



# Foreign & Commonwealth Office

Minister for Europe and the  
Americas  
King Charles Street  
London SW1A 2AH

18 December 2018

The Lord Boswell of Aynho  
Chair  
Select Committee on the European Union  
Committee Office  
House of Lords  
London  
SW1A 0PW

Dear Tim,

## **Council Decision (CFSP) 2018/1544 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons**

## **Council Regulation (EU) 2018/1542 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons**

Thank you for your letter and continued interest in the EU chemical weapons sanctions regime. You raised questions relating to the listing criteria, and progress on listings under the regime.

The specific chemical weapons related listing criterion under the EU's Syria regime requires the listing target to be 'operating in the chemical weapons proliferation sector', or to be a natural or legal person or entity associated with a person operating in the chemical weapons proliferation sector. This applies only to the chemical weapons proliferation sector in Syria. There is also, of course, a wide range of listing criteria which are not specifically related to chemical weapons.

The listing criteria under the EU's chemical weapons regime is broader in relation to chemical weapons, and can capture:

- a) Natural or legal persons, entities or bodies who are responsible for, provide financial, technical or material support for or are otherwise involved in
  - i. manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons;
  - ii. using chemical weapons;
  - iii. engaging in any preparations for the use of chemical weapons;
- b) Natural or legal persons, entities or bodies who assist, encourage or induce any natural or legal person, entity or body to engage in any activity referred to

- in point (a) of this paragraph, and thereby cause or contribute to a danger that such activities may be carried out; and
- c) Natural or legal persons, entities or bodies associated with the natural or legal persons, entities or bodies listed in points (a) and (b);

The key difference is the applicability of the measures to those who operate anywhere in the world.

We believe that the EU should demonstrate the utility of its new tool, by making listings which may increase the deterrent effect by further demonstrating the EU's political will to tackle the use and proliferation of chemical weapons. For that reason, we are keen that the chemical weapons regime does not sit empty and that the EU adopts listings soon. We will continue to make use of both the Syria and chemical weapons sanctions regimes where appropriate, but will consider the merits of dual listings on a case-by-case basis.

I am copying this letter to Sir William Cash MP, Chair of the House of Commons European Scrutiny Committee, and copying this letter to the Clerks of both Committees, Les Saunders at the Department for Exiting the European Union, Adam Nutley, FCO Scrutiny Coordinator, Nicole Mason, FCO Parliamentary Adviser, and Lynne Smith, FCO Select Committee Liaison Officer.

A handwritten signature in black ink, appearing to read 'Alan Duncan'. The signature is written in a cursive, slightly stylized font.

**RT HON SIR ALAN DUNCAN MP**