

ACT NO. 10 OF 6 MAY 1994 RELATING TO THE IMPLEMENTATION OF THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION

§ 1.

It is prohibited to develop, produce, otherwise acquire, stockpile, transfer, etc., chemical weapons in contravention of the Convention of 13 January 1993 on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.

The King has the authority to lay down further provisions to meet Norway's obligations under the Convention, including regulations relating to the destruction of chemical weapons and production facilities, etc.

§ 2.

Any person who pursuant to the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction shall have immunities and privileges, will notwithstanding Norwegian legislation be granted immunities and privileges in accordance with the provisions of the Convention.

The King may lay down further provisions for the implementation of the provisions relating to immunities and privileges.

§ 3.

Inspections of locations, installations and other devices that the state does not have under its ownership or possession may be effected in accordance with the provisions of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.

The King or any person authorized thereby may require the landowner or other holders of property rights to undertake any obligations necessary for the conduct of such inspections.

§ 4.

This Act also applies to Svalbard, Jan Mayen and the Norwegian dependencies.

§ 5.

Any person who contravenes this Act or regulations issued pursuant thereto is liable to fines or imprisonment for a term not exceeding five years. Negligent acts shall be punishable by fines or imprisonment for a term not exceeding two years. Complicity shall be liable to the same penalty.

§ 6.

This Act enters into force on the same date as the entry into force of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.

REGULATIONS RELATING TO THE IMPLEMENTATION OF THE CONVENTION OF 13 JANUARY 1993 ON THE PROHIBITION OF CHEMICAL WEAPONS

Laid down by Royal Decree of 16 May 1997. Laid down pursuant to section 1, second paragraph and section 3, second paragraph, of Act No. 10 of 6 May 1994 relating to the implementation of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction. Submitted by the Ministry of Foreign Affairs.

§ 1. Background and purpose of the regulations

Pursuant to Article VI, paragraph 2 of the Convention of 13 January 1993 on the prohibition of chemical weapons (the Convention), each State Party undertakes to adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited under the Convention.

In order to verify that activities are in accordance with obligations under the Convention, each State Party is entitled to inspect private companies and enterprises that deal with toxic chemicals or their precursors. The right to effect inspection also applies to activities that are not prohibited pursuant to the Convention. Pursuant to Articles VIII and IX of the Convention, the organs of the Convention may employ an inspection team to carry out inspections of such private enterprises on the territory of any State Party.

The purpose of these regulations is to specify the obligations that may be imposed in connection with inspections carried out pursuant to the Convention, who may be ordered to carry out such obligations, and the facilities to which the regulations apply. Moreover, the regulations include provisions on the duty of secrecy for those responsible for carrying out inspections, on the obligation to report on chemicals for facilities which deal with such chemicals, and on the destruction of chemical weapons.

§ 2. Definitions

"Facility" means any location, installation or other device on Norwegian territory or located in any other place under Norwegian jurisdiction that the state does not have under its ownership or possession, e.g. private companies and factories, where toxic chemicals or their precursors that could be used as chemical weapons or to produce chemical weapons are developed, produced, stored or used.

"Chemical weapons" mean the following, together or separately:

- a) 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.
- b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in litra a) above, which would be released as a result of the employment of such munitions and devices
- c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in litra b) above.

Toxic chemicals within the meaning of the Convention are any chemicals which can cause death, temporary incapacitation or permanent harm to humans or animals.

The Convention's definition of the chemicals that come within its scope, cf. Article II of the Convention and the Annex on Chemicals, is applied. The same applies to the quantities of chemicals that are specified in the provisions of the Convention, cf. the Verification Annex to the Convention, Parts VI, VII, VIII and IX.

"Inspection team" means either a team of inspectors dispatched by the organs of the Convention and accompanied by representatives of the Norwegian authorities, or a Norwegian inspection team appointed by the Ministry of Foreign Affairs and accompanied by representatives of the Norwegian authorities.

"Representative(s)" of the facility means the landowner in those cases where he has the possession of the facility, or another legal person with such rights, e.g. the lessee, tenant or user of the facility. In those cases where the facility is organized as a legal person, the management is responsible for carrying out any obligations pursuant to the regulations.

§ 3. Obligation to facilitate inspections

During inspection of a facility, the representatives of the facility have a general obligation to facilitate the inspection so that it can be carried out as efficiently as possible. They shall instruct all other staff working at the facility to provide any necessary assistance during the inspection.

The representatives of the facility have an obligation to escort the inspection team to the inspection site and to provide access to the facility for the inspection team. The inspection team shall comply with the safety regulations at the facility, and shall be given access to those parts of the facility that they wish to inspect, with the limitations that follow from the Verification Annex to the Convention and with due consideration for the right to protect trade secrets.

§ 4. Obligation to provide information

Prior to and during the inspection, representatives of the facility have an obligation to provide the inspection team with information on the organization of the facility, the number of buildings and storage facilities, and on any other relevant matters such as safety measures and administrative arrangements. Information can if appropriate be given using maps and other documentation concerning the facility.

The inspection team shall have the right to inspect any documentation and records it considers to be relevant in carrying out its obligations.

Representatives of the facility have an obligation to allow inspectors, on request, to interview any facility personnel for the purpose of establishing relevant facts. Facility representatives may require that such interviews take place in their presence.

§ 5. Sampling, etc.

The inspection team shall be given unimpeded access to the facility to take any samples and perform any analyses it considers necessary to carry out the inspection.

Representatives of the facility shall at the request of the inspection team provide assistance in sampling and performing analyses in connection with the inspection, and shall carry out any working operations necessary for the inspection.

Representatives of the facility shall at the request of the inspection team take samples in the presence of the inspectors.

§ 6. Markers, monitoring instruments, etc

The inspection team shall not be prevented from using seals, markers or other procedures it deems necessary for control.

The inspection team shall not be prevented from using monitoring instruments to monitor the exits from the facility. Nor shall the inspection team be prevented from inspecting vehicular exits from the facility.

At the request of the inspection team, representatives of the facility have an obligation to take photographs of the facility.

§ 7. Duty of secrecy

Any person who carries out inspection pursuant to the Convention has an obligation to prevent others from gaining access to or obtaining knowledge of trade secrets or other confidential information he has acquired during inspection of a facility. Nor may such persons make use of such information in their own professional activities.

§ 8. Declarations from facilities

Representatives of facilities where there are chemicals listed in the Convention's Annex on Chemicals, including facilities whose activities are not prohibited under the Convention, are under an obligation, at the request of the Norwegian authorities or the organs of the Convention, to provide the information on production facilities and chemicals, etc., set out in Parts VI A, VII A, VIII A and IX A of the Verification Annex.

§ 9. Obligation to destroy chemical weapons and production facilities

Representatives of facilities that possess chemical weapons or production facilities in contravention of this Convention are under an obligation to ensure that they are destroyed in accordance with the provisions of the Convention, cf. Parts IV and V of the Verification Annex.

§10. Delegation of authority

The authority of the King pursuant to section 1, second paragraph, and section 3, second paragraph, of Act No. 10 of 6 May 1994 relating to the implementation of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction is delegated to the Ministry of Foreign Affairs.

§ 11. Entry into force

These regulations enter into force immediately.