

Annual Report on the Operation of the Chemical Weapons Act 1996

ANNUAL REPORT ON THE OPERATION OF THE CHEMICAL WEAPONS ACT 1996

Presented to Parliament by the Secretary of State pursuant to
Section 33 of the Chemical Weapons Act 1996

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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 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 includes nerve and blister agents and, as such, is most controlled; these chemicals 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 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(s) 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

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:

- 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).
- 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.

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 defence programmes for protection against chemical weapons.

The UK CWC National Authority, part of the Department of Energy and Climate Change (DECC), 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 pages of the DECC Website: www.decc.gov.uk

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	2007	2008
Schedule 1	2	2	2	2	2	2	2	2	2	2	2	2
Schedule 2	9	9	8	7	10	10	10	11	14	14	12	12
Schedule 3	11	14	12	12	11	11	12	12	10	10	7	7
Discrete Organic Chemicals	132	153	151	142	140	141	131	142	134	134	125	111
Aggregate National Data	n/a	281	279	285	256	200						

The UK's Annual Past Declaration for 2007 was sent to the OPCW on 19 March 2008. 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), all of which ceased the production of chemical weapons in the late 1940s or early 1950s, and provided information on the UK's chemical defence programme in 2007.

The Annual Anticipated Declaration for 2009 for Schedule 1 facilities was sent to the OPCW on 03 September 2008. That for Schedule 2 and Schedule 3 sites was sent on 14 October 2008.

For old chemical weapons, the UK submitted a report on completed destruction during 2007 and 3 reports of new finds in 2008. As expected, further old weapons continue to be discovered since the international deadline of 29 April 2007, and finds are reported to the OPCW in accordance with the procedure agreed with them.

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 7 such inspections in 2008: 1 at a Schedule 2 industrial site; 5 at Discrete Organic Chemical industrial sites; and 1 at the old chemical weapons storage and destruction facilities at the Defence Science & Technology Laboratory at Porton Down. All the sites were acknowledged by the OPCW to have provided first-class co-operation and the inspections were completed without incident or unresolved issues.

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	2007	2008
Schedule 1	2	1	1	2	2	1	1	0	2	1	2	0
Schedule 2	0	4	4	0	2	2	2	2	1	5	1	1
Schedule 3	0	1	0	1	1	2	0	0	1	0	0	0
DOC	0	0	0	0	0	0	1	4	1	3	6	5
CWPF	8	5	3	3	0	1	1	0	2	1	0	0
OCW	2	1	1	1	0	1	1	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. 23 organisations operated under the Open General Licence during 2008.

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. 2 Individual Production Licences and 11 Individual Possession and Use Licences were issued for 2008.

Contacts

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

The Chemical Weapons Convention National Authority
 Department of Energy and Climate Change
 Bay 117
 1 Victoria Street
 London
 SW1H 0ET

Tel: +44 (0)300 068 5939
 Fax: +44 (0)20 7215 2201
 E-mail: cwcna@decc.gsi.gov.uk
 Website: www.decc.gov.uk

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
Department for Business, Innovation and Skills
3rd Floor
1 Victoria Street
London
SW1H 0ET

E-mail: eco.help@berr.gsi.gov.uk

Website: <http://www.berr.gov.uk/whatwedo/europeandtrade/strategic-export-control/index.html>

Glossary of Terms

CWC	Chemical Weapons Convention. An international treaty which aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties.
CWPF	Chemical Weapon Production Facility. Any equipment, including any building housing such equipment that was designed, constructed or used at any time since 1 January 1946 for the production of a chemical weapon as defined by the Convention.
DOC	Discrete Organic Chemical. Any chemical belonging to the classification of chemical compounds consisting of all compounds of carbons except for its oxides, sulfides and metal carbonates which are not included in the three Schedules under the Chemical Weapons Convention.
OCW	Old Chemical Weapons. Chemical weapons produced before 1925 or, in the period between 1925 and 1946 that have deteriorated to such an extent that they can no longer be used as chemical weapons
OPCW	Organisation for the Prohibition of Chemical Weapons. The implementing body of the Chemical Weapons Convention with the mandate to achieve the object and purpose of the Convention.

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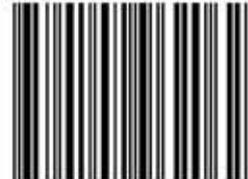
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