OPCW Declarations under Art. VI

Industry Workshop / 2022

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List of Contents

• Activities not Prohibited under the Convention
• OPCW Declarations (Art. VI) – Definitions
  • Plant Site, Site, Unit, etc.
  • Declarations of Plant Sites (ADPA and ADAA)
• Experiences – Practice (Handouts!)
• Discussion - Questions


What are: “Purpose 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

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Spiez Laboratory, OPCW declarations
**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

- Plant 100
  - Unit 101
  - Unit 102

- Plant 200
  - Control room
  - Kg-Lab

- Plant 300
  - Unit 301
  - Unit 302

- Warehouse
- Maintenance
- Administration
- Control room
- LAB
- MAIN gate
- Tank farm
- Effluent treatment

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Identify a Discrete Organic Chemical (DOC)

Is the unscheduled chemical (i.e. not a Schedule 1, 2 or 3 chemical) produced through synthesis (formation through a chemical reaction) at the facility? (paragraph 1, Part IX of the VA of the Convention)

YES

Does the chemical contain carbon? (paragraph 4, Part I of the VA of the Convention)

YES

Is the chemical an oxide of carbon, sulfide of carbon, metal carbonate or a chemical only containing carbon and metal? (paragraph 4, Part I of the VA; paragraphs 1(b), 2 of the decision C-I/DEC.39)

NO

Is the chemical an oligomer or polymer? (paragraph 1(a) of the decision C-I/DEC.39)

NO

NO

The facility is not declarable as an OCPF

The chemical is not a DOC

YES

YES

The chemical is a DOC
Declarable and/or Inspectable Plant Sites

- **Declaration threshold**
- **Verification threshold**

- **Increasing CWC relevance**
- **Declarable and/or inspectable**
- **Not declarable**

- **Quantity produced (processed/consumed)**
- **Plant site**

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**Spiez Laboratory, OPCW declarations**
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:
Timeline: Annual declarations of Past Activities (ADPA)

- **2021**
  - End of year
  - Report Activities of Past year
  - Schedule 1, Schedule 2, Schedule 3
  - DOCs/PSF
  - Trade

- **End of year + 90 days**
  - 45 days – collecting data

- **Current year**
  - ADPA_2021

Incl. OCPF's / Traders
The declarations must be submitted to the OPCW
## 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>Schedule 2</td>
<td>Plant / AND</td>
<td>Plant / AND</td>
<td>Import</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Plant / AND</td>
<td>Export</td>
</tr>
<tr>
<td>Schedule 3</td>
<td>Plant / AND</td>
<td></td>
<td>AND</td>
</tr>
<tr>
<td></td>
<td>Plant</td>
<td></td>
<td>AND</td>
</tr>
<tr>
<td>DOC/PSF</td>
<td>Plant</td>
<td></td>
<td>AND</td>
</tr>
</tbody>
</table>

**Table:**

- **Schedule 2 Plant / AND**
  - Production: Plant / AND
  - Consumption: Plant / AND
  - Import: AND
  - Export: AND

- **Schedule 3 Plant / AND**
  - Production: Plant / AND
  - Consumption: Plant / AND
  - Import: AND
  - Export: AND

- **DOC/PSF Plant**
  - Production: Plant
  - Consumption: Plant
  - Import: AND
  - Export: AND
## Declaration Obligations of Mixtures

Concentrations / Quantities for Plant Sites

<table>
<thead>
<tr>
<th>Plant Site</th>
<th>Production (Processing or Consumption)</th>
<th>Conc. (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>
<td></td>
</tr>
<tr>
<td>Schedule 2B</td>
<td>≥30%</td>
<td>≥1t</td>
<td></td>
</tr>
<tr>
<td>Schedule 3</td>
<td>≥30%</td>
<td>≥30t</td>
<td></td>
</tr>
<tr>
<td>DOC / PSF</td>
<td>-</td>
<td>≥200t (aggregate) / ≥30t (chemical)</td>
<td></td>
</tr>
</tbody>
</table>

⇒ e.g. S2B: declarable as soon as ≥30% and >1t (as 100%)
Timeline: Annual Declarations of Anticipated Activities (ADAA)

- **Schedule 1**: Due date beginning of year - 90 days
  - Due date beginning of year - 90 days

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

- **Collecting data**: 105 days before end of year
  - Collecting data 105 days before end of year

- **Report outlook next year**: Beginning of new year
  - Beginning of new year

- **ADAA_2023**: End of year
  - End of year

- **OCPFs and Traders not required!**: ADAA_2023
  - OCPFs and Traders not required!
## Companies Declaration Obligations

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

<table>
<thead>
<tr>
<th></th>
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<th>Consumption</th>
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</thead>
<tbody>
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<td><strong>Schedule 2</strong></td>
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<tr>
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<td>Plant</td>
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<tr>
<td><strong>DOC/PSF</strong></td>
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Spiez Laboratory, OPCW declarations
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. Repackaging 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