



Department for
Business, Energy
& Industrial Strategy

Annual Report for 2020 on the operation of the Chemical Weapons Act 1996

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Annual Report for 2020 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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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 the Department for Business, Energy and Industrial Strategy, is responsible for monitoring compliance with 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 provide information requested by the Secretary of State, and to provide access to sites for inspections by the Organisation for the Prohibition of Chemical Weapons (OPCW) to verify the information provided. In addition, the Act requires anyone wishing to produce, possess or use certain very toxic chemicals to obtain a licence.

The UKNA liaises with approximately 370 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 Chemical Weapons Convention (CWC) has three Schedules, each with different levels of control. Schedule 1 includes nerve and blister agents and, as such, is the most tightly 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 (the Annual Anticipated Declaration (AAD)). Since 2004, additional information for Schedule 2 and Schedule 3 chemicals below the declaration threshold has been provided in an aggregated form known as the Aggregate National Data declaration (AND). The UK does not have a de-minimis declaration threshold for Schedule 2 and Schedule 3 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 (OCWs) found on their territories and report annually on those destroyed (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

One further report is required annually on defence programmes for protection against chemical weapons.

The UK's APD for 2019 was submitted to the OPCW on 11 March 2020. In addition to activities involving scheduled chemicals and DOCs, information on the UK's chemical defence programme in 2019 was also provided and submitted to the OPCW on 11 March 2020.

The UK's AAD for 2021 for Schedule 1 facilities was submitted to the OPCW on 3 September 2020, and the AAD for Schedule 2 and Schedule 3 sites was submitted on 29 September 2020.

For OCWs, the UK submitted a report on the annual inventory and completed destruction during 2019 on 14 February 2020. Three declarations of new finds of OCWs for the last four months of 2019 and first eight months of 2020 were also reported to the OPCW in accordance with agreed procedures. All UK declarations were submitted to the OPCW by the international deadlines and met the UK's reporting obligations.

The numbers of UK organisations submitting APDs in each category and in each year since the CWC entered into force is shown in the table overleaf. The declarations report on activities in the previous calendar year.

UK organisations submitting CWC declarations by category each year

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
2011	1	17	5	98	253
2012	1	18	5	100	289
2013	1	19	5	93	291
2014	1	19	6	91	287
2015	1	18	6	91	287
2016	1	16	6	91	280
2017	1	13	6	85	284
2018	1	11	6	84	276
2019	1	10	6	84	266
2020	1	9	4	77	258

The UKNA operates a secure online database for all organisations making CWC declarations and all CWC declarations are submitted by the UK to the OPCW via the Secure Information Exchange (SIX), a system that provides the secure online exchange of information between State Parties and the OPCW. Guidance and registration information for the CWC Declarations Database is available from the following link
https://itportal.beis.gov.uk/eng/fox/cwc/CWC_LOGIN/login

CWC Inspections

Each year, the OPCW undertakes a number of routine initial and repeat inspections of selected declared sites to verify the declarations that are submitted by States Parties. The verification process serves as a confidence-building measure to help demonstrate that State Parties are meeting their obligations under the Convention, and is intended to have a deterrent effect on any intention to contravene the Convention's provisions.

Owing to the measures taken in response to the coronavirus pandemic, the OPCW suspended the bulk of its inspection activity world-wide for much of 2020. Throughout this time, the OPCW consulted the UKNA and the National Authorities of other State Parties in which a significant number of inspections were due to be carried out, in order to explore ways to allow such inspections to proceed in a manner that would be safe for all participants. In turn, the UKNA consulted all key stakeholders, including sites subject to OPCW declaration requirements, to ensure that inspections could resume safely and securely, and in full compliance with the UK's relevant national coronavirus restrictions.

Although the UK received far fewer inspections in 2020 than would normally be the case, these consultations allowed two routine inspections to take place: one at an industrial facility producing DOC chemicals; and the other at the UK's dedicated storage and destruction facility for OCWs located at the Defence Science & Technology Laboratory at Porton Down.

Both sites were acknowledged by the OPCW to have provided excellent co-operation and the inspections were completed in full compliance with the relevant national coronavirus restrictions, and without incident or unresolved issues. The number of OPCW inspections undertaken in the UK, by category, since the CWC entered into force is shown in the table overleaf.

OPCW inspections in the UK by category each year

Year	Schedule 1	Schedule 2	Schedule 3	DOCs	CWPF	OCW
1997	2	0	0	0	8	n/a
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
2014	0	2	0	4	1	1
2015	1	0	0	7	0	1
2016	0	1	0	7	0	1
2017	1	2	0	5	0	1
2018	0	2	0	4	0	1
2019	1	0	0	7	0	1
2020	0	0	0	1	0	1

Licensing & 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.

In April 2017, changes to the UK's CWC Schedule 1 chemicals licensing regime came into effect. In particular, licensing was extended to include Schedule 1 chemicals that are not specifically listed in Schedule 1 under a Chemical Abstracts Service number (CAS) but share a chemical structure with the ones that are, providing they are not explicitly exempted. This ensures that the licensing system is applied in a technically consistent way, so that chemicals with the same structures, names and toxic properties as those explicitly listed in Schedule 1 are licensable, even if they have different CAS numbers.

In 2019 we consulted key stakeholders in relation to extending our Schedule 1 licensing regime to include ricin A chain. Further to this, ricin A chain became licensable from 1st January 2020.

There are some limited Schedule 1 licensing exemptions in order to avoid over-burdensome and unnecessary licensing, to ensure human safety and to support medical research.

Sixteen organisations were issued with an Individual Licence to Produce, Possess and Use Schedule 1 chemicals for pharmaceutical, medical or research purposes in 2020 - including two that were authorised to produce Schedule 1 chemicals.

There were no transfers of Schedule 1 chemicals involving the UK in 2020.

Contacts

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

The Chemical Weapons Convention UK National Authority
Department for Business, Energy and Industrial Strategy
3rd Floor
1 Victoria Street
London
SW1H 0ET

Tel: 0300 068 5939 / 5925

E-mail: cwcna@beis.gov.uk

Website: <https://www.gov.uk/guidance/chemical-weapons-convention-guidance>

A list of scheduled chemicals can be found on the OPCW website: www.opcw.org/chemical-weapons-convention/annexes/annex-on-chemicals

The OPCW's homepage can be found at: opcw.org.uk

For information on export licensing regulations, please contact:

Export Control Joint Unit
2nd floor
3 Whitehall Place
London
SW1A 2AW

Tel: 0207 215 4594

E-mail: eco.help@trade.gov.uk

Website: www.gov.uk/government/organisations/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.
- CAS** Also referred to as CASRN or CAS Number is a unique numeric identifier assigned by the Chemical Abstracts Service (CAS) to every chemical substance described in the open scientific literature.
- CWC** Chemical Weapons Convention. The 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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