

Annual Report for 2010 on the Operation of the Chemical Weapons Act 1996

June 2011

ANNUAL REPORT FOR 2010 ON THE OPERATION OF THE CHEMICAL WEAPONS ACT 1996

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

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Annual Report on the Operation of the Chemical Weapons Act 1996

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 that 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 CWC 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 Parties to submit to the OPCW a range of annual declarations covering activities involving chemicals specified in these three schedules. The declarations contain information concerning the production, acquisition, consumption, storage, import and export of Schedule 1 chemicals; the production, processing, consumption, import and export of Schedule 2 chemicals; and the production, import and export of Schedule 3 chemicals and the 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 the “Aggregate National Data” (AND) declaration for Schedule 2 and Schedule 3 chemicals below the declaration threshold. The UK does not have a de-minimis declaration threshold for these chemicals. Information is also provided on the large-scale production of a separate category of chemicals referred to in the Convention as Discrete Organic Chemicals (DOCs).

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 Parties to provide information on any old chemical weapons (OCW) 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 defence programmes for protection against chemical weapons.

The CWC UK 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. This information is collected and submitted to the CWC UK National Authority by an internet database. Guidance and registration information for the declaration database is available from the CWC UK National Authority.

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

Year	Schedule 1	Schedule 2	Schedule 3	DOCs	AND
1997	2	9	11	132	n/a
1998	2	9	14	153	n/a
1999	2	8	12	151	n/a
2000	2	7	12	142	n/a
2001	2	10	11	140	n/a
2002	2	10	11	141	n/a
2003	2	10	12	131	n/a
2004	2	11	12	142	281
2005	2	14	10	134	279
2006	2	14	10	134	285
2007	2	12	7	125	256
2008	2	12	7	111	200
2009	2	12	7	111	199
2010	1	14	5	106	193

The UK's Annual Past Declaration for 2009 was sent to the OPCW on 18 March 2010. In addition to activities involving scheduled chemicals and DOCs, the declaration reported on activities at converted former CWPFs 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. Under Article V of the CWC the UK is no longer required to submit future annual reports for the former CWPF's at Nancekuke and Randle, since the ten-year period following conversion of these facilities has now been completed, but does so for transparency. Information on the UK's chemical defence programme in 2009 was also provided.

The Annual Anticipated Declaration for 2011 for Schedule 1 facilities was sent to the OPCW on 24 September 2010. That for Schedule 2 and Schedule 3 sites was sent on 8 October 2010. For OCW, the UK submitted a report on completed destruction during 2010. Also 3 declarations of new finds in 2010 were reported to the OPCW in accordance with agreed procedures.

Inspections

Each year, the OPCW undertakes routine inspections of selected declared sites to verify the declarations submitted by States Parties. The UK received a total of ten inspections in 2010: one at a Schedule 1 facility, two at Schedule 2 industrial sites; five at DOC industrial sites; one at a converted former chemical weapons production facility and one at the OCW 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:

Year	Schedule 1	Schedule 2	Schedule 3	DOCs	CWPF	OCW
1997	2	0	0	0	8	2
1998	1	4	1	0	5	1
1999	1	4	0	0	3	1
2000	2	0	1	0	3	1
2001	2	2	1	0	0	0
2002	1	2	2	0	1	1
2003	1	2	0	1	1	1
2004	0	2	0	4	0	1
2005	2	1	1	1	2	1
2006	1	5	0	3	1	1
2007	2	1	0	6	0	1
2008	0	1	0	5	0	1
2009	0	1	0	4	1	1
2010	1	2	0	5	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 one 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 five grammes or less of any Schedule 1 chemical for pharmaceutical, medical or research purposes in any calendar year. Twenty-six organisations operated under the Open General Licence during 2010.

An Individual Production, or Possession and Use, Licence is required to produce, or possess or use, more than five grammes of a Schedule 1 chemical. Two Individual Production Licences and thirteen Individual Possession and Use Licences were issued for 2010.

Legal Proceedings

DECC may, in certain circumstances, seek to prosecute companies or individuals if they do not comply with the Chemical Weapons Act 1996.

On 14 May 2010, following a successful prosecution led by the Crown Prosecution Service, an individual in the UK pleaded guilty to an act of manufacturing a chemical weapon. Such an act is contrary to Section 2 of the Chemical Weapons Act 1996 and the offence resulted in a custodial sentence.

Contacts

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

The Chemical Weapons Convention UK National Authority
Department of Energy and Climate Change
Room G.01
3 Whitehall Place
London
SW1A 2AW

Tel: +44 (0)300 068 5939
Fax: +44 (0)300 068 6772
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/chemical-weapons-convention/annex-on-chemicals/b-schedules-of-chemicals/

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

- AAD** Annual Anticipated Declaration. Required to be submitted by anyone who anticipates, in the next calendar year, producing any Schedule 1 and/or 3 chemicals, and/or producing, processing and/or consuming any Schedule 2 chemicals, above certain quantities.
- AND** Aggregate National Data. Required to be submitted by anyone who, in the previous calendar year, produced, processed, consumed, imported and/or exported any Schedule 2 chemicals and anyone who produced, imported and/or exported any Schedule 3 chemicals, and whose activities fall below those quantities requiring APDs and AADs to be submitted.
- APD** Annual Past Declaration. Required to be submitted by anyone who, in the previous calendar year, produced any Schedule 1 and/or 3 chemicals and/or unscheduled Discrete Organic Chemicals (DOCs), and/or produced, processed and/or consumed any Schedule 2 chemicals, above certain quantities.
- 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, 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).
- 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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