Import, Export and Aggregate National Data (AND) of Scheduled Chemicals

Industry Workshop / 2022
OPCW Declarations under Art. VI
Scheduled Chemicals, DOC and PSF Chemicals

• Schedule 1

• Schedule 2

• Schedule 3

• Discrete Organic Chemicals (**DOC**), PSF-Chemicals
  • "Discrete Organic Chemical" means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number, if assigned. Examples of oxides (e.g. carbon monoxide and carbon dioxide), sulfides (e.g. carbon disulfide) and metal carbonates (e.g. MnCO$_3$).
  • PSF chemical: an unscheduled discrete organic chemical containing at least one of the elements phosphorus, sulfur or fluorine
S1 Notifications of Export – Import to OPCW

Subject to approval by SECO, usually only applies to Spiez Laboratory
Schedule 1: Export – Import
Stringent requirements for notifications and declarations to OPCW

Exporting State Party

30 DAY NOTIFICATION to OPCW

ANNUAL DECLARATIONS

Importing State Party

30 DAY NOTIFICATION to OPCW

ANNUAL DECLARATIONS
Schedule 2 and Schedule 3: Export – Import
Export Licence (SECO) vs. Declarations Obligations (Spiez Laboratory)

Be aware of different obligations of traders

→ SECO – for obtaining an export licence for Scheduled Chemicals (Licensing office; ELIC)

→ LABOR SPIEZ – to declare exports of Scheduled Chemicals above the threshold (Meldestelle Labor Spiez)

See online Information: CWC National Authority Web-Site
Timeline: Annual declarations of Past Activities (ADPA)

- **End of year + 90 days**
- **45 days - collecting data**
- **Schedule 1, Schedule 2, Schedule 3 DOCs/PSF Trade**
- **OCPFs and Traders required!**

**2022**
- Current year
- **End of year**
- **2021**
- **Report Activities of Past year**

**ADPA_2021**
# Companies Declaration Obligations

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

<table>
<thead>
<tr>
<th>Production</th>
<th>Processing</th>
<th>Consumption</th>
<th>Trade(r)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Schedule 2</strong></td>
<td>Plant</td>
<td>Plant</td>
<td>Export</td>
</tr>
<tr>
<td><strong>Schedule 3</strong></td>
<td>Plant</td>
<td></td>
<td>Export</td>
</tr>
<tr>
<td><strong>DOC/PSF</strong></td>
<td>Plant</td>
<td></td>
<td>Export</td>
</tr>
</tbody>
</table>
What are Aggregate National Data (AND) Schedule 2 and 3

Declarations from CHE Plant Sites and traders to Spiez Laboratory e.g. S3-exports declared to DEU

Names revealed to SL

Thionyl-chloride (S3) export 5to/DEU CHE trader 1

Thionyl-chloride (S3) export 11.5to/DEU CHE trader 2

Thionyl-chloride (S3) export 50to/DEU CHE OCPF

AND declared by Spiez Laboratory to OPCW

No names revealed to OPCW

AND to DEU Thionylchloride (S3) to DEU 66.5to
Thresholds and Concentrations
Import – Export Schedule 2 and 3:

<table>
<thead>
<tr>
<th>Import / Export and Aggregate National Data (AND)</th>
<th>Concentrations (Mixtures)</th>
<th>Declarable above quantities (as 100 w/w-%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule 2A and 2A*</td>
<td>see ChCO</td>
<td>see ChCO</td>
</tr>
<tr>
<td>Schedule 2B</td>
<td>≥30 %</td>
<td>100kg</td>
</tr>
<tr>
<td>Schedule 3</td>
<td>≥30 %</td>
<td>100kg</td>
</tr>
</tbody>
</table>

⇒ Declarable as soon as ≥30% and above 100kg (calcul. as 100%)
Transfer Discrepancies observed by OPCW

Due to different (or no) declarations from States Parties to the OPCW regarding imported and/or exported Scheduled 2 and 3 chemicals, the Technical Secretariat notifies a discrepancy.

Exporting State Party

Declaration AND
State Party A
e.g. 100to S2

Importing State Party

Declaration AND
State Party B
e.g. 50to S2

OPCW Transfer discrepancy letter: Δ 50to S2
Definition of *Discrepancy* - Current Criteria

Since 2006, a discrepancy applies only if the difference between the total quantity reported by the exporting State Party and the importing State Party is greater than the declaration threshold for that chemical:

- $\Delta 1$ tonne for Schedule 2B chemicals
- $\Delta 30$ tonnes for Schedule 3 chemicals
Break Down Schedule 2, 3 and resolved

<table>
<thead>
<tr>
<th>ADPA_11</th>
<th>ADPA_12</th>
<th>ADPA_13</th>
<th>ADPA_14</th>
<th>ADPA_15</th>
</tr>
</thead>
<tbody>
<tr>
<td>In progress</td>
<td>34</td>
<td>33</td>
<td>33</td>
<td>32</td>
</tr>
</tbody>
</table>

TD total
- Schedule 2
- Schedule 3
- resolved
How do we tackle the issue?

Inform TS about CHE efforts

Check CHE declaration (clerical error?)

Contact by phone company or…

Contact (by e-mail) concerned NA abroad respecting confidentiality

…and prepare and deliver letter to appropriate company
Nature of Export-Import discrepancies

- Free ports
- Chemicals in transit
- Country of Origin
- Typing
- Unit of measure
- Identification of the Chemical
- Def of Imp/Exp
- Free Trade Areas
- Mixtures

Different sources of information used
Different concentration limits applied
Weights vs Volume
Different aggregation methods used
Different weight limits applied

Chemicals off-shore
Customs related difficulties

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Spiez Laboratory, Introduction OPCW declarations
From a Technical Secretariat report

- “From the declarations received 124 State Parties (plus 3 States not Party) appear to be involved in S2/S3 transfers during last declaration period
- Only 76 States Parties declared AND
- Another 48 States Parties appeared to be involved in trade but provided no AND
  - 20 of these had discrepancies!”

Possibly due to a lack of effective national implementation of the CWC?!
Key prohibitions Export – Import of Scheduled Chemicals

→ Shipments of Schedule 1 chemicals to non-States Parties and to third States are prohibited

→ Shipments of Schedule 2 chemicals above specified concentration limits to non-States Parties are prohibited

→ Shipments of Schedule 3 chemicals to non-States Parties without assurance that said chemicals will only be used for purposes not prohibited by the Convention (EUC) - only "recipient States" are defined as the providers of such certificates (and not companies).
CWC States Parties
August 2022 [www.opcw.org]

- **green:** 193 States Parties (PSE in Jun 2018)
- **Yellow:** 1 Signatory States: Israel
- **red:** 3 Non-Member States: Egypt, North Korea, South Sudan
Annual Declarations of Anticipated Activities (ADAA)

Schedule 2, Schedule 3
Due date beginning of year - 60 days

Schedule 1
Due date beginning of year - 90 days

Collecting data 105 days before end of year

ADAA_2023
Report outlook next year

OCPFs and Traders not required!

Beginning of new year
2022

2023
End of year 2023

Federal Office for Civil Protection FOCP
Spiez Laboratory, Introduction OPCW declarations
## Companies Declaration Obligations

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

<table>
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Spiez Laboratory, Introduction OPCW declarations
How do Determine if a Chemical is Subject to CWC Declarations?

For more background information consult OPCW-Webpage: *Declarations Requirements for Scheduled Chemicals*

- Determine the CAS registry number most traded Scheduled Chemicals (49 most traded Schedule 2 and 3 chemicals)


- More extensive: Scheduled Chemicals Database with up to 35‘849 scheduled chemicals (E-mail, Password) (e.g. sub search 111-; NaCN: 143-33-9; HCN: 74-90-8)

- Advise from National Authority → SPIEZ LABORATORY
Determination of country of origin
Who is the Importer/Exporter of Scheduled Chemicals for the CWC?
## Determination of country of origin

<table>
<thead>
<tr>
<th>Contract and financial transaction</th>
<th>Physical way of the chemicals</th>
<th>Country of Origin in respect to the declarations</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Swiss company has a contract with a Norwegian company (dealer only) for the delivery of a chemical which is subject to the CWC control regime. The Norwegian company has a contract with a manufacturer of the very chemical in Russia. The Swiss company pays the Norwegian company which then pays the Russian manufacturer.</td>
<td>The delivery of the chemical is direct from Russia to Switzerland by aircraft.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Customer/CH</th>
<th>Dealer/NOR</th>
<th>Manufacturer/RU</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Financial transaction" /></td>
<td><img src="image2.png" alt="1. Financial transaction" /></td>
<td><img src="image3.png" alt="2. Financial transaction" /></td>
</tr>
<tr>
<td><img src="image4.png" alt="Chemical is imported from Russia directly to Switzerland" /></td>
<td><img src="image5.png" alt="Plane" /></td>
<td><img src="image6.png" alt="Ship" /></td>
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Spiez Laboratory, Introduction OPCW declarations

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## Determination of country of origin

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<td>A Swiss dealer has a contract with an US manufacturer for the delivery of a chemical which is subject to the CWC control regime. The Swiss dealer resells the chemical to a customer within Switzerland. The customer transfers the payment to a UK Bank. The US manufacturer is paid by the UK Bank.</td>
<td>The delivery of the chemical is from the US by ship to the port of Rotterdam, then by lorry transited through Holland and Germany to be finally imported (nationalised by customs procedures) in Switzerland.</td>
<td></td>
</tr>
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### Customer/CH  
Dealer (Importer)/CH  
Bank/UK  
Manufacturer/USA

1. Financial transaction  
2. Financial transaction

Transit through Holland and Germany

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Spiez Laboratory, Introduction OPCW declarations
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<td>A Swiss company has a contract with an Indonesian manufacturer for the delivery of a chemical which is subject to the CWC control regime. The payment is made directly from the customer to the manufacturer.</td>
<td>The delivery of the chemical is from Indonesia by ship to the port of Rotterdam, then it goes by transit through Holland to France where it is nationalised by customs procedures and then imported into Switzerland.</td>
<td></td>
</tr>
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Customer/CH                                                                                                                Indonesian Manufacturer

**Financial transaction**

**France:**
- Customs procedures (Nationalisation)
Turn to Practice - Examples
Example in your Handout

- **Trader CHE/0084**

⇒ Please consult instructions

⇒ Correct declaration CHE/0084: **Form 1**
Thank you!
Break