

ANNUAL REPORT 2007

Operation of the Chemical
Weapons Act 1996

Chemical Weapons Act 1996

Annual Report to Parliament 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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Introduction

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:

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).

| 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:

| 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 for Business, Enterprise and Regulatory Reform, 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 website (<http://www.berr.gov.uk/energy/non-proliferation/cbw/national-authority/declarations/page40763.html>).

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.

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

The UK's Annual Past Declaration for 2006 was sent to the OPCW on 21 March 2007. 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 2006.

The Annual Anticipated Declaration for 2008 for Schedule 1 facilities was sent to the OPCW on 31 August 2007. That for Schedule 2 and Schedule 3 sites was sent on 11 October 2007.

For old chemical weapons, the UK submitted a report on completed destruction during 2006 and 3 reports of new finds. All stored OCW were destroyed by the international deadline of 29 April 2007, with final destruction taking place on 24 February 2007. It is expected that further old weapons will be discovered, and two such finds were reported to the OPCW on 28 September 2007, 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 10 such inspections in 2007: 2 at Schedule 1 facilities; 1 at a Schedule 2 industrial site; 6 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 issue.

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 |
|------------|------|------|------|------|------|------|------|------|------|------|------|
| Schedule 1 | 2 | 1 | 1 | 2 | 2 | 1 | 1 | 0 | 2 | 1 | 2 |
| Schedule 2 | 0 | 4 | 4 | 0 | 2 | 2 | 2 | 2 | 1 | 5 | 1 |
| Schedule 3 | 0 | 1 | 0 | 1 | 1 | 2 | 0 | 0 | 1 | 0 | 0 |
| DOC | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 | 1 | 3 | 6 |
| CWPF | 8 | 5 | 3 | 3 | 0 | 1 | 1 | 0 | 2 | 1 | 0 |
| OCW | 2 | 1 | 1 | 1 | 0 | 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. 24 organisations operated under the Open General Licence during 2007.

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. 3 Individual Production Licences and 12 Individual Possession and Use Licences were issued for 2007.

Contacts

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

The Chemical Weapons Convention National Authority
Department for Business, Enterprise and Regulatory Reform
Bay 117
1 Victoria Street
London
SW1H 0ET
Tel: +44 (0)20 7215 4501
Fax: +44 (0)20 7215 2201
E-mail: cwcna@berr.gsi.gov.uk
Website: <http://www.berr.gov.uk/energy/non-proliferation/cbw/national-authority/page40746.html>

A list of scheduled chemicals can be found on the BERR website:

<http://www.berr.gov.uk/energy/non-proliferation/cbw/national-authority/page40782.html>

The OPCW's homepage can be found at:

www.opcw.org

For information on export licensing regulations, contact:

ECO
Department for Business, Enterprise and Regulatory Reform
3rd Floor
1 Victoria Street
London
SW1H 0ET
E-mail: eco.help@berr.gsi.gov.uk
Website: <http://www.berr.gov.uk/europeandtrade/strategic-export-control/index.html>



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