



Department for  
Business, Energy  
& Industrial Strategy

# Chemical Weapons Convention guidance notes

Annual anticipated electronic declaration for  
Schedule 3 chemicals

November 2013



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# Contents

Annual anticipated electronic declaration for Schedule 3 Chemicals _____	4
1. Background to Annual Anticipated Declaration _____	5
2. Format of the Annual Anticipated Electronic Declaration Form _____	5
3. Confidentiality and Security of Information _____	6
Part A: Site details _____	7
Part B: Plant details _____	9
Part C: Schedule 3 Chemical details at this site _____	10
Annexes to annual anticipated declaration guidance notes for Schedule 3 Chemicals _____	12
Annex A: Schedule 3 Chemicals _____	12
Annex B: Schedule 2 Chemicals _____	13
Annex C: Product Groups _____	15
Annex D: Ad-hoc Declarations _____	17
Annex E: Definitions _____	18
Annex F: Flow Chart _____	20

# Annual anticipated electronic declaration for Schedule 3 Chemicals

These Guidance Notes accompany a notice served under section 22(1) of the Chemical Weapons Act 1996 (“the 1996 Act”). The statutory notice requires the full and accurate completion of an electronic declaration form(s). The electronic declaration form(s) must be completed in accordance with these Guidance Notes. The duly completed electronic declaration form(s) must then be submitted electronically via the Chemical Weapons Convention Declaration Database to the UK Chemical Weapons Convention National Authority. The notice specifies a date by which you must ensure that the Authority receives the completed electronic declaration form(s).

The notice under section 22(1) creates a legal obligation which must be complied with. Failure to return the completed electronic declaration form(s) by the due date without reasonable excuse is an offence contrary to section 22(3) of the 1996 Act. It is also an offence, contrary to section 22(4) of the 1996 Act, knowingly to provide false or misleading information in completing the electronic declaration form(s).

These guidance notes explain how to complete an electronic declaration of anticipated activity in the forthcoming calendar year for Schedule 3 chemicals. You must read them carefully before completing the electronic declaration form(s).

Completed electronic declaration form(s) should be submitted to the National Authority via the Chemical Weapons Convention Declaration Database no later than the Deadline Date as specified on the Legal Notice for this declaration.

## 1. Background to Annual Anticipated Declaration

An annual anticipated declaration covering proposed activities in the forthcoming year is required for all sites which in the given year will produce more than 30 tonnes of a chemical listed in Schedule 3 to the Chemical Weapons Convention (CWC). A copy of the chemicals covered under Schedule 3 of the CWC is at Annex A to these guidance notes. Declarable Schedule 2 plants also need to be detailed and a copy of the chemicals covered under Schedule 2 of the CWC is at Annex B to these guidance notes.

Should a site not expect to carry out any declarable activities in given year, it must state categorically that it does not intend to produce Schedule 3 chemicals above the threshold level.

It is recognised that providing details for the forthcoming year may be an extremely difficult task for companies. Therefore, the Chemical Weapons Convention provides for ad-hoc declarations to be made during given year if the activity undertaken is substantially different from that anticipated. Guidance on when an ad-hoc declaration should be provided is at Annex D to these notes.

Mixtures, which contain a Schedule 3 chemical, may also need to be declared. Guidance on how to deal with chemical mixtures is contained in the definitions section at Annex E to these notes.

The flow chart at Annex F is for use in clarifying whether an organisation needs to make an electronic declaration, particularly in relation to mixtures, which contain Schedule 3 chemicals.

## 2. Format of the Annual Anticipated Electronic Declaration Form

Part A of the electronic declaration form requires information about the site where Schedule 3 chemicals are produced.

Part B of the electronic declaration form requires information on all plants on the site where Schedule 3 chemicals are produced. At Part B a separate record must be completed for each plant producing Schedule 3 chemicals, except where the total production on site is under 30 tonnes. The following examples are included to help clarify this statement:

**Example 1.** Three separate plants on site producing 20, 5 and 15 tonnes respectively of a Schedule 3 chemical. This example requires 3 separate Part B submissions, one for each plant as the total is above the declaration threshold of 30 tonnes produced over the entire site.

**Example 2.** Three separate plants on site producing 10, 5 and 6 tonnes respectively of a Schedule 3 chemical. This example does not require any submissions as the total is below the declaration threshold of 30 tonnes produced over the entire site.

Part C of the electronic declaration form requires information on each Schedule 3 chemical above the declaration threshold of 30 tonnes produced over the entire site. At Part C a separate record must be completed for each Schedule 3 chemical produced on site which, in total, is above the declaration threshold.

Annex A contains a list of Schedule 3 chemicals.

Annex B contains a list of Schedule 2 chemicals.

Annex C contains a list of product groups.

Annex D contains information on how to deal with ad-hoc declarations.

Annex E contains definitions of terms used in the declaration form.

Annex F contains a flow chart on whether or not a declaration is required.

### 3. Confidentiality and Security of Information

#### Level of Confidentiality of Information (Already pre-filled but can be amended)

A box must be ticked to assign a level of confidentiality to the information that is being provided. This classification only applies to actual data submitted in the electronic declaration and not to information supplied to the OPCW as part of an inspection (which may be accorded a higher category of confidentiality, if necessary).

Definitions are provided below on the types of classification. All information, including that classified "not restricted" is stored within secure areas and is only passed to those with a need to know. A protected or highly protected classification must therefore be used only in exceptional circumstances.

The definitions for each of the classifications are:

**Not Restricted** - Information which is marked not restricted will not be released by the Chemical Weapons Convention National Authority or the Organisation for the Prohibition of Chemical Weapons, unless specifically cleared for release. To request release, the OPCW would contact the NA who, in turn, would ask the company for permission to release any information.

**Restricted** - Information the unauthorised disclosure of which would be prejudicial to the interests of a commercial or governmental body or of a national of a State Party.

**Protected** - Information the unauthorised disclosure of which may cause substantial damage to the interests of a commercial or governmental body or of a national of a State Party.

**Highly Protected** - Sensitive, confidential information the unauthorised disclosure of which would cause serious damage from the point of view of national security or commercial secrecy to the interests of a commercial or governmental body or of a national of a State Party.

Declarations must be accorded the lowest appropriate classification. Restricted or Not Restricted must be chosen unless there is a process awaiting patent, or some other sensitive commercial consideration. However, for Schedule 3 chemicals, if the product is being sold to the open market in bulk, and capacity is known, then no restrictions should apply.

#### AAD Schedule 3 Flow Chart (Already pre-filled but can be amended)

Please answer the questions to determine whether it is necessary to make a Schedule 3 declaration for the site. These questions are an electronic implementation of the flowchart in Annex F.

## Part A: Site details

The electronic declaration must only include information relating to a single site and not multiple sites.

### Question A1/A2 – Name of site and site address (Already pre-filled)

Insert name commonly used for site and the site address. "Site" (Works, Factory) is defined as the local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure, such as:

- i) Administration and other offices;
- ii) Repair and maintenance shops;
- iii) Medical centre;
- iv) Utilities;
- v) Central analytical laboratory;
- vi) Research and development laboratories;
- vii) Central effluent and waste treatment area; and
- viii) Warehouse storage.

### Question A3/4 – Name of Site Operators and Operator's Address (Already pre-filled)

Insert Site operator's name and address

### Questions A5 – Name of Site Owner (Already pre-filled)

Only complete this section if the site owner is different from the site operator.

### Questions A6– Site Owner's Address (Already pre-filled)

Only complete this section if the site owner's address is different from the site address.

### Question A7 – Number of Declarable Schedule 2 Plants at the Site (Already pre-filled)

The number of declarable Schedule 2 plants at the site needs to be identified in order to ascertain whether the site is a "mixed plant" site. This means sites that contain a plant or plants, which are covered by more than one schedule or have different plants that are covered by different schedules.

A Schedule 2 plant is a plant, which in given year will produce, process or consume a chemical listed in Schedule 2 to the Chemical Weapons Convention in excess of:

**1kg of a chemical designated "\*" in Schedule 2, part A;**

and/or

**100 kg of any other chemical listed in Schedule 2, part A;**

and/or

### **1 tonne of a chemical listed in Schedule 2, part B**

A copy of the chemicals covered under Schedule 2 of the Chemical Weapons Convention is at Annex B.

Additionally plants which will produce, process or consume mixtures containing Schedule 2 chemicals must also be declared if, in addition to exceeding the above threshold, they contain, at any point in the operation, Schedule 2 chemicals at concentrations greater than or equal to the following:

Production/processing/consumption of Schedule 2A and 2A\* - 1 (one) %

Production/ processing/consumption of Schedule 2B - 30 (thirty) %

**If the answer to this question is “YES”, an electronic declaration for Schedule 2 chemicals must also be completed. Please contact the CWC National Authority if you require registering as a Schedule 2 declarer.**

**NB: Refer to the definitions of production, processing and consumption at Annex E to these guidance notes.**

**Question A8 – Will the Site Produce more than 200 Tonnes of a Schedule 3 Chemical in given year?**

A "yes" response to this question should be given if in given year the absolute quantity of Schedule 3 chemical to be produced will exceed 200 tonnes. This is the level above which verification of a site will take place.

**NB: Please also refer to the definition of chemical mixtures at Annex E to these guidance notes.**



## Part B. Plant details

At Part B a separate record should be completed for each declarable plant (producing Schedule 3 chemicals) on the site.

### Question B1 – Plant Name (Already pre-filled)

Insert the name commonly used for a plant. "Plant" (Production facility, Workshop) is a relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure, such as:

- (i) Small administrative section;
- (ii) Storage/handling areas for feedstock and products;
- (iii) Effluent/waste handling/treatment area;
- (iv) Control/analytical laboratory;
- (v) First aid service/related medical section; and
- (vi) Records associated with the movement into, around and from the site, of declared chemicals and their feedstock or product chemicals formed from them, as appropriate.

### Questions B2/3 – Building and Structure Name and/or Number (Already pre-filled)

Provide the name or number, if there is one, of the building or structure.

### Question B4 – Plant Operator (Already pre-filled)

Only complete this section if the operator of the plant is different from the site owner, i.e. the plant is run by a sub-contractor or subsidiary company.

### Question B5 – Plant Operator's Address (Already pre-filled)

Only complete this section if the plant operator's address is different from the site owner's address

### Question B6/7 – Name of Plant Owner and Owner's Address (Already pre-filled)

Only complete this section if the plant owner is different from the site owner and the address is different from the site address.

### Question B8 – Product Groups (Already pre-filled but can be amended)

Use the product group codes listed at Annex C to describe the products that will be manufactured at this plant. Include all activities, including those involving non-scheduled chemicals.

## Part C. Schedule 3 Chemical details at this site

This section relates to the plant site. If the same chemical is produced in more than one plant (or at more than one concentration greater than the concentration limits in Annex E) the amounts must be combined into a single Section C for that chemical. You must also include quantities of the declared chemical, which are produced in non-declarable plants at this site.

At Part C a separate record should be completed for each Schedule 3 chemical to be produced above the declaration threshold or for chemical mixtures containing a Schedule 3 chemical above the threshold and greater than the concentration limits in Annex E.

### Question C1 – Name of Plant(s) at which the Schedule 3 chemical is to be Produced (Already pre-filled)

In order to link a Schedule 3 chemical with a specific plant(s) please give the name of the declared plant(s), for which a Part B has been completed, in which the chemical is to be produced.

### Questions C2/3/4 – Full Description of Schedule 3 Chemical (Already pre-filled but can be amended)

The International Union of Pure and Applied Chemistry (IUPAC) chemical name, common or trade name and the Chemical Abstracts Service registry number (if assigned) should be provided in response to these questions. The structural formula must also be included as an attachment to the declaration form.

### Question C5 – Anticipated Annual Production of the Schedule 3 Chemical for given year

Record here the total amount of the Schedule 3 chemical that will be produced in given year. If the Schedule 3 chemical is contained in a mixture the total amount and percentage concentration of the mixture should also be provided.

### Question C6 – Purpose of Production of the Schedule 3 Chemical (Already pre-filled but can be amended)

The purpose of production of the Schedule 3 chemical should be ticked. Please note the following guidance on the boxes:

- **In-line consumption as produced (captive use).** If the chemical is not sent to a storage container (e.g. tank, vessel, or drum) before being consumed in another process on site (this includes waste treatment e.g. phosgene being consumed in scrubbers) then the "in-line consumption as produced (captive use)" box should be selected.
- **Synthetic intermediate stored and/or used on site.** If the chemical is stored for use in another process on site then the "synthetic intermediate stored and/or used on site" box should be selected.
- **Transfer to other industries.** If the chemical is shipped from the site then the "transfer to other industries" box should be selected.

## **Declaration**

The electronic declaration form must be electronically signed/authorised by a person of the appropriate level of responsibility who is in a position to verify the accuracy of the information and who has authority to sign on behalf of the company/other organisation.

Contact details can be updated using the 'Update My Details' link from the workbasket menu.

## **Position (Already pre-filled but can be amended)**

Please choose the description which most closely matches your position within the organisation on whose behalf you are submitting the declaration.

## **Viewing Previous Years Declarations**

To view your sites previous years electronic declarations you should access the "CWC Declarations" option on the left hand menu which goes to a search screen. You can then access and view all past declarations.

# Annexes to annual anticipated declaration guidance notes for Schedule 3 Chemicals

## Annex A: Schedule 3 Chemicals

Chemicals	Chemical Abstract Service Number (CAS)	Annual production over which declarations are required
<b>A Toxic Chemicals:</b>		
1 Phosgene: Carbonyl dichloride	(75-44-5)	30 tonnes
2 Cyanogen chloride	(506-77-4)	30 tonnes
3 Hydrogen cyanide	(74-90-8)	30 tonnes
4 Chloropicrin: Trichloronitromethane	(76-06-2)	30 tonnes
<b>B Precursors:</b>		
5 Phosphorus oxychloride	(10025-87-3)	30 tonnes
6 Phosphorus trichloride	(7719-12-2)	30 tonnes
7 Phosphorus pentachloride	(10026-13-8)	30 tonnes
8 Trimethyl phosphite	(121-45-9)	30 tonnes
9 Triethyl phosphite.	(122-52-1)	30 tonnes
10 Dimethyl phosphite	(868-85-9)	30 tonnes
11 Diethyl phosphite	(762-04-9)	30 tonnes
12 Sulfur monochloride	(10025-67-9)	30 tonnes
13 Sulfur dichloride	(10545-99-0)	30 tonnes
14 Thionyl chloride	(7719-09-7)	30 tonnes
15 Ethyldiethanolamine	(139-87-7)	30 tonnes
16 Methyldiethanolamine	(105-59-9)	30 tonnes
17 Triethanolamine	(102-71-6)	30 tonnes

## Annex B: Schedule 2 Chemicals

Chemical	Chemical Abstract Service Number (CAS)	Annual production, processing, or consumption over which declarations are required
<b>A Toxic Chemicals:</b>		
1 Amiton: O,O-Diethyl 8-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	(78-53-5)	100 kg
2 PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)	100 kg
3 BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)	1 kg
<b>B Precursors:</b>		
4 Chemicals, except for those listed in Schedule I, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride Dimethylmethylphosphonate Exemption: Fonofos: O-Ethyl 8-phenyl ethylphosphonothiolothionate	(676-97-1) (756-79-6) (944-22-9)	1 tonne
5 N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides		1 tonne
6 Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates		1 tonne
7 Arsenic trichloride	(7784-34-1)	1 tonne
8 2,2-Diphenyl-2-hydroxyacetic acid	(76-93-7)	1 tonne
9 Quinuclidin-3-ol	(1691-34-7)	1 tonne
10 N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts		1 tonne
11 N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol and	(108-01-0)	

<b>Chemical</b>	<b>Chemical Abstract Service Number (CAS)</b>	<b>Annual production, processing, or consumption over which declarations are required</b>
Corresponding protonated salts	(100-37-8)	1 tonne
12 N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts		
13 Thiodiglycol: Bis(2-hydroxyethyl) sulfide	(111-48-8)	1 tonne
14 Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol	(464-07-3)	1 tonne

## Annex C. Product Groups

Code	Description: Chemicals and Related Products
511	Hydrocarbons and their halogenated, sulphonated, nitrated or nitrosated derivatives
512	Alcohols, phenols, phenol-alcohols, and their halogenated, sulphonated, nitrated or nitrosated derivatives
513	Carboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives
514	Nitrogen-function compounds
515	Organo-inorganic compounds, heterocyclic compounds, nucleic acids and their salts, and sulphonamides
516	Other organic chemicals
522	Inorganic chemical elements, oxides and halogen salts
523	Metal salts and peroxysalts, of inorganic salts
524	Other inorganic chemicals; organic and inorganic compounds of precious metals
525	Radioactive and associated materials
531	Synthetic organic colouring matter and colour lakes, preparations based thereon
532	Dyeing and tanning extracts, and synthetic tanning materials
533	Pigments, paints, varnishes and related materials
541	Medicinal and pharmaceutical products, other than medicaments of Group 542
542	Medicaments (including veterinary medicaments)
551	Essential oils, perfume and flavour materials
553	Perfumery, cosmetic or toilet preparations (excluding soaps)
554	Soap, cleansing and polishing preparations
562	Fertilizers (other than those of Group 272)
571	Polymers of ethylene, in primary forms
572	Polymers of styrene, in primary forms
573	Polymers of vinyl chloride or of other halogenated olefins in primary forms

<b>Code</b>	<b>Description: Chemicals and Related Products</b>
574	Polyacetals, other polyethers and epoxide resins, in primary forms; Polycarbonates, alkyd resins, polyallyl esters and other polyesters
575	Other plastics, in primary forms
579	Waste, parings and scraps, of plastics
581	Tubes, pipes and hoses, and fittings therefor, of plastics
582	Plates, sheets, film, foil and strip, of plastics
583	Monofilament of which any cross-sectional dimension exceeds 1mm, rods, sticks and profile shapes, whether or not surface-worked but not otherwise worked, of plastics
591	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products, put up in forms or packings for retail sale or as preparations or articles (e.g. sulphur-treated bands, wicks and candles, and fly papers)
592	Starches, inulin and wheat gluten; albuminoidal substances; glues
593	Explosives and pyrotechnic products
597	Prepared additives for mineral oils and the like; Prepared liquids for hydraulic transmission; Anti-freezing preparations and prepared de-icing fluids; Lubricating preparations
598	Miscellaneous chemical products
599	Others



## Annex D. Ad-hoc Declarations

The Chemical Weapons Convention requires that, for the submission of an ad-hoc declaration, the reporting of additionally planned activities for that calendar year is required not later than 10 days before the activity begins. Such declarations should be made for:

- (1) any additionally planned activity during the year which is covered by the annual anticipated declaration that involves:
  - an undeclared plant that initiates the production of a Schedule 2 chemical during the year above the declaration thresholds;
  - an additional Schedule 3 chemical that is produced in a declared plant during that year;
  - a change of the purpose for which Schedule 3 chemicals will be produced at the site;
  - any other non-quantitative change in relation to the anticipated declarations (except the name of the site or plant, the name of the owner, company or enterprise operating it, and the address of the site or plant).
- (2) any quantitative upward change that changes the status of a declared Schedule 3 plant (i.e. its crosses over the verification levels);
- (3) any significant increase in the declared anticipated annual production for a Schedule 3 chemical.
- (4) should the site's plans change.

The National Authority will be able to provide the required forms as necessary and give guidance on whether an ad-hoc declaration is required.

## Annex E. Definitions

The definitions below follow the definitions in the Chemical Weapons Convention and might be slightly different from their normal meaning within the chemical industry.

**Production.** Production is defined under the CWC as “formation through a chemical reaction or synthesis” - that is, arising from a chemical change involving the formation and/or breaking of chemical bonds.

It is understood, for declaration purposes, to include all steps in the production of a chemical in any units within the same plant through chemical reaction, including any associated processes (e.g. purification, separation, extraction, distillation, or refining) in which the chemical is not converted into another chemical. The exact nature of any associated process (e.g. purification, etc.) is not required to be declared.

It is also understood, for declaration purposes, to include intermediates, by-products, or waste products that are produced and consumed within a defined chemical manufacturing sequence, where such intermediates, by-products, or waste products are chemically stable and therefore exist for a sufficient time to make isolation from the manufacturing stream possible, but where, under normal or design operating conditions, isolation does not occur.

**Processing.** Processing is physical manipulation of a chemical without a chemical reaction-taking place, that is without the formation or breaking of chemical bonds. Examples of processing include formulation, extraction, purification, crystallisation, distillation, condensation, consumption, dilution, concentration, compression and dispersion. Any waste disposal processes occurring on site involving a Schedule 3 chemical, which do not result in the consumption of that chemical (e.g. disposal of waste containing a Schedule 3 chemical in a landfill on site or blending of such waste with other materials), should also be considered as processing. However, activities such as repackaging and distribution are not considered to be processing.

**Consumption.** Consumption of a chemical means its conversion into another chemical through a chemical reaction involving the making or breaking of chemical bonds. Therefore, some forms of waste disposal in which the Schedule 3 chemical is converted into another chemical, such as incineration, biodegradation or hydrolysis, e.g. in a scrubber system, should be considered as consumption.

**Chemical Mixtures.** An electronic declaration is required for the production of Schedule 3 chemicals in mixtures where, at any point in the operation, the concentration of the Schedule 3 chemical greater than 30%.

It is important to note that if the trigger threshold of 30 tonnes of absolute chemical is not exceeded by the whole plant site then no electronic declaration is required, regardless of the concentration(s).

**Imports.** An import is the physical movement of scheduled chemicals into the territory or any other place under the jurisdiction or control of the UK from the territory or any other place under the jurisdiction or control of another country, excluding transit operations. You must specify the country from which the scheduled chemicals were dispatched, excluding the countries through which the scheduled chemicals transited and regardless of the country in which the scheduled chemicals were produced.

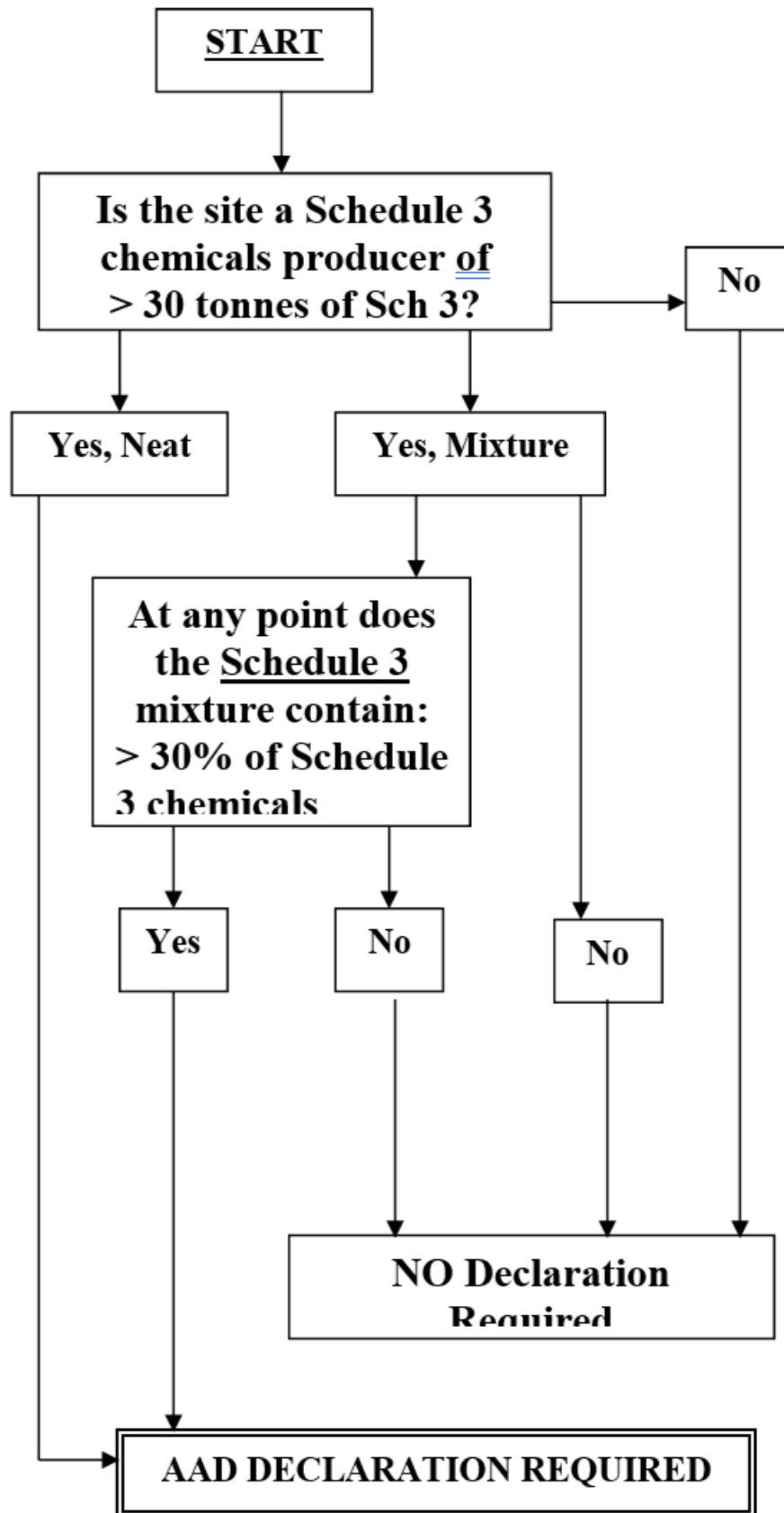
Declare chemicals that are directly imported by your organisation from outside the UK. Direct imports do not include imported goods bought from or through a trader in the UK. Imports from the Crown Dependencies and British Overseas Territories do not need to be declared.

**Exports.** An export is the physical movement of scheduled chemicals out of the territory or any other place under the jurisdiction or control of the UK into the territory or any other place under the jurisdiction or control of another country, excluding transit operations. You must specify the intended country of destination, excluding the countries through which the scheduled chemicals transited.

Declare chemicals directly exported by your organisation to outside the UK. Direct exports do not include goods sold to a trader in the UK for onward export. Exports to the Crown Dependencies and British Overseas Territories do not need to be declared.

**Transit Operations.** Transit operations are the physical movements in which scheduled chemicals pass through the territory of a country on the way to their intended country of destination. Transit operations include changes in the means of transport, including temporary storage only for that purpose.

## Annex F: Flow Chart



This publication is available from: [www.gov.uk/government/publications/chemical-weapons-convention-how-to-complete-a-declaration](http://www.gov.uk/government/publications/chemical-weapons-convention-how-to-complete-a-declaration)

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