

**EXPLANATORY MEMORANDUM TO THE  
THE CHEMICAL WEAPONS (NOTIFICATION) (AMENDMENT)  
REGULATIONS 2004 No. 2406**

**1. TITLE AND PURPOSE**

- 1.1. The Chemical Weapons (Notification) (Amendment) Regulations 2004 ('the principal Regulations').
- 1.2. This explanatory memorandum has been prepared by the Department of Trade & Industry and is laid before Parliament by Command of Her Majesty. The memorandum contains information for the House of Lords Merits of Statutory Instruments Committee.

**2. DESCRIPTION**

- 2.1. The principal Regulations introduce amendments of a technical nature which reflect interpretations of the Chemical Weapons Convention ('the Convention'), and which have been agreed by all States Parties to the Convention at the Conference of States Parties at the Organisation for the Prohibition of Chemical Weapons. The changes reflect current UK practice

**3. MATTERS OF SPECIAL INTEREST TO THE JOINT COMMITTEE ON STATUTORY INSTRUMENTS**

- 3.1. None.

**4. LEGISLATIVE BACKGROUND**

- 4.1. The principal Regulations are made under section 23(1) of the Chemicals Weapons Act 1996, and amend the Chemical Weapons (Notification) Regulations 1996. The principal Regulations introduce amendments of a technical nature which reflect interpretations of the Chemical Weapons Convention ('the Convention'), and which have been agreed by all States Parties to the Convention at the Conference of States Parties at the Organisation for the Prohibition of Chemical Weapons. The changes reflect current UK practice.

**5. EXTENT**

- 5.1. Non-proliferation of nuclear, chemical and biological weapons are reserved matters, and the instrument will apply to the whole of the United Kingdom.

**6. EUROPEAN CONVENTION OF HUMAN RIGHTS**

- 6.1. In the Department's view, the principal Regulations are compatible with the European Convention on Human Rights.

**7. POLICY BACKGROUND**

- 7.1. The Chemical Weapons Convention's verification provisions do not specify what constitutes "aggregate national data" or low concentrations of chemical mixtures. Declarations to the Organisation for the Prohibition of Chemical Weapons have therefore been made on the basis of national interpretation of these terms, resulting in uneven implementation of the Convention in different countries. The Conference of States Parties has now agreed how "aggregate national data" should be collected and has also defined low concentrations for some classes of chemicals. Industry is aware of these changes, which have already been applied in relation to low concentrations and will take effect from 1 January 2005 for "aggregate national data".
- 7.2. The principal Regulations will require persons of the description specified to notify the Department of their existence so that declaration information can be collected from them. A comprehensive database of organisations likely to be affected by the amended declaration requirements has been compiled and checked with those on it. The Regulations provide a backstop in case any person (legal or natural) has been overlooked, and precludes anyone from being able to claim that they are not obliged to tell the Department of their activities because we have not specifically contacted them about the Convention's requirements.

## **8. IMPACT**

- 8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2. The impact on the public sector is assessed as very minimal.

## **9. CONTACT**

- 9.1. Terry Dance at the Department of Trade and Industry (XNP2c, Chemical Weapons Convention Implementation Team) on telephone 0207 215 0694 or email [terry.dance@dti.gsi.gov.uk](mailto:terry.dance@dti.gsi.gov.uk) can answer any queries regarding this instrument.

**DEPARTMENT OF TRADE AND INDUSTRY**

15 September 2004