



## **Notification Requirement under the Chemical Weapons (Convention) Ordinance**

### **A. When is Notification Required**

In accordance with Section 11 of the Chemical Weapons (Convention) Ordinance ("the Ordinance"), an operator of a facility shall notify the Director of information relating to the production of Unscheduled Discrete Organic Chemicals (UDOCs) i.e. discrete organic chemicals not listed in the Schedules to the Chemical Weapons Convention ("the CWC") in a calendar year if the facility –

- (a) produced during the previous calendar year more than 200 tonnes of UDOCs; or
- (b) comprise one or more plants which produced during the previous calendar year more than 30 tonnes of a UDOC containing the elements phosphorus, sulfur or fluorine (PSF-chemicals).

2. A facility that **only** produced in a calendar year explosive or hydrocarbons shall **not** be subject to the above notification requirements. However, if there is any plant in the facility which produced UDOCs **in addition to** the production of hydrocarbons or explosive at the facility, the operator of that facility is still required to make the notification.

3. The Ordinance specifies that notifications regarding paragraph 1 above should be submitted to the Director **not later than 31 January** immediately after the end of the previous calendar year to which the notification relates. Circulars will be issued nearer the time to remind the trade of this notification requirement.

### **B. Record Keeping Requirement**

4. The Ordinance requires operators of facilities producing UDOCs exceeding the quantity thresholds stated in paragraph 1 above to keep records for a period of not less than 3 years after the year to which the records relate. Such records would cover the facility, including each of the plant which comprise of the facility, and

the chemicals dealt with at the facility. More details about the record keeping requirement will be announced in due course.

**C. Consequences for Failure to Comply with the Notification Requirement**

5. An operator who fail to comply with the above reporting and record-keeping requirement commits an offence and is liable on conviction to a fine at level 6 (i.e. \$100,000) and to imprisonment for 1 year. Any person who fails to comply with a notice issued by the Director for giving information of relevance to a declaration required to be given to the OPCW also commits an offence and is liable on conviction to a fine at level 6 (i.e. \$100,000) and to imprisonment for 1 year.

6. In addition to the penalties mentioned above, the Trade and Industry Department may take other administrative actions against parties committing the above offences.