



United States Department of State

Washington, D.C. 20520

The Honorable  
Michael R. Pence  
President of the Senate  
Washington, DC 20510

JAN 29 2020

Dear Mr. President:

Consistent with the resolution of advice and consent to the ratification of Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate on April 24, 1997, and Executive Order 13346 of July 8, 2004, please find enclosed a Certification and Statement of Justification with respect to this annual requirement.

Sincerely,

Mary Elizabeth Taylor  
Assistant Secretary  
Bureau of Legislative Affairs

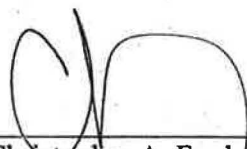
Enclosure:  
As stated.

**Certification Related to Condition 7(C)(i)  
of Senate Executive Resolution 75 (1997) Concerning Advice and Consent  
to the Ratification of the Chemical Weapons Convention**

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, I hereby certify regarding Condition 7(C)(i) ("Effectiveness of Australia Group") that Australia Group members continue to maintain controls over the export of toxic chemicals and their precursors, dual-use processing equipment, human, animal, and plant pathogens and toxins with potential biological weapons applications, and dual-use biological equipment, that are equally or more effective and comprehensive than those afforded by the Australia Group as of April 25, 1997. The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed Statement of Justification.

12/20/19  
Date

  
Dr. Christopher A. Ford  
Assistant Secretary of State for  
International Security and Non-Proliferation

STATEMENT OF JUSTIFICATION  
FOR CERTIFICATION  
CONCERNING THE CONTINUED EFFECTIVENESS OF  
THE AUSTRALIA GROUP

Since entry into force of the Chemical Weapons Convention (CWC) in 1997, the 42-country Australia Group (AG) chemical and biological weapons (CBW) nonproliferation regime has held 21 annual plenary meetings and several intersessional meetings. At each plenary, AG participants (members) continue to reaffirm that implementing national export licensing controls on CBW-related items is an essential way of meeting their obligations under the CWC and the Biological Weapons Convention (BWC) and of prohibiting and preventing the direct and indirect transfer by their nationals of materials or equipment to state CBW programs or terrorists and other non-state actors intent on acquiring CBW-related items. They also affirm that their national export controls are fully consistent and compatible with the CWC and BWC. At each AG plenary since 1997, no participating country has noted any diminution in the effectiveness of national implementation of export controls.

Following discussions at an intersessional meeting in March 2019 and the June 2019 Plenary, AG participants approved several changes to the lists of items subject to export control and took several other measures to strengthen the effectiveness of the regime:

Regional Nonproliferation: AG members agreed to subject export applications otherwise required by their national drug controls to further review pursuant to the AG Guidelines, in those cases where the applications are for exports to end-users in Iran of unformulated (*i.e.*, not including products that are pre-packaged products or pharmaceutical formulations) fentanyl and its principal analogues. Members also agreed to deny such export applications when warranted under the AG Guidelines, and to notify denials to the AG as catch-all denials.

Programs of Proliferation Concern: The AG issued a plenary press release that expressed concern about the Assad regime's use of chemical weapons in Syria and its ongoing refusal to resolve the growing evidence of falsehoods in its CWC declaration, as well as welcomed the establishment of the Organization for the Prohibition of Chemical Weapons' Investigation and Identification Team (IIT).

Control List Changes: AG members had a substantial discussion about adding precursor chemicals to "novichok" nerve agents to the regime's precursor control list and agreed to prioritize the topic for decision in 2020. AG members also adopted a U.S. proposal concerning the licensing treatment of vaccines derived from genetically-modified organisms and partner proposals concerning valves and *Bacillus cereus* biovar anthracis.

Information and Enforcement Exchanges: AG participants delivered 50 presentations concerning CBW proliferation trends, threats, and best practices in implementation and enforcement.

Intangible Technology Transfer: AG members extensively discussed the challenges posed in addressing the intangible transfer of dual-use technologies.