transform, use or retain, acquire, sell or transfer the chemicals listed in Schedule 1 of the Annex on Chemicals of the Convention;

b) produce, process and transform, import, export or transfer the chemicals listed in Schedule 2 of the Annex on Chemicals of the Convention;

c) produce, import, export or transfer the chemicals listed in Schedule 3 of the Annex on Chemicals of the Convention;

d) carry out the activities listed in Part IX of the Verification Annex of the Convention.

2. The provision under comma 1 of this Article does not apply to mixtures containing concentrations of a Schedule 2 (B) or Schedule 3 chemical lower than 15 per cent of the weight and to mixtures in which the concentration of a Schedule 2(A) chemical is lower than 0.5 per cent, in accordance with Paragraphs 5 of Parts VII and VIII of the Verification Annex. The limits to the above exceptions, shall be updated by decree of the Minister of Industry, Trade and Crafts in agreement with the Ministers of Foreign Affairs and Foreign Trade, according to the terms of reference set in the guidelines issued by the Conference of the States Parties, pursuant to the provisions of the above mentioned Paragraphs 5.

3. The subjects referred to in comma 1, shall have the obligation to provide to the National Authority or to the other Ministries concerned any information, data and documents deemed necessary or relevant for the purposes of the implementation of the Convention.

4. The subjects referred to in comma 1a),b),c), shall have the obligation to keep a register of the chemicals listed in Schedules 1,2 and 3 of the Annex on Chemicals of the Convention. All the activities referred to in comma 1a),b),c) as well as those relating to the purchase, sale and storage of Schedule 2 chemicals and to the purchase and sale of Schedule 3 chemicals, shall be recorded on this register, manually, mechanically or electronically.

5. The data and information referred to in comma 1, necessary for the initial declarations, must be provided before 20 April 1997; those required for the

periodical declarations shall be provided at least 30 days earlier than the terms set forth in the Convention.

Article 5.

1. The following sentence is added at the end of Article 8, comma 1 of the law:
" The above mentioned subjects shall have the same obligations in case of inspections and verifications arranged by the National Authority".

2. The following sentence is added to Article 8 of the law, after comma 1:
"1-bis. The Departments concerned can draft conventions with laboratories for the analysis of the samples taken during the inspections, after the assessment of their compliance with the regulations UNIEN relating to series 45,000".

Article 6.

1. Article 9 of the law is replaced by the following:

"Art. 9. - 1. In accordance with Article VII. Paragraph 4 of the Convention, the Ministry of Foreign Affairs is designated as National Authority.

2. For the performance of the functions entrusted to the National Authority by the regulation issued in accordance with Article 17 of law 23 August 1988, n.400, and Article 6 of the legislative decree 3 February 1993, n.29, and further changes and amendments, a directing level Office shall be established at the Ministry of Foreign Affairs. The office shall:

a) attend to the relations with the Organisation for the Prohibition of Chemical Weapons and with the National Authority of the other States Parties and conclude the Facility Agreements;

b) foster and coordinate the activities of the Departments concerned;

c) submit annually to the Minister of Foreign Affairs a report on the implementation of the Convention and on the functions discharged, for the purposes of the subsequent transmission of the report to Parliament not later than 31 March of each year;

d) receive from the Departments concerned the data relating to production, possession, use, transfer, import, export of the chemicals referred to in the Convention, also for the purposes of compliance with the amounts established for the chemicals listed in Schedule 1 of the Annex on Chemicals of the Convention, as well as the data relating to the discovery and the destruction of chemical weapons.

e) inform the Departments concerned of the national situation.

3. An Advisory Board shall be appointed and regulated at the Ministry of Foreign Affairs through the regulation under comma 2. The Board shall be chaired by the Head of the Office referred to in comma 2 and shall be composed of representatives of the Ministries concerned with the implementation of the obligations under the Convention, as well as of representatives of the industrial associations concerned with the implementation of the obligations under the Convention.

4. In the performance of its activities, the Ministry of Foreign Affairs shall employ its own staff, as well as the staff of other Ministries concerned, appointed to the Ministry of Foreign Affairs. The Ministry can also grant fixed-term appointments to independent experts, within the limits of a unit of 15 persons, to provide for the needs which require objective expertise not available within the Departments. The Ministry of Industry, Trade and Crafts, in carrying out its functions, shall have the same right, within the limits of a unit of 5 persons. The appointments are conferred and the corresponding compensation set forth by decree of the Minister of Foreign Affairs or of the Minister of Industry, Trade and Crafts respectively, in agreement with the Minister of Treasury. The said appointments, for a maximum term of two years renewable for a further one-year term only, cannot be conferred to all those that carry out collaboration activities with the subjects under the obligation of this Law, even if they have not full time employment.

5. The Ministry of Foreign Affairs may request from Public Administrations and Institutions any information, data or documents deemed necessary or relevant for the implementation of the Convention. It shall decide verification measures, also through inspections, of the facilities and activities of those concerned with the obligations under the Convention.

Article 7.

1. In Article 10, comma 2 of the law, the words "import or" are deleted.

2. Comma 3 of Article 10 of the law is replaced as follows:

"3. Without prejudice to the provisions of comma 1 and 2 of this Article, the provisions of laws 2 October 1967 n. 895, 18 April 1975, n.110, 9 July 1990, n.185 and 27 February 1992, n.222, shall be applied if consistent"

3. The following comma is added to Article 11 of the law.

"1.bis. All those who violate the obligation to keep the register referred to in Article 6, comma 4, shall be punished with a prison sentence of 1 year and with fine of a maximum of 30 million lire, provided that the action is not a more serious offence.

Article 8.

1. The regulation for the implementation of the law as amended by the present law, shall be issued, according to Article 17, comma 1 of law 23 August 1988 n. 400, by decree of the President of the Republic, upon proposal of the Minister of Foreign Affairs, in agreement with the Ministers of the Interior Treasury, Defence, Industry, Trade and Crafts, Foreign Trade, Health, Education and University and Scientific and Technological Research, within 90 days from the entry into force of the present law.

Article 9.

1. An expense of 6.915 million lire for the year 1997 and 4.390 million lire per year starting in 1998 shall be authorized for carrying out the preparatory activities and the obligations under the Convention ratified in accordance with the law.

2. The costs of the implementation of comma 1, equal to 6.915 million lire for 1997 and to 4.390 million lire per year starting in 1998, shall be met by a corresponding reduction of the funds registered, for the three-year budget 1997-1999, on item 6856 of the budget of the Ministry of Treasury for 1997, partially using if necessary the reserve fund of the Ministry of Foreign Affairs.

3. The Minister of Treasury has the authority to decide, with his own decrees, any necessary change to the budget.

Article 10.

1. This law shall enter into force on the day following its publication on the Official Gazette.

2. The present law, affixed with the State Seal shall be inserted in the official Collection of the laws and regulations of the Italian Republic. All those concerned shall have the obligation to observe this law and to make it observed as a law of the State.

Rome. 4 April 1997

SCALFARO

PRODI, President of the Council of Ministers
DINI, Minister of Foreign Affairs