

Chemical Weapons (Prohibition) Act and Regulations 2007

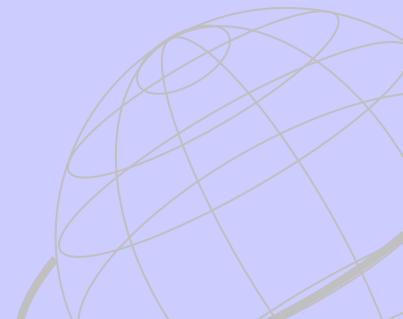


Presented by
National Authority
(Chemical Weapons Convention)
Singapore Customs

Chemistry Taskforce Outreach Session 5 Mar 2008

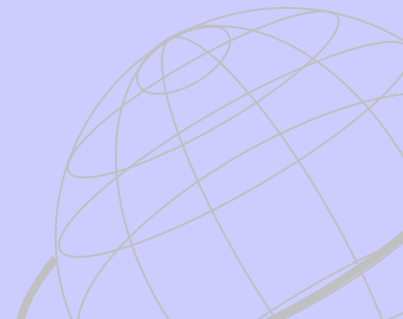
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- Chemicals controlled under the CWC
- National Legislation
- Licensing requirements
- Declarations
- Inspections



Chemical Weapons Convention

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, and on their Destruction



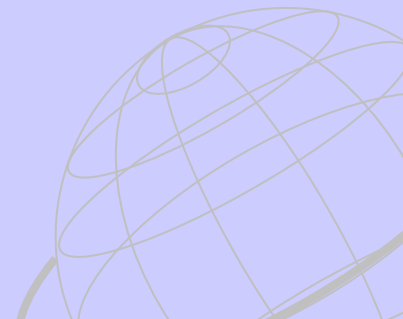
Chemical Weapons Convention

- Status of Ratification

- 183 States Parties
- 5 Signatory States

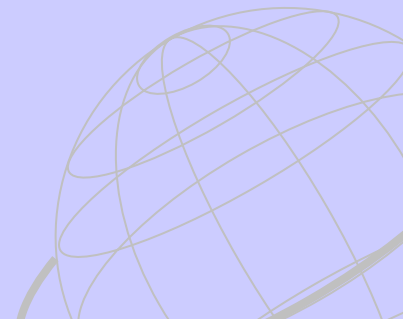
Note: As at 3 Jan 08.

- Singapore ratified in May 1997
- Entry into force: June 1997
- 90th State Party



OPCW

- Organisation for the Prohibition of Chemical Weapons
- Oversees global implementation of CWC
- Consolidates declarations, conducts inspections for verification purposes



Chemicals controlled under CWC

- Schedule List of Chemicals
 - S1, S2, S3 chemicals
- Unscheduled Discrete Organic Chemicals (DOCs)
 - Definitions
 - Exemptions



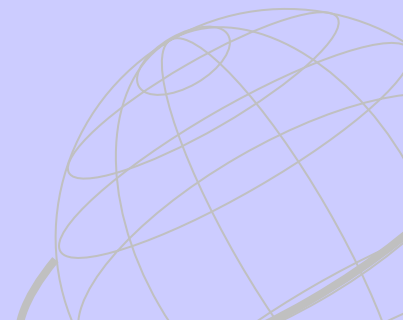
Scheduled Chemicals

	Schedule 1	Schedule 2	Schedule 3
No. of chemicals	12 chemicals or groups of chemicals	14 chemicals or groups of chemicals	17 chemicals or groups of chemicals
Type of chemicals	Chemical warfare agents & their final-stage precursors	Potential chemical warfare agents & other chemical weapons precursors	Old chemical warfare agents and other chemical weapons precursors
Commercial applications	Little or none	Moderate	High
Examples	- Sarin - Saxitoxin	- DMMP - Thiodiglycol	- Hydrogen cyanide - Triethanolamine



Definition of Unscheduled Discrete Organic Chemicals (DOCs)

- Any chemical belonging to the class of chemical compound consisting of all compounds of carbon, except for its **oxides**, **sulfides** and **metal carbonates**.



Definition of Unscheduled Discrete Organic Chemicals (DOCs)

2 types of Unscheduled DOCs:

- Those that contain the elements: phosphorus, sulfur or fluorine, commonly known as **PSF containing DOCs**
- **Non-PSF** containing DOCs



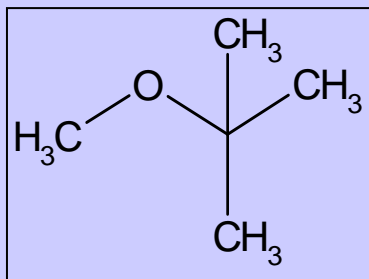
Definition of Unscheduled Discrete Organic Chemicals (DOCs)

- Exclusions:
 - Oligomers and polymers whether or not containing Phosphorus, Sulfur or Fluorine
 - Chemicals containing only carbon and metal
 - Carbon monoxide and carbon dioxide (as referred to in the term oxides of carbon in the above definition)
 - Carbon disulfide or carbonyl sulfide (as referred to in the term sulfides of carbon in the above definition)
 - Hydrocarbons (chemicals containing only Carbon and Hydrogen, irrespective of the number of carbon atoms in the compound)
 - Explosives

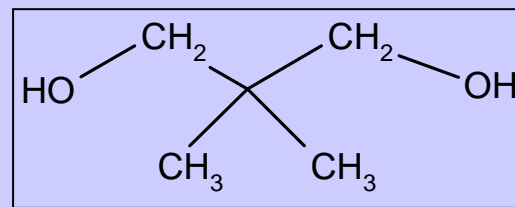


Definition of Unscheduled Discrete Organic Chemicals (DOCs)

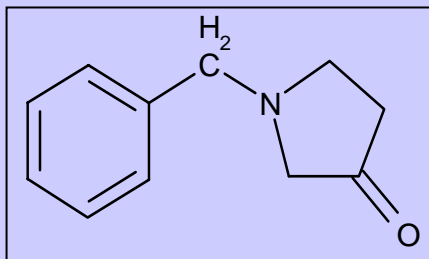
- Some Examples
- 2-methoxy-2-methylpropane or MTBE



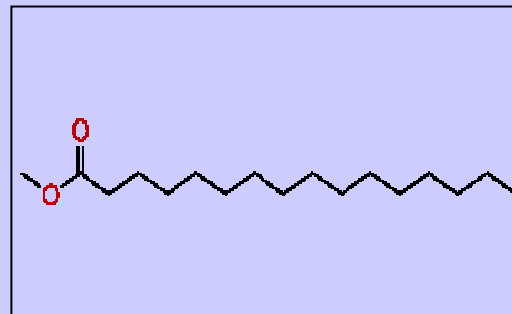
2,2-Dimethylpropane-1,3-Diol or NPG



- 1-Benzyl-3-Pyrrolidinone

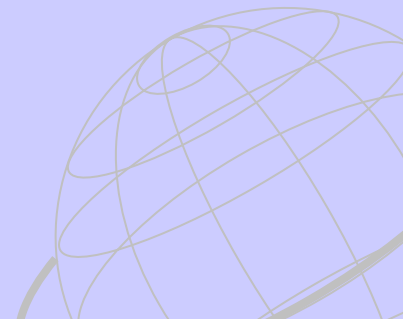


Palmitic Acid Methyl Ester



National Legislation

- Chemical Weapons (Prohibition) Act
 - Came into force on 1 June 2000
- Chemical Weapons (Prohibition) (Amendment) Act 2007
 - Came into force on 14 Dec 2007
 - Summary of amendments
 - Designate the Director-General of Customs as administrator of the Chemical Weapons (Prohibition) Act
 - Appoint all Customs officers as authorised officers under the Chemical Weapons (Prohibition) Act
 - Implement concentration limits to exempt certain chemicals from control
 - Empower Minister to make regulations for appeals



National Legislation

- Chemical Weapons (Prohibition) Regulations 2007
 - Came into force on 14 Dec 07
 - Summary
 - Exemptions from the need to apply for a licence
 - Production, processing, consumption, import from, export to a State Party involving a Schedule 2B chemical which contains 30% or less by weight;
 - Production, import from and export to a State Party, involving a Schedule 3 chemical containing 30% or less by weight.
 - Reporting requirements
 - Reports and documents to be kept for at least 5 years



Licensing



Requirements under CWPA

- Chemical Weapons (Prohibition) Act, Chapter 37B (“CWPA”)
 - Under Section 9

“Licence for use, etc, of scheduled chemical or discrete organic chemical”



A licence is required for:

Activity	Schedule 1	Schedule 2	Schedule 3
Production	✓	✓	✓
Processing	✓	✓	✗
Consumption	✓	✓	✗
Storage	✓	✗	✗
Import / Export	✓	✓	✓
Local Transfer / Distribution	✓	✗	✗



A licence is required for:

Type of DOCs	Quantity to be produced / year
Total DOCs (incl. both PSF and non PSF containing DOCs)	> 200 tonnes
Any one PSF DOCs	> 30 tonnes



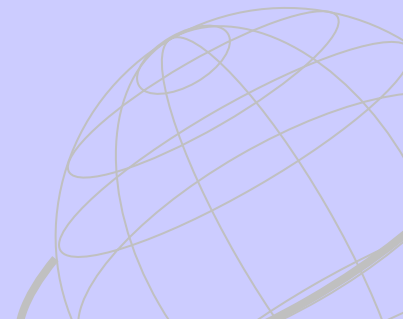
Definition of Activities

Controlled Activity	Definition
Production (of a chemical)	Refers to the formation through a chemical reaction or by a biochemical or biologically mediated reaction, and includes forming the chemical by any such reaction as an intermediate, a by-product or a waste product during the manufacture of any product
Processing (of a chemical)	Refers to a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical
Consumption (of a chemical)	Refers to the conversion of any chemical(s) into another chemical via a chemical reaction



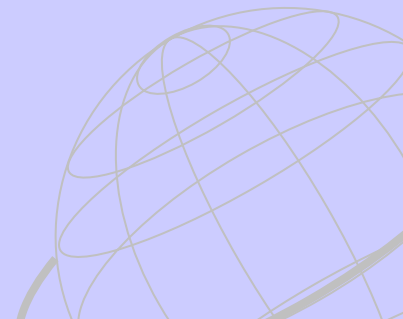
Definition of Activities

Controlled Activity	Definition
Import / Export	Refers to the physical movement of scheduled chemicals from the territory of a State Party to the territory of another State Party, excluding transit operations.
Local Transfer / Distribution	Refers to the transfer of chemical(s) between a destination and other destination(s) within the same territory



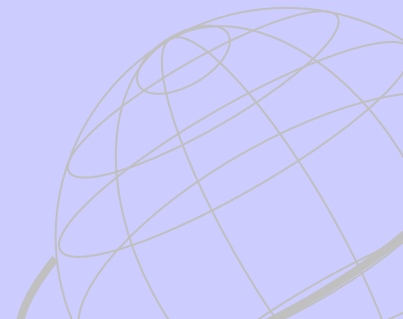
Licence (Import & Export)

- Schedule 1
 - Only import and export between CWC member states
 - No import from/or export to Non-States Parties
 - For allowed import or export:
 - Notify NA(CWC) 45 days in advance
 - (Except for Saxitoxin of amounts less than 5mg for medical/diagnostic purpose – 5 days in advance)



Licence (Import & Export)

- Schedule 2
 - Only import or export between CWC member states
 - No import from or export to Non-States Parties except for the following:
 - 1% or less in purity for a Scheduled 2A Chemical
 - 10% or less in purity of a Scheduled 2B Chemical
 - For such permitted exports to Non-States Parties, an End User Certificate must be submitted **prior to** each export



Licence (Import & Export)

- Schedule 3
 - Import or export allowed for CWC member states
 - Import or export allowed for Non-States Parties
 - An End User Certificate must be submitted **prior** to each export (except for export of mixtures of 30% or less of purity)



Application for Licence

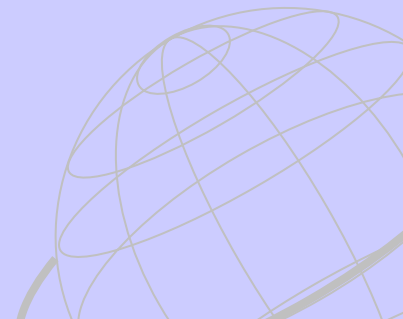
- Determine relevance
 - Does the product contain Scheduled Chemical?
 - Does the chemical fall under the list of Scheduled Chemicals?
Does it fall under the definition of a DOC?
 - Does the activity of the chemical require a licence?
- Complete and submit relevant licence application forms
- Processing time – within 10 working days from the receipt of completed documents
- Pre-licensing inspection may be conducted at facilities before licence approval



Confidentiality of Information

All information submitted by companies will be kept confidential by NA(CWC)

Section 26 of the CWPA



Declarations



Declarations

- Annual Declaration for PAST Activities (ADPA)

Activity	Schedule 1	Schedule 2	Schedule 3
Production	✓	✓	✓
Processing	✓	✓	Not required
Consumption	✓	✓	Not required
Storage	✓	Not required	Not required
Import/Export	✓	✓	✓
Local Sale / Distribution	✓	Not required	Not required

Submission date – by 31 Jan of each year

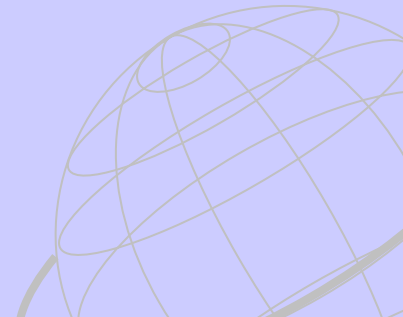


Declarations

- Annual Declaration for PAST Activities (ADPA)

Type of unscheduled DOCs	Quantity produced in the past year
Total unscheduled DOCs (Includes both PSF-containing & Non-PSF containing)	More than 200 tonnes
PSF-containing	More than 30 tonnes

Submission date – by 31 Jan of each year



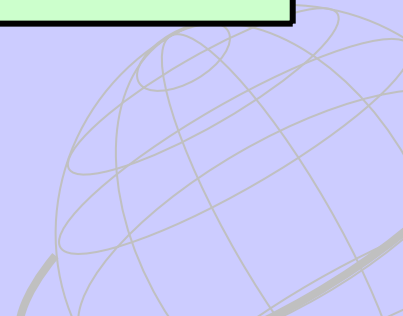
Declarations

- Annual Declaration for ANTICIPATED Activities (ADAA)

Activity	Schedule 1	Schedule 2	Schedule 3
Production	✓	✓	✓
Processing	Not required	✓	Not required
Consumption	Not required	✓	Not required
Storage	Not required	Not required	Not required
Import/Export	Not required	Not required	Not required
Local Sale / Distribution	Not required	Not required	Not required

Submission date

- For S1 activity - By 15 Aug of each year
- For S2 & S3 activities -By 15 Sep of each year



Declarations

- Ad Hoc Declaration on additionally planned activities
 - for activities occurring after the ADAA submission for that year

Activity	Schedule 1	Schedule 2	Schedule 3
Production	✓	✓	✓
Processing	✓	✓	Not required
Consumption	✓	✓	Not required
Storage	Not required	Not required	Not required
Import/Export	Not required	Not required	Not required
Local Sale / Distribution	Not required	Not required	Not required

Submission date

- For S1 activity – 200 days before commencement date
- For S2 & S3 activities – 20 days before commencement date

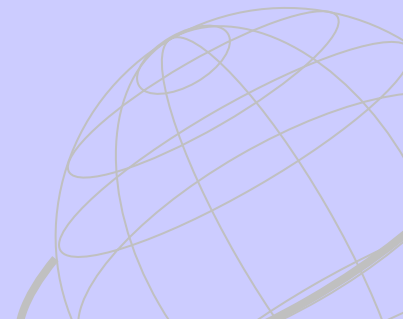


Inspection



Inspection

- Facilities are subject to
 - National Inspection
 - Pre-licensing inspection
 - Routine audits
 - OPCW Inspection
 - Routine inspection
 - Challenge inspection



National Inspection

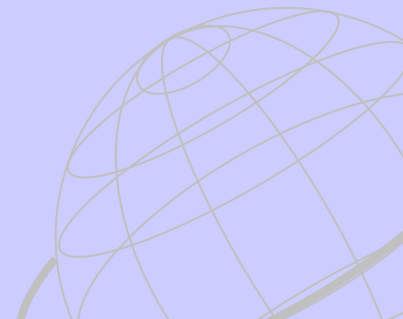
- **Pre-licensing Inspections**
 - Conducted by National Authority, Singapore Customs
 - Inspection is done prior to licence approval
 - Look out for security measures, process flow etc
- **Routine Audits**
 - Conducted by National Authority, Singapore Customs
 - Routine checks to ensure that companies are in compliance with licence requirements and conditions
 - Prepare the company for OPCW inspections



OPCW Inspection

- **Routine Inspections**

- Relevant to declared facilities in a State Party
- Aim is to verify the contents of declarations & the absence of unreported production of Schedule 1 chemicals
- Deemed to be co-operative events and do not adopt an investigative approach



For more information ...

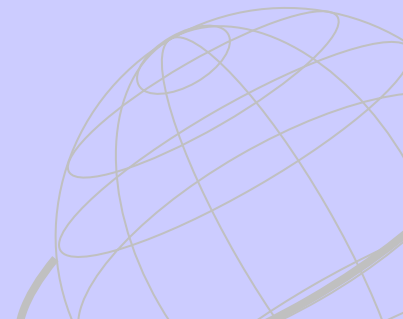
- CWC Outreach Courses

- Website

<http://www.customs.gov.sg/nacwc>

- Hotline

Tel: 6775 5137



The End

