



Department
of Energy &
Climate Change

Annual Report for 2013 on the operation of the Chemical Weapons Act 1996



July 2014

ANNUAL REPORT FOR 2013 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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Executive summary

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 CWC UK National Authority (UKNA), based in DECC, is responsible for implementing the Act in the UK, its Crown Dependencies and Overseas Territories. The Act places legal requirements on all companies, universities, other entities and individuals that work with certain toxic chemicals to declare information required under the CWC, and to provide access to sites for verification of declarations by the Organisation for the Prohibition of Chemical Weapons (OPCW). In addition, the Act requires anyone wishing to produce, possess or use certain very toxic chemicals to obtain a licence to do so.

The UKNA liaises with approximately 400 organisations in the UK each year to coordinate information on chemical activities required under the Act. It also works closely with the OPCW, based in The Hague, Netherlands and collaborates with other Government departments in the development of UK policy on chemical related non-proliferation issues.

CWC Declarations

The CWC has three Schedules, each with different levels of control. Schedule 1 includes nerve and blister agents and, as such, is the most controlled, particularly as these chemicals have very 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 CWC requires States Parties to submit to the OPCW a range of annual declarations covering activities involving chemicals specified in these three Schedules as follows;

- Schedule 1 chemicals - production, acquisition, consumption, storage, import and export
- Schedule 2 chemicals - production, processing, consumption, import and export
- Schedule 3 chemicals - production, import and export

The declarations are broken down by Schedule and report activities for the past calendar year, known as the Annual Past Declaration (APD) and anticipated activities for the next calendar year, Annual Anticipated Declaration (AAD). Since 2004, additional information is provided in an aggregated form known as the Aggregate National Data declaration (AND) 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 purposes not prohibited under the CWC; and on defence programmes for protection against chemical weapons.

The UKNA collects the information required for the above declarations from relevant UK organisations, which is submitted to the UKNA via an internet database. Guidance and registration information for the declaration database is available from the UKNA.

The UK's APD for 2012 was submitted to the OPCW on 12 March 2013. In addition to activities involving scheduled chemicals and DOCs, the declaration reported on activities at three 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. Information on the UK's chemical defence programme in 2012 was also provided.

In 2012 the OPCW passed a decision on the nature of continued verification measures at converted CWPFs ten years after their conversion. This decision stipulates that each facility will receive at least one further inspection and be subject to monitoring by the OPCW for an additional period of five years. The CWPFs at Nancekuke and Randle both received inspections by the OPCW in 2013 and will cease to submit annual reports on their activities in 2017.

The UK's AAD for 2014 for Schedule 1 facilities was submitted to the OPCW on 30 August 2013 and for Schedule 2 and Schedule 3 sites was submitted on 17 September 2013. For OCW, the UK submitted a report on completed destruction during 2012. Three declarations of new finds of OCW in 2013 were also reported to the OPCW in accordance with agreed procedures.

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

	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
2011	1	17	5	98	253
2012	1	18	5	100	289
2013	1	19	5	93	291

CWC 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 nine inspections in 2013, two at Schedule 2 industrial sites, three at DOC industrial sites, two at former CWPF's, one at the OCW storage and destruction facility at the Defence Science & Technology Laboratory at Porton Down and one at the UK's Single Small Scale facility (SSSF) for Schedule 1 chemicals.

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
2011	0	3	1	4	0	1
2012	0	3	1	6	1	1
2013	1	2	0	3	2	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 ceiling 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 UKNA.

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. Eighteen organisations operated under the Open General Licence during 2013.

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 ten Individual Possession and Use Licences were issued for 2013.

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
Area A, 6th Floor
3 Whitehall Place
London
SW1A 2AW

Tel: +44 (0)300 068 5939 / 5925

E-mail: cwcna@decc.gsi.gov.uk

Website: <https://www.gov.uk/government/policies/countering-weapons-proliferation/supporting-pages/the-chemical-weapons-convention>

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@bis.gsi.gov.uk

Website: www.gov.uk/about-the-export-control-organisation

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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