



Australian Government

Department of Defence

END USE AND NON-TRANSFER CERTIFICATE FOR THE EXPORT OF CHEMICAL WEAPONS CONVENTION SCHEDULE 3 CHEMICALS TO NON-STATE PARTIES

Australia is a State Party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC). State Parties to the CWC undertake to never, under any circumstances, transfer, directly or indirectly, chemical weapons to anyone or to assist, encourage or induce, in any way, anyone to engage in any activity prohibited under the Convention.

The CWC contains provisions relating to the export of certain chemicals, which are listed in three Schedules with each containing both toxic (Part A) and precursor (Part B) chemicals. For the purpose of implementing the CWC, these Schedules identify chemicals for the application of verification measures according to the Verification Annex. However, it is important to note that the CWC bans the use of any toxic chemical when used as a weapon.

Schedule 1 chemicals are those that have been developed or used as chemical weapons or are the immediate precursor compounds used in the production of chemical warfare agents. Schedule 1 chemicals are not known to have any legitimate commercial use but they may be produced or used in small quantities for research, medical, pharmaceutical or protective purposes. Transfers to any State not party to the CWC is prohibited.

Schedule 2 chemicals are considered to pose a significant risk to the object and purpose of the CWC but also have legitimate commercial uses. Schedule 2 chemicals may only be exported to other State Parties to the CWC (unless the concentration is below 10%).

Schedule 3 chemicals are considered to pose a risk to the object and purpose of the CWC but are typically manufactured in large quantities for legitimate commercial purposes. Parties to the CWC must adopt measures to ensure that transfers of Schedule 3 chemicals to States not party to the CWC shall be used only for purposes not prohibited by the CWC. Such measures must include requesting from the recipient State a certificate which states; that the transferred chemicals will be used only for purposes not prohibited by the CWC; that they will not be transferred; the types and quantities of the chemicals; their end-uses; and the names and addresses of the end-users.

Australia implements its obligations in relation to the export of CWC-Scheduled chemicals in Regulation 13E of the Customs (Prohibited Exports) Regulations 1958. Regulation 13E prohibits the export of chemicals listed in the Defence and Strategic Goods List (DSGL), which includes CWC-Scheduled chemicals, unless permission is granted, in writing, by the Minister for Defence or an authorised person.

In order to obtain permission to export a CWC Schedule 3 chemical to a State not party to the CWC, the completed end-user certificate should be submitted as supporting documentation with an Application to Export Controlled Goods and Technology. For exemptions in the DSGL referencing CWC chemicals, please refer to "notes" under sections 1C350 and 1C450.

REPORTING REQUIREMENTS

Exporters must submit an annual report to the Australian Safeguards and Non-Proliferation Office (ASNO) notifying any exports of chemicals included in Schedules 1, 2 or 3 of the CWC. These can be viewed in Annex 1 of ASNO's publication "Information for Importers and Exporters of Chemicals 2014" which is available at: <http://dfat.gov.au/about-us/publications/Pages/the-chemical-weapons-convention-information-for-importers-and-exporters-of-chemicals-2014.aspx>

The report must include the following (as per the Export Survey template in Annex 6 of the above publication):

- chemical name, trade name (if any), CAS number, AHECC code, quantity by weight, percentage by weight of the CWC Scheduled chemical, the consignee and end-user including the country to which the chemical was exported, date of export from Australia and the DEC export permit number.

The report must be submitted by 14 February each year via ASNO's online portal at <https://asnoc.dfat.gov.au>

COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

The personal information you provide in this application form is being collected by the Department of Defence for the purpose of assessing your Application to Export Controlled Goods and Technology.

Defence may also use the information when undertaking other export control functions including compliance activities, and to contact you with information regarding export controls. Defence may provide some or all of the information to other Australian Government agencies involved in the administration of export control legislation including the Australian Customs and Border Protection Service, law enforcement, the Australian Safeguards and Non-Proliferation Office and intelligence agencies. In some circumstances, Defence is required to provide some or all of this information to the relevant Government agency of the Foreign Supplier's country. Defence will not disclose your personal information beyond these circumstances unless authorised to do so by law.

The Department of Defence has a Defence Privacy Policy. The Defence Privacy Policy contains information on how an individual may apply for access to their personal information and how an individual may apply to have their personal information amended. The Defence Privacy Policy also contains information for individuals on how to make a privacy complaint to Defence if they consider Defence may have breached the Australian Privacy Principles. A copy of the Defence Privacy Policy can be found at www.defence.gov.au. For more information, the Defence Privacy Officer can be contacted by email at defence.privacy@defence.gov.au

If you require further assistance please contact Defence Export Controls on 1800 66 10 66 or by email exportcontrols@defence.gov.au



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Full description of goods to be exported, including chemical name, tradename (if any), CAS number and composition	Gross Quantity	Unit of Measure by Weight (eg grams, kg, mT etc)	Weight Concentration	Value (\$Aust)
Describe how the chemicals to be exported will be used				
Name and address of exporter				
Name and address of consignee(s)				
<p>Certification of consignee(s)</p> <p>I certify that I am importing goods containing the chemicals listed in this form for delivery to the nominated end user. I will not transfer, re-export, resell, or otherwise dispose of the goods listed in this form to any other party.</p> <p>.....</p> <p>(Signature) (Printed Name and Title) (Date)</p>				
Name and address of end user				

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Certification of end user

I certify that I am the end user of the chemicals listed in this form and that the chemicals will only be used for purposes not prohibited under the Chemical Weapons Convention and will not be re-transferred.

.....
(Signature)

.....
(Printed Name and Title)

.....
(Date)

Name and address of foreign government or authority

Certification of foreign government or authority

I certify that the chemicals listed in this form will not be used for purposes prohibited under Chemical Weapons Convention, nor be re-transferred to end users not listed in this form or to a third country.

.....
(Signature)

.....
(Printed Name and Title)

.....
(Date)

This completed certificate should accompany your Application to Export Controlled Goods and Technology and be electronically forwarded to:

Defence Export Controls, Department of Defence
R1-1-A038, Russell Offices
Canberra ACT 2600

Email: exportcontrols@defence.gov.au

Phone 1800 66 10 66 or +61 2 6266 7222 from outside Australia