

dti

ANNUAL REPORT 2006

Operation of the Chemical
Weapons Act 1996

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Chemical Weapons Act 1996

Annual Report to Parliament on the Operation
of the Chemical Weapons Act 1996

*Presented to Parliament pursuant to section 33
of the Chemical Weapons Act 1996*

Ordered by the House of Commons to be printed on 22 March 2007

Foreword

This year sees the Tenth Anniversary of the Chemical Weapons Convention, which entered into force on 29 April 1997. Much has happened in that time: the number of States Party to the Convention has increased to 181; over 15,000 tonnes of chemical weapons agent, and over 2.6 million chemical weapons munitions and containers, have been destroyed globally; and more than 2,500 inspections have been undertaken by the Organisation for the Prohibition of Chemical Weapons in some 76 countries.

This report describes the declaration, inspection and licensing activities performed in 2006 under the Chemical Weapons Act 1996, which implements the Convention in the UK. As we gave up our offensive chemical weapons programme over 50 years ago, the Convention affects mainly industry, which is called upon to demonstrate that its products are used only for legitimate purposes. This report indicates the extent of industry's - and others' - cooperation, which helps to make the Convention a success and therefore to provide a more secure environment for us all.

A handwritten signature in black ink, reading "Lord Truscott". The signature is written in a cursive style with a large initial 'L' and 'T'.

Lord Truscott
Parliamentary Under Secretary of State for Energy

Introduction

Section 33 of the Chemical Weapons Act 1996 requires the Secretary of State to prepare, each calendar year, a report on the operation of the Act, and to lay a copy before each House of Parliament. This report provides information relating to provisions in the Act which ensure the effective implementation of the Chemical Weapons Convention (CWC). The Act includes powers to obtain information required under the CWC from UK organisations, and to provide access to their sites for inspections by the Organisation for the Prohibition of Chemical Weapons (OPCW). In addition, the Act requires anyone producing, possessing or using certain very toxic chemicals, listed in its Schedule, to obtain a licence.

Declarations

The Chemical Weapons Convention has three schedules. Schedule 1 chemicals are the most dangerous and therefore the most controlled, and have few peaceful uses. The chemicals listed in Schedules 2 and 3 are subject to differing verification requirements and, especially in the case of Schedule 3, are often produced in large quantities for industrial and other permitted purposes.

The Convention requires States Party to submit to the Organisation for the Prohibition of Chemical Weapons (OPCW) a range of annual declarations covering activities involving chemicals specified in these three schedules. The declarations contain information concerning the production and use of these chemicals, broken down by schedule, for the past year and that anticipated for the next year. Since 2004, additional information is provided in an aggregated form known as "Aggregate National Data". Information is also provided on a separate category of chemicals referred to in the Convention as Discrete Organic Chemicals (DOCs)¹.

The declarations draw on information submitted by UK industry, academic and government organisations, and are provided to the OPCW according to the following timetable:

DECLARATION	TIMING
Annual Past Declaration covering Schedule 1,2 and 3 chemicals, including Aggregate National Data, and Discrete Organic Chemicals	No more than 90 days after the end of the calendar year
Annual Anticipated Declaration for Schedule 1 chemicals	No less than 90 days before the beginning of the calendar year
Annual Anticipated Declaration for Schedule 2 and 3 chemicals	No less than 60 days before the beginning of the calendar year

¹ Chemicals belonging to a class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulphides and metal carbonates. Although DOCs are not included in the schedules, plant sites producing DOCs are subject to verification if they produce more than 200 tonnes annually (or 30 tonnes if they contain the elements phosphorus, sulphur or fluorine).

The CWC also requires States Party to provide information on any old chemical weapons (OCW)² found or destroyed on their territories (including a plan for future destruction) according to the following timetable:

DECLARATION	TIMING
Annual Plan for destruction	No less than 60 days before the end of the calendar year
Annual Report on destruction	No more than 60 days after the end of the calendar year
Ad Hoc Declarations of new finds	Within 180 days of discovery

Two further reports are also required annually: on activities at former chemical weapons production facilities (CWPFs) approved by the OPCW for conversion for use for purposes not prohibited under the CWC; and on national programmes for protection against chemical weapons.

The UK CWC National Authority, part of the Department of Trade & Industry, is responsible for implementing the CWC in the UK. It collects the information required for the above declarations from relevant UK organisations. Guidance notes and declaration forms for completion are circulated electronically, with paper copies being available on request. Forms are also available on the National Authority's website (www.dti.gov.uk/europeandtrade/non-proliferation/chemical-biological/uk-cwc/page24828.html).

The numbers of UK organisations making declarations in each category in each year since the CWC entered into force are:

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Schedule 1	2	2	2	2	2	2	2	2	2	2
Schedule 2	9	9	8	7	10	10	10	11	14	14
Schedule 3	11	14	12	12	11	11	12	12	10	10
DOC	132	153	151	142	140	141	131	142	134	134
AND	n/a	281	279	285						

² Chemical weapons that were produced before 1925, or chemical weapons produced between 1925 and 1946 that have deteriorated to such an extent that they can no longer be used as chemical weapons.

The UK's Annual Past Declaration for 2005 was sent to the OPCW on 24 March 2006. In addition to activities involving scheduled chemicals and Discrete Organic Chemicals, the declaration reported on activities at converted former chemical weapons production facilities at Nancekuke (Cornwall), Randle (Cheshire) and Rhydymwyn (North Wales), and provided a separate report on the UK's chemical protection programme in 2005.

The Annual Anticipated Declaration for 2007 for Schedule 1 facilities was sent to the OPCW on 19 September 2006. That for Schedule 2 and Schedule 3 sites was sent on 11 October 2006.

For old chemical weapons, the UK submitted a report on completed destruction during 2005; 3 reports of new finds; and a plan for their destruction during 2007. The UK also submitted, on a voluntary basis, a report on all stocks of old chemical weapons as at 31 December 2005.

Inspections

Each year, the OPCW undertakes routine inspections of selected declared sites to verify the declarations submitted by States Party. The UK received a total of 11 such inspections in 2006: 1 at a Schedule 1 facility; 5 at Schedule 2 industrial sites; 3 at DOC industrial sites; 1 at the old chemical weapons storage and destruction facilities at the Defence Science & Technology Laboratory at Porton Down; and 1 at the former chemical weapons production facility at Rhydymwyn. In the great majority of cases, the sites concerned were acknowledged by the OPCW to have provided first-class co-operation and the inspections were completed without incident. One of the Schedule 2 sites did not, however, have sufficient records to demonstrate conclusively the fate of the chemicals produced, although there was no suspicion that they had been diverted to purposes prohibited by the CWC. Action is being taken to remind companies of their responsibilities under the Act.

The number of OPCW inspections undertaken in the UK, by category, since the CWC entered into force is:

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Schedule 1	2	1	1	2	2	1	1	0	2	1
Schedule 2	0	4	4	0	2	2	2	2	1	5
Schedule 3	0	1	0	1	1	2	0	0	1	0
DOC	0	0	0	0	0	0	1	4	1	3
CWPF	8	5	3	3	0	1	1	0	2	1
OCW	2	1	1	1	0	1	1	1	1	1

Licensing and Trade Controls

The Act contains provisions to control Schedule 1 chemical production, possession and use through the issue of licences. These controls, together with separate import and export licensing requirements implemented under the Import of Goods (Control) Order 1954 and the Export Control Act 2002 respectively, aim to ensure that quantities of Schedule 1 chemicals acquired or possessed by the UK do not exceed the 1 tonne ceilings specified in the CWC; that the chemicals are used only for purposes not prohibited by the CWC; and that the CWC's conditions on transfers are met. Licence holders are required to report annual production and usage, and any changes of circumstance, to the UK CWC National Authority.

An Open General Licence permits those registered under it to produce, possess or use an aggregate total of 5 grammes or less of any Schedule 1 chemical for pharmaceutical, medical or research purposes in any calendar year. Twenty-seven organisations operated under the Open General Licence during 2006.

An Individual Production, or Possession and Use, Licence is required to produce, or possess or use, more than 5 grammes of a Schedule 1 chemical. Three Individual Production Licences and 12 Individual Possession and Use Licences were issued for 2006.

Contacts

For further information on the CWC, and associated import licensing regulations, contact:

The Chemical Weapons Convention National Authority
Department of Trade & Industry
Bay 210
Kingsgate House
66-74 Victoria Street
London
SW1E 6SW
Tel: +44 (0)20 7215 4501
Fax: +44 (0)20 7215 4248
E-mail: cwcna@dti.gsi.gov.uk
Website: www.dti.gov.uk/europeandtrade/non-proliferation/chemical-biological/uk-cwc/page24828.html

A list of scheduled chemicals can be found on the OPCW website:

www.opcw.org/html/db/cwc/eng/cwc-frameset.html

The OPCW's homepage can be found at:

www.opcw.org

For information on export licensing regulations, contact:

ECO Helpline
Department of Trade & Industry
Bay 316
Kingsgate House
66-74 Victoria Street
London
SW1E 6SW
Tel: +44 (0)20 7215 8070
Fax: +44 (0)20 7215 0531
E-mail: eco.help@dti.gsi.gov.uk
Website: www.dti.gov.uk/europeandtrade/strategic-export-control/index.html



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