



Schweizerische Eidgenossenschaft
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Bundesamt für Bevölkerungsschutz BABS
LABOR SPIEZ

OPCW Declarations under Art. VI

Industry Workshop / 2022

Dr. B. Schmidt, Arms Control



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Art. II, Para 9

What are: “Purposes not Prohibited under the Convention”

- **Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;**
- Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
- Military purposes not connected with the use of chemical weapons
- Law enforcement including riot control purposes



Art VI: Activities not Prohibited under the Convention



Details stipulated in [Verification Annex](#), Part VI to IX

- Sets out all of the detailed procedures to be followed by the States Parties and by OPCW inspection teams during verification/inspection activities at chemical sites and industrial facilities
- Establishes the right of SP to manufacture and use toxic chemicals (scheduled chemicals) for activities not prohibited under the Convention
- Creates legal bases for declaration and verification regimes related to such chemicals, facilities and activities.



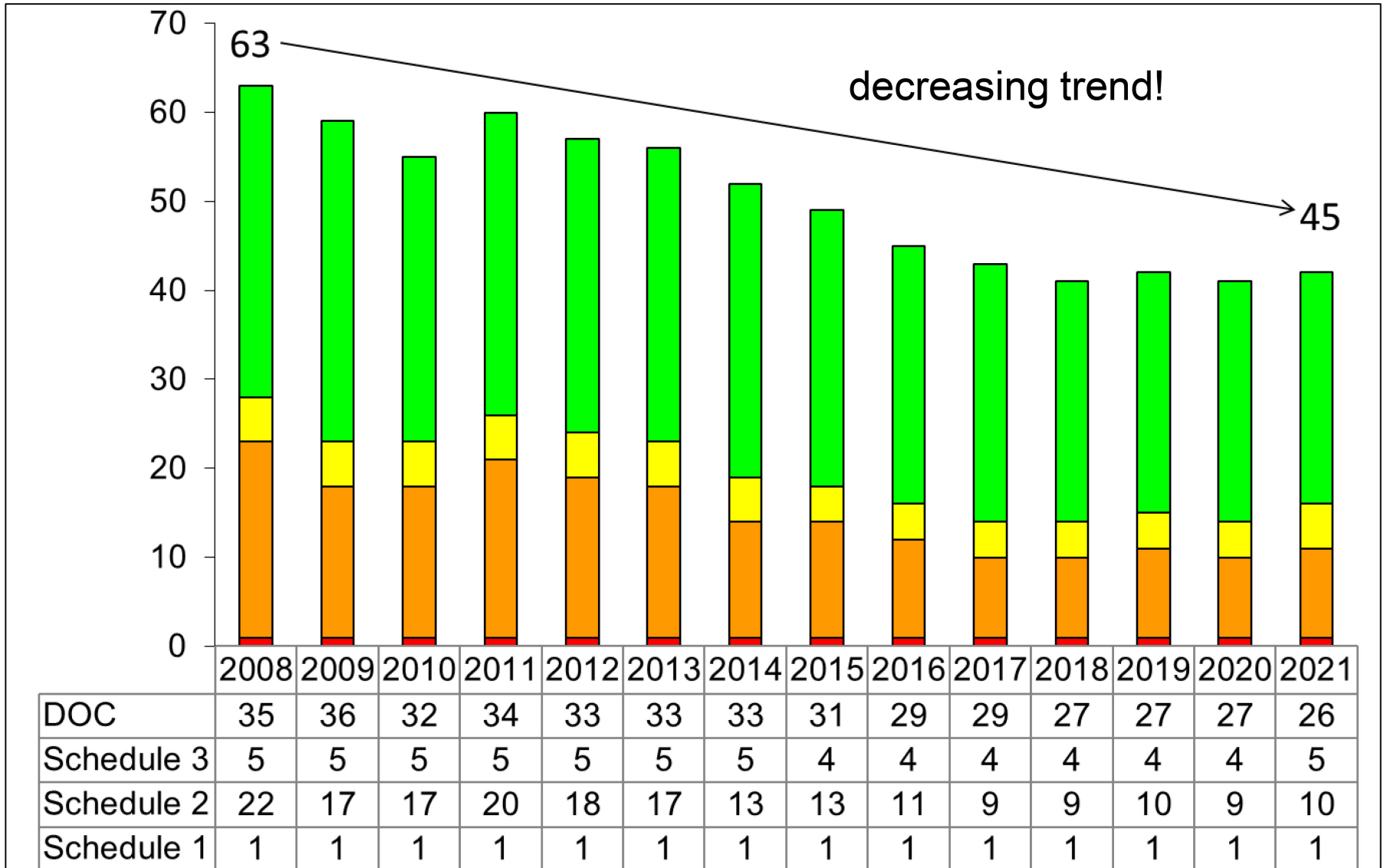
OPCW Declarations – Sites and Chemicals



Site chimique de Monthey, 2012®



Declared Plant Sites CHE





Plant site (Definition)

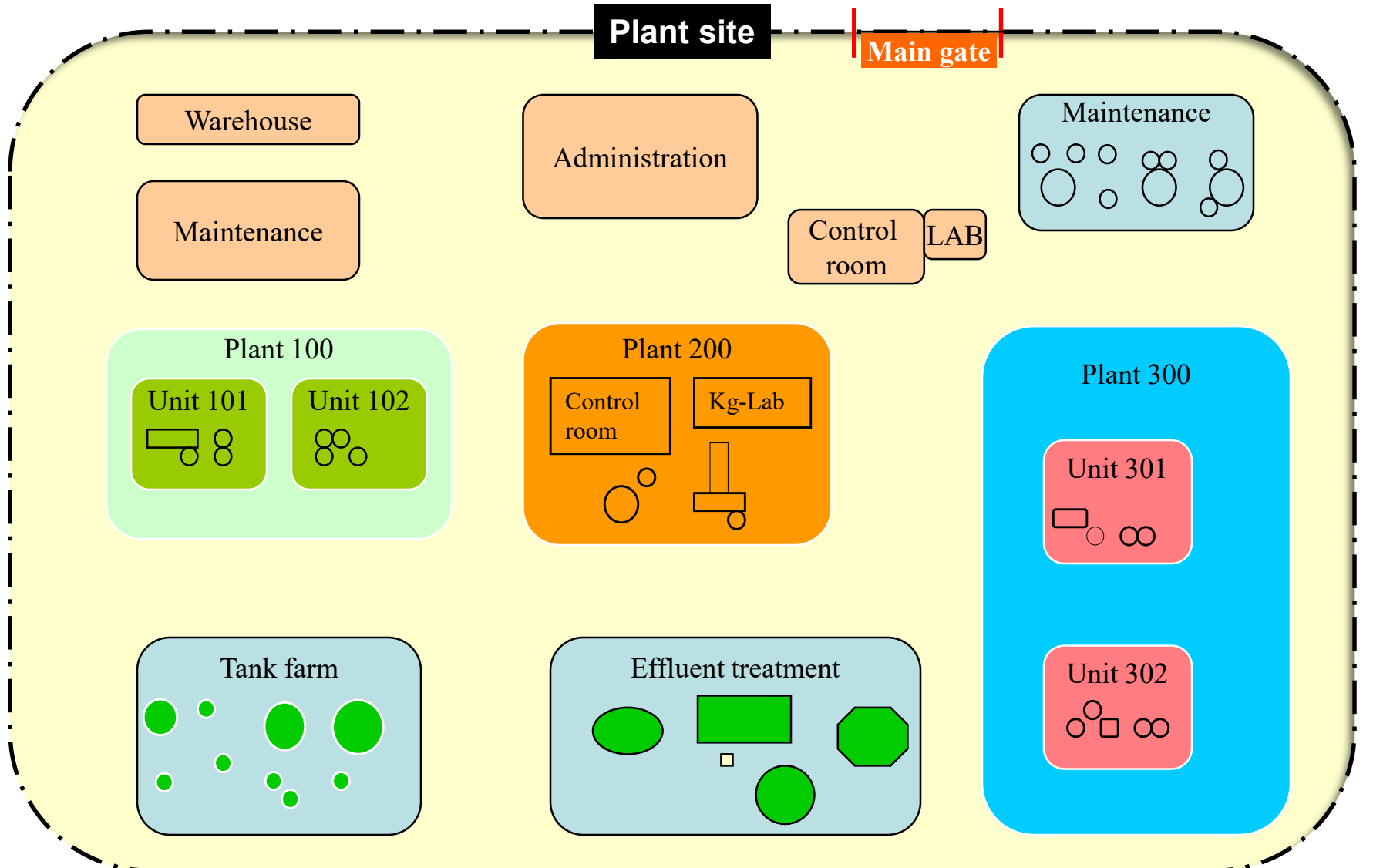
Verification Annex Part I. 6(a)

“Local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure”

e.g. administrative offices, repair shops, medical centre, utilities, analytical and R&D laboratories, waste treatment, warehouse storage

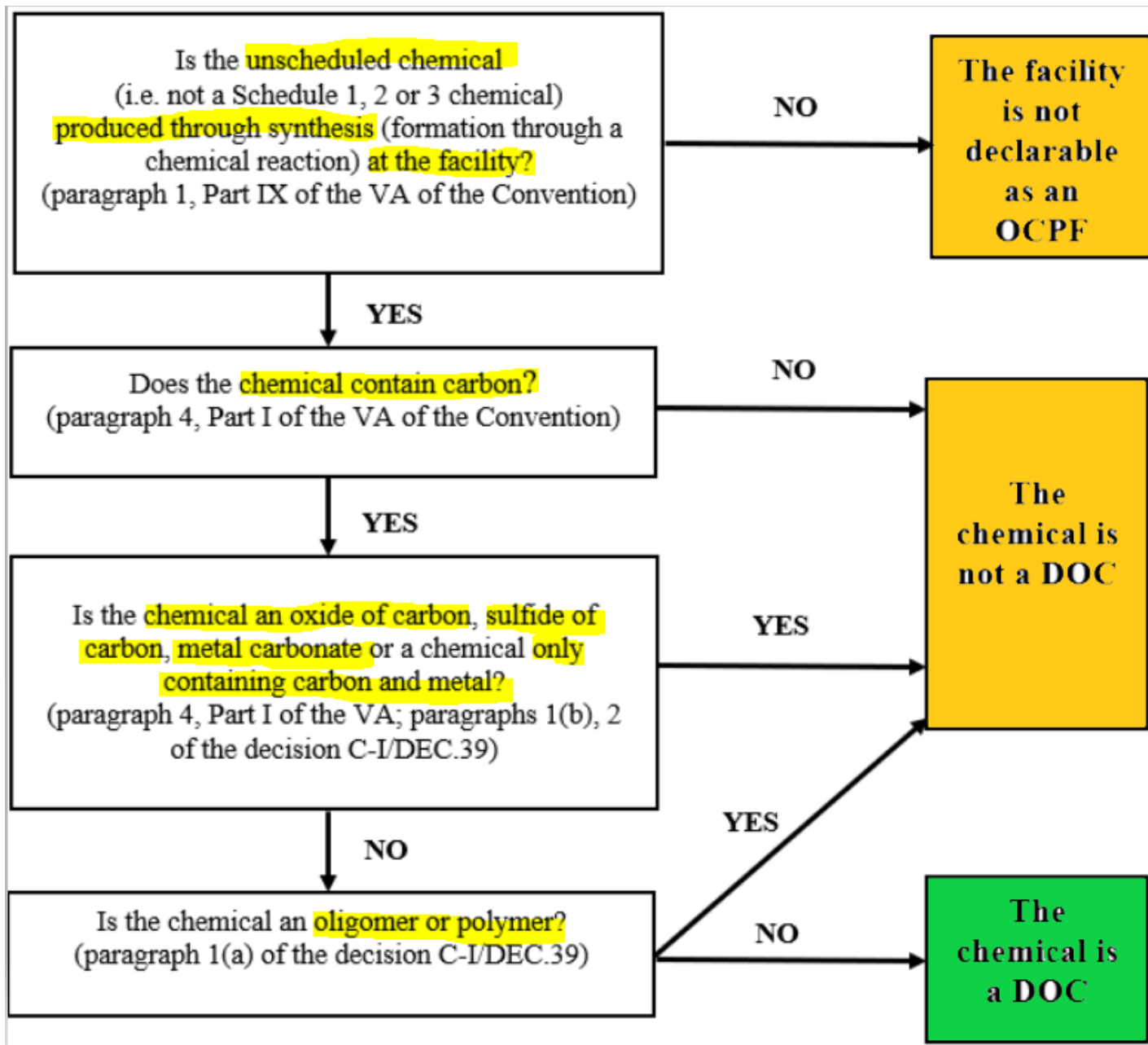


Plant site, Plant and Unit



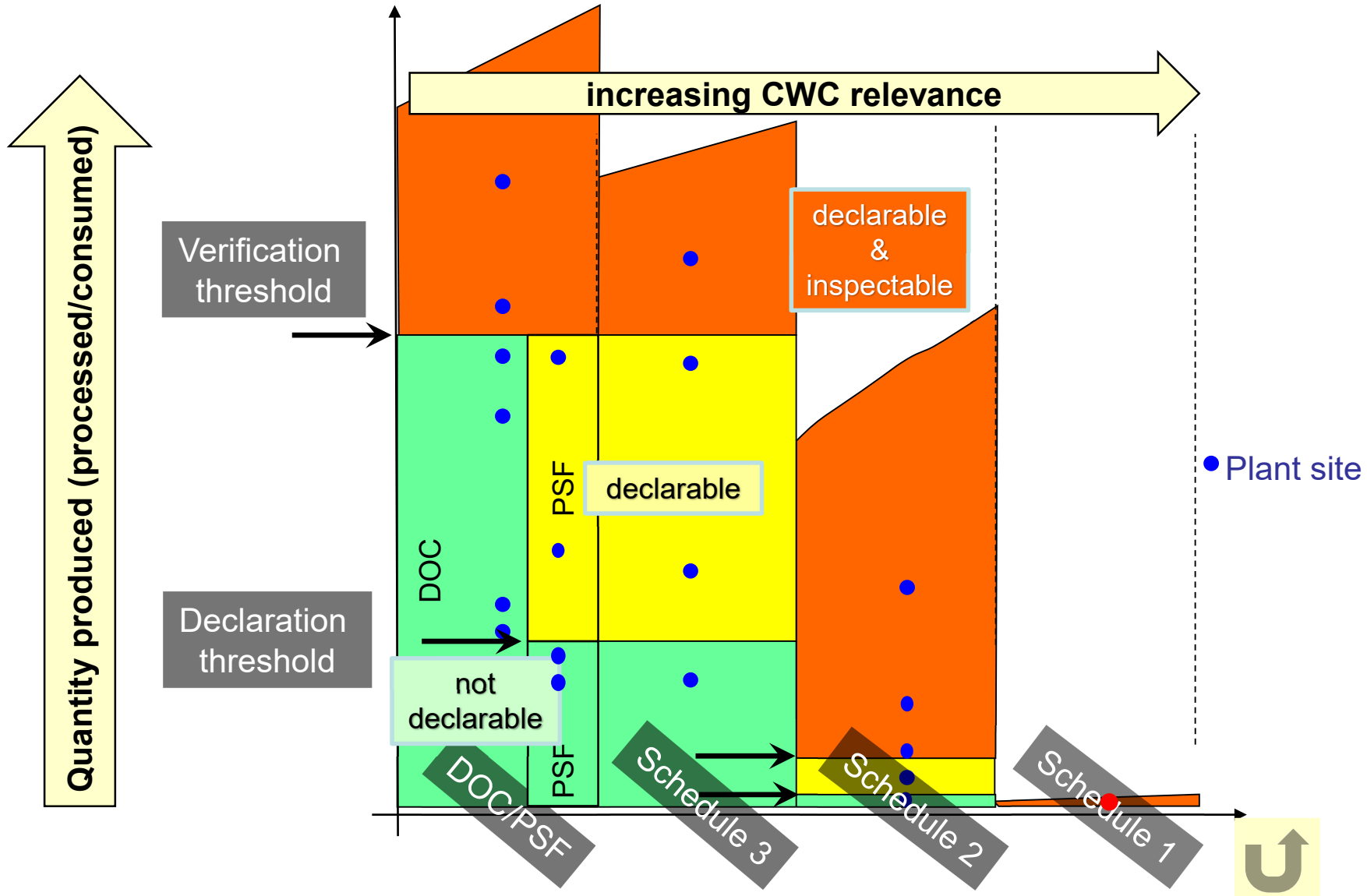


Identify a Discrete Organic Chemical (DOC)





Declarable and/or Inspectable Plant Sites





Declarable Schedule 2 Plant Sites

Plant sites with one plant or more plants that have **produced, processed, or consumed** S2 chemicals above the thresholds in any of the last three years or are anticipated to do so in the next year

Note: Schedule 1

Only **SPIEZ LABORATORY** is an OPCW declared Schedule 1-Facility (Other Facility for Protective Purposes; OFPP) and inspectable



Declarable Schedule 3 Plant Site

Plant sites with one plant or more plants that has **produced** S3 chemicals above 30 tons in previous year or following year

Declaration thresholds

- **Schedule 3 – 30 tonnes**



Declarable OCPF – Other Chemical Production Facilities

Decision C-I/DEC.39

- Plant sites that **produce** by synthesis aggregate **>200 tonnes** of DOC in the previous calendar year
- Plant sites with 1 or more plant which **produced** **>30 tonnes** of **a PSF chemical** in the previous calendar year

Declaration thresholds

- DOC – aggregate production >200 tonnes
- PSF plant – production of 30 tonnes of a PSF chemical

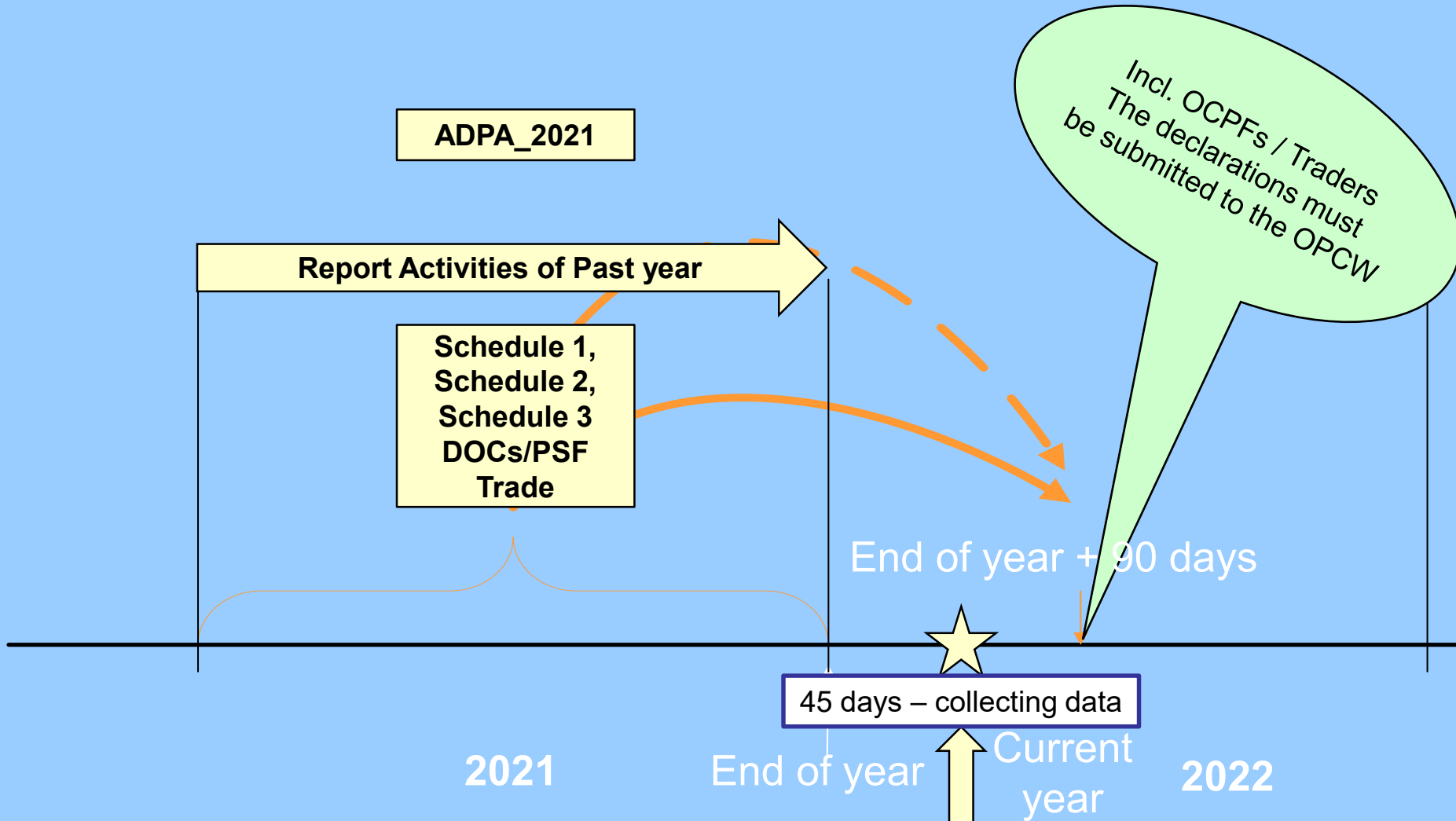
Calculating production and what is excluded:



Adobe Acrobat
Document



Timeline: Annual declarations of Past Activities (ADPA)





Companies Declaration Obligations

Annual Declaration of Past Activities (ADPA; 45 days after year end)

	Production	Processing	Consumption	Trade(r)	
				Import	Export
Schedule 2	Plant / AND	Plant / AND	Plant / AND	AND	AND
Schedule 3	Plant / AND			AND	AND
DOC/PSF	Plant			AND	AND



Declaration Obligations of Mixtures

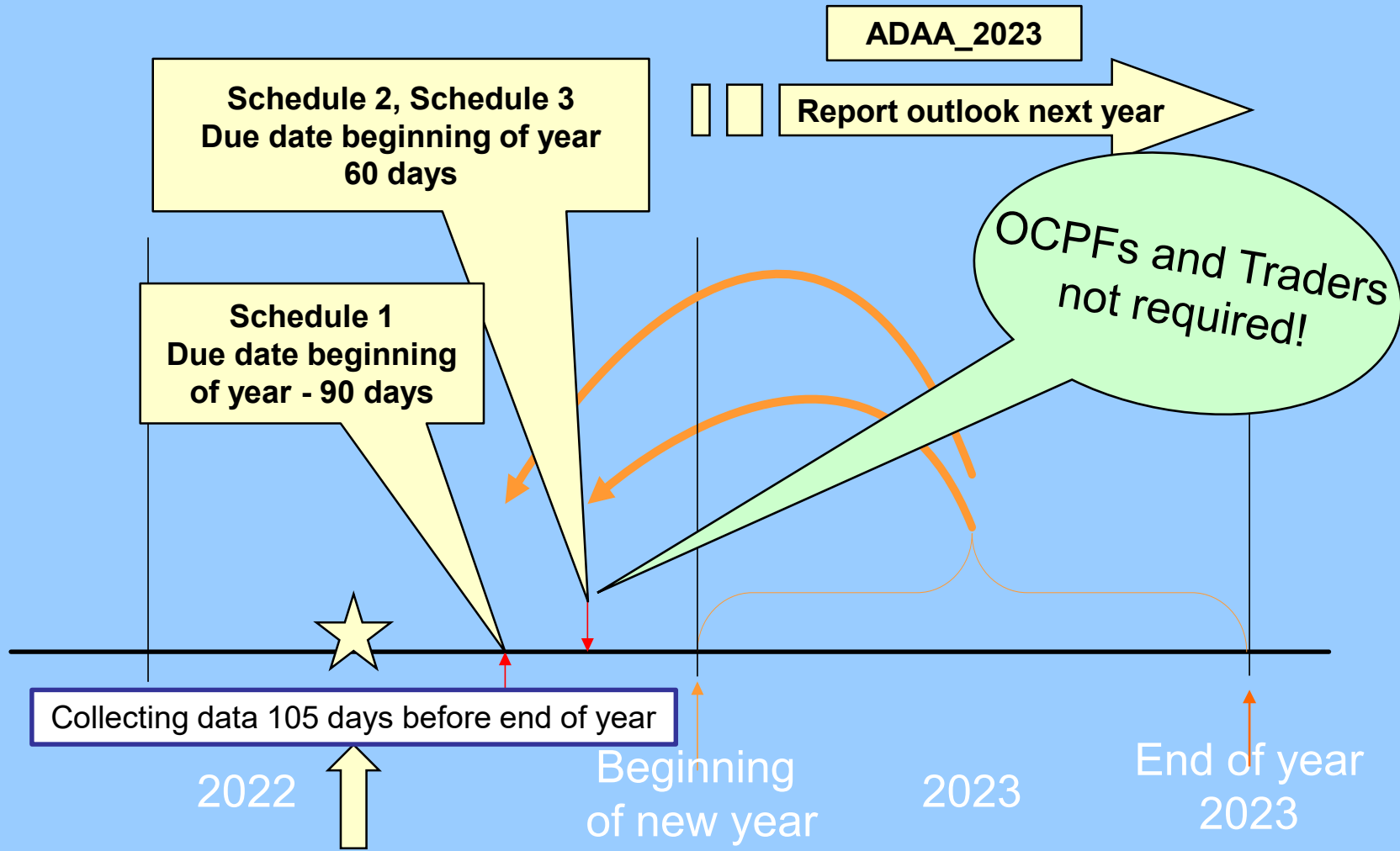
Concentrations / Quantities for Plant Sites

Plant Site		
Production (Processing or Consumption)	Conc. (Mixtures)	Declarable above quantities (as 100 w/w-%)
Schedule 2A and 2A*	see ChCO	see ChCO
Schedule 2B	$\geq 30\%$	$\geq 1t$
Schedule 3	$\geq 30\%$	$\geq 30t$
DOC / PSF	-	$\geq 200t$ (aggregate) / $\geq 30t$ (chemical)

⇒ e.g. S2B: declarable as soon as $\geq 30\%$ and $> 1t$ (as 100%)



Timeline: Annual Declarations of Anticipated Activities (ADAA)





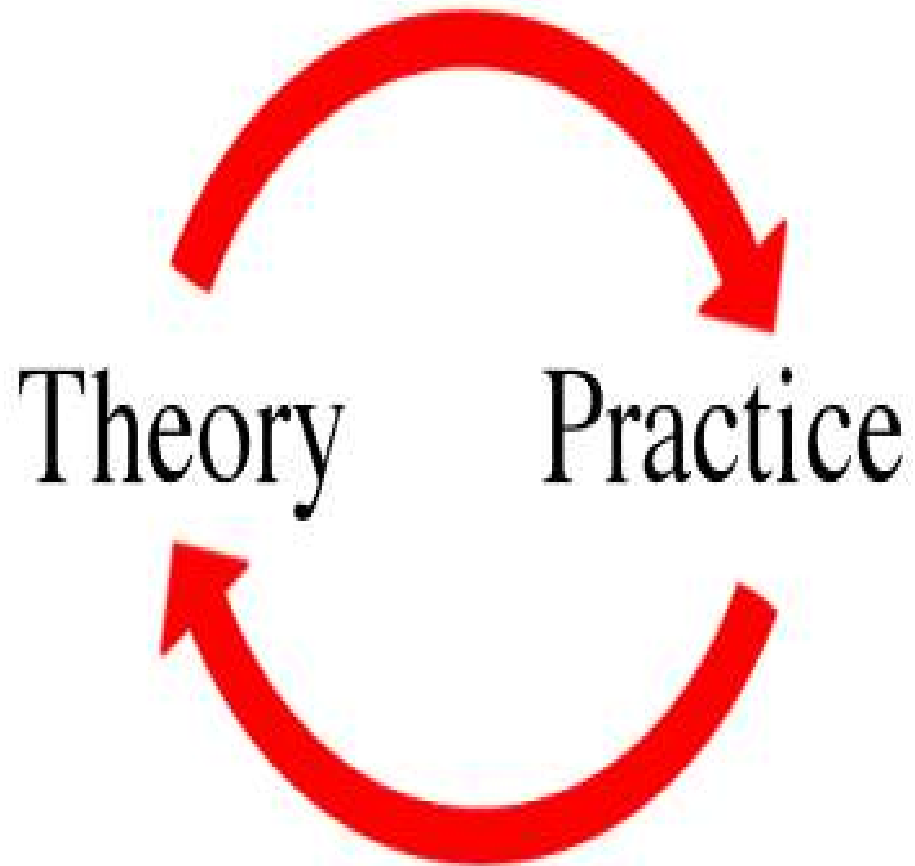
Companies Declaration Obligations

Annual Declaration of Anticipated Activities (ADAA; *Mid od Sept)

	Production	Processing	Consumption
Schedule 2	Plant	Plant	Plant
Schedule 3	Plant		
DOC/PSF			



Turn to Practice - Examples





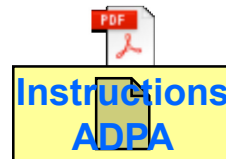
Examples in your Handout

- DOC-PSF Plant site CHE/0085
- Plant site CHE/0086 (contains DOC plants and consumes a Schedule 2 chemical in plant Bigeye)
- Plant site CHE/0087 (produces a Schedule 3 chemical and contains R&D labs and small DOC plants for exclusive customer products at reduced scale)

⇒ Please consult instructions

⇒ Guidance_for_Industry_ADPA_2021 (DEU or FRA)

⇒ Guidance for Industry ADAA_2023 (DEU or FRA)





Practical issues – questions?

- (Practical) questions?
 - Declaring the “lack” of activities?
 - Mergers, splits, shut-downs?



Practical questions

- **Purifying a Schedule 2B chemical:** *«We have a request from a Swiss Customer to purify more than one tonne of a Schedule 2B chemical. Do we need to declare this anticipated activity?»*
 - ☛ **NO** – declarable Schedule 2 activities are production, processing and consumption above the threshold. Re-packaging and simple purification activities are not subject to declarations
- **Missed to declare a Schedule 2 activity on due date:** "We forgot to declare an anticipated activity with a Schedule 2 chemical – does it mean, we can use the Schedule 2 chemical earliest next year?«"
 - ☛ You can notify a missed declaration to Spiez Laboratory any time after the due date. Spiez Laboratory has to submit an amendment to the OPCW. As soon this has been done you are allowed to proceed with your (anticipated) activity.

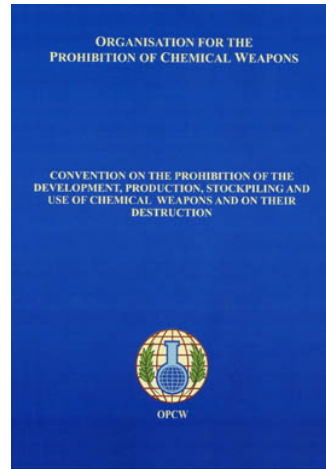


Practical questions

- **Threshold:** "Due to the fact that our plant site is declarable to the OPCW. Does this mean we have to declare any Schedule 2B activity irrespective its amount? For instance if we would process a Schedule 2B chemical below the one-tonne limit.»
 - ☛ No – you only need to declare any activity (production, consumption or processing) that is above the set threshold of the corresponding Scheduled 2 or 3 chemical. There is no need for *overly cautious* declaration.
- **PSF-chemicals:** "Our plant P4 is producing four different PSF-chemicals in an aggregate amount of 90 tonnes (34to, 22to, 20to and 14to). How do we have to declare these chemicals on form 4.1?
 - ☛ Only one PSF-chemical is declarable, the one over 30 tonnes.
- Questions from the floor?



Thank you!





Break

