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Bundesamt für Bevölkerungsschutz BABS
LABOR SPIEZ

OPCW Declarations under Art. VI

Industry Workshop / 2019

Dr. B. Schmidt, Chemistry Section, 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

- 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



Bundesamt für Bevölkerungsschutz BABS
LABOR SPIEZ, FB Chemie, Einführung OPCW-Deklarationen



Plant site (Definition)

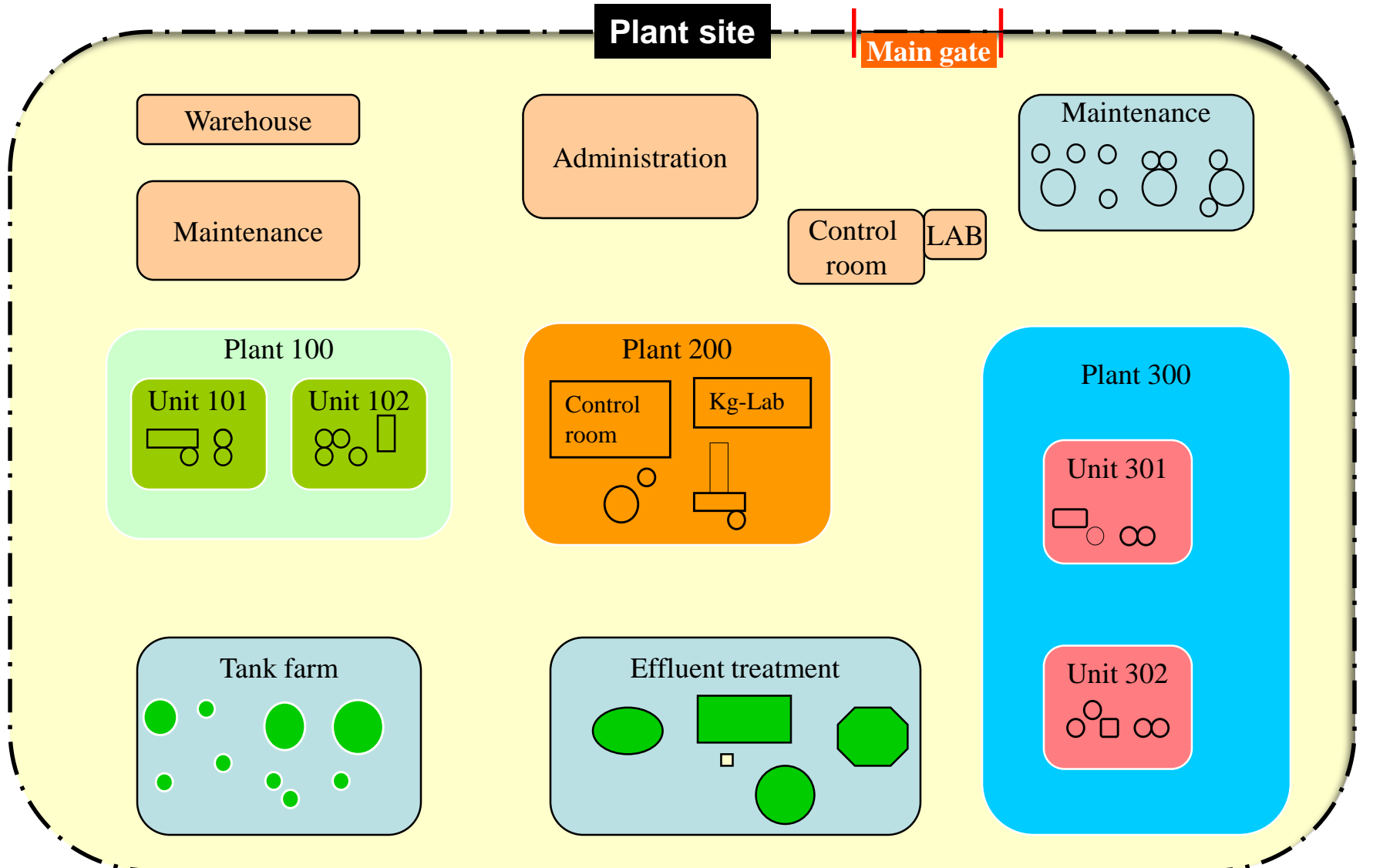
Verification Annex Part I. 6(a)

“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, central analytical and R&D laboratories, central waste treatment, warehouse storage



Plant site, Plant and Unit





Scheduled Chemicals, DOC and PSF Chemicals

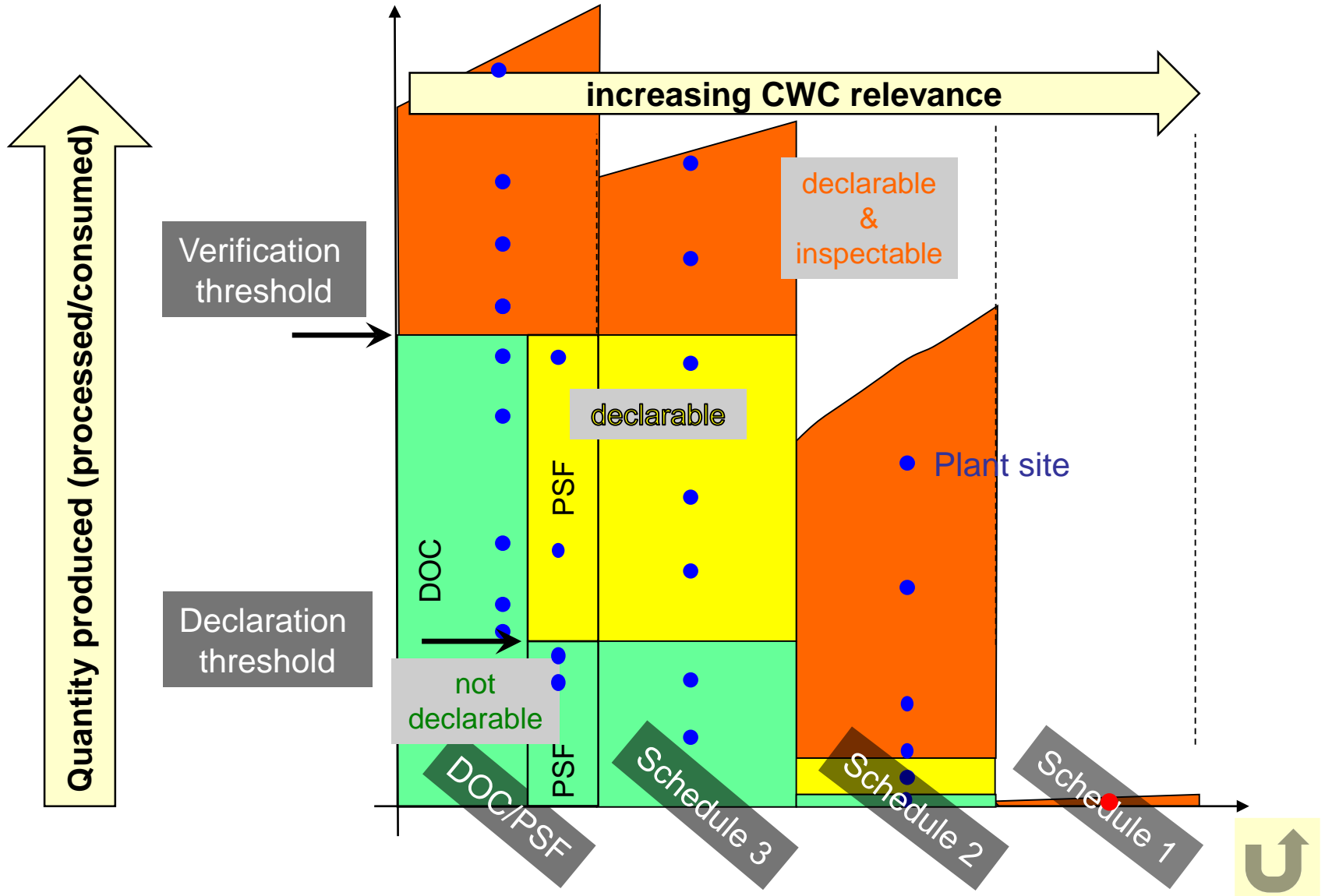
- **Schedule 1**
- **Schedule 2**
- **Schedule 3**
- **Discrete Organic Chemicals (DOC), PSF-Chemicals**
 - "Discrete Organic Chemical" means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides (e.g. CO and CO₂), sulfides (e.g. carbon disulfide CS₂) and metal carbonates (e.g. MnCO₃), identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number, if assigned.
 - PSF chemical: an unscheduled discrete organic chemical containing the elements phosphorus, sulfur or fluorine



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Declarable and/or Inspectable Plant Sites





Declarable S2 Plant Sites

- Plant sites with one or more plants that **produced, processed or consumed** S2 chemicals above thresholds in any of last 3 years or anticipated to do so in the next year

Declaration Thresholds

Note: Only SPIEZ LABORATORY is a declarable (and inspectable) S1 facility for protective purposes



Declarable S3 Plant Site

- Plant sites with one or more plants that **produced/will produce** 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 previous calendar year
- Plant sites with 1 or more plant which **produced** **>30 tonnes** of **a PSF chemical** in previous calendar year

Declaration Thresholds

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

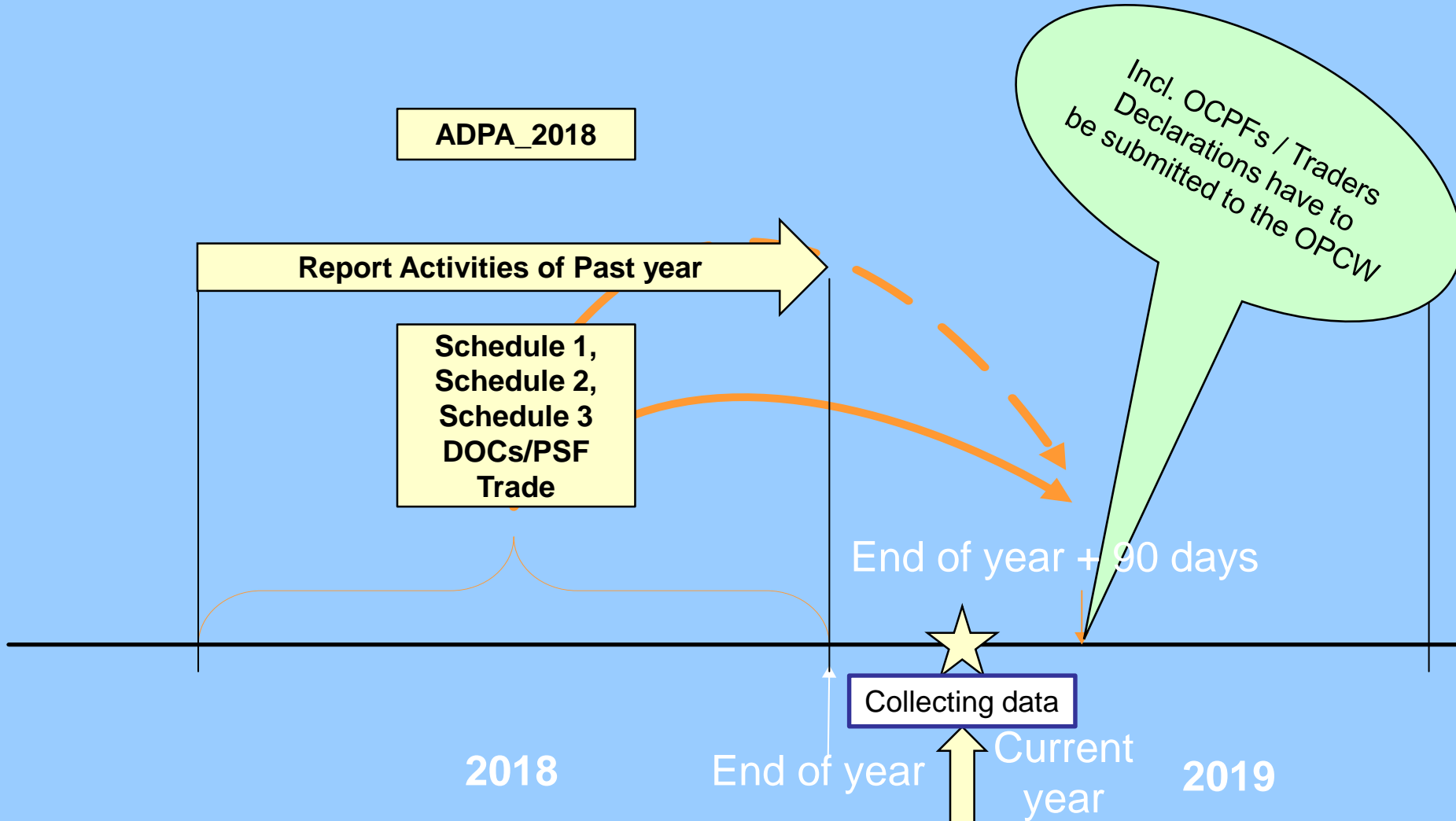
Calculating production and what is excluded:



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Timeline: Annual declarations of Past Activities (ADPA)





Companies Declaration Obligations

Annual Declaration of Past Activities (ADPA; mid February)

	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



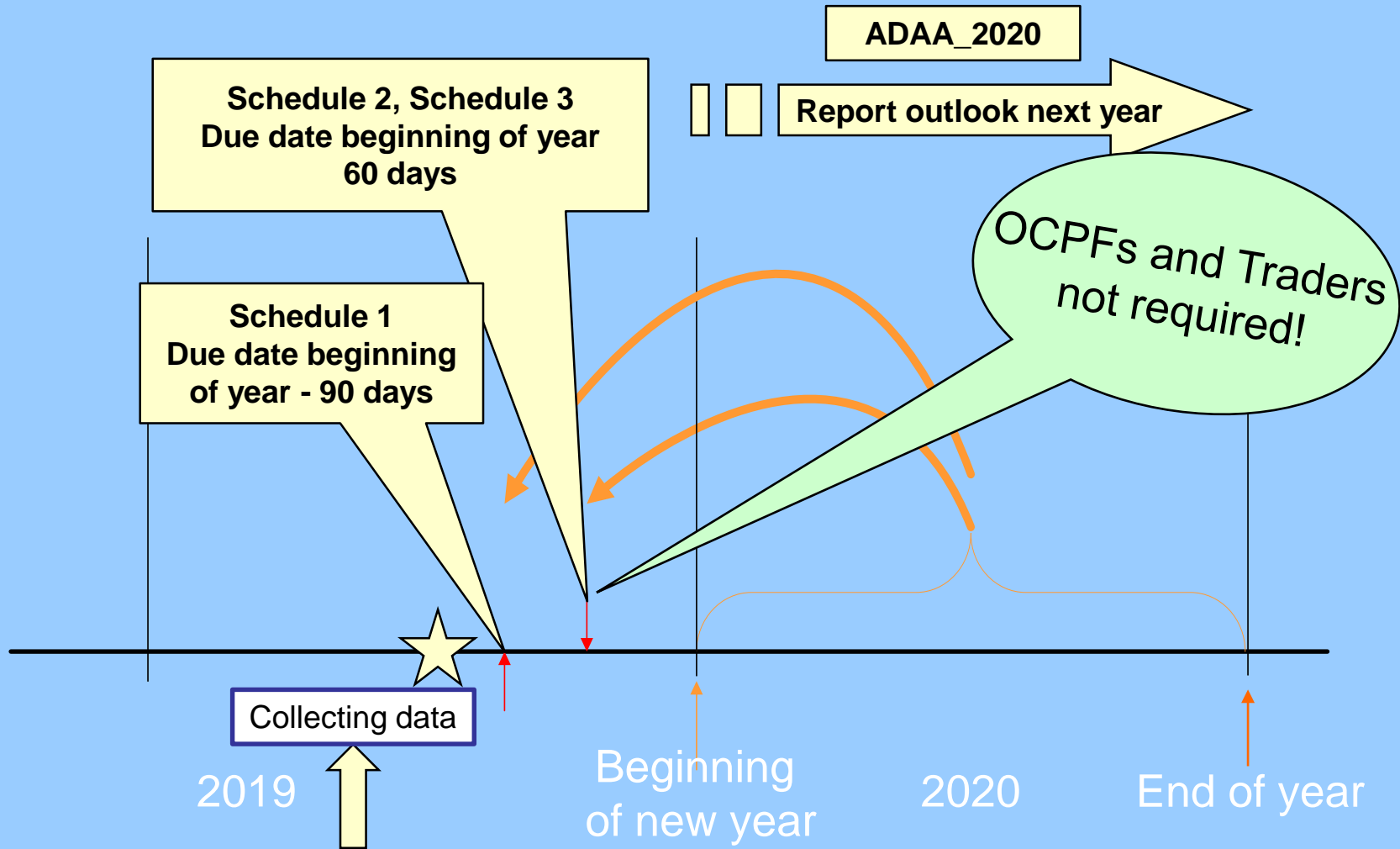
Declaration Obligations: Thresholds

Concentrations / Quantities for Plant Sites

Plant Site		
Production (Processing or Consumption)	Concentration	Amount
Schedule 2A and 2A*	see ChCO	see ChCO
Schedule 2B	≥30%	≥1t
Schedule 3	≥30%	≥30t
DOC / PSF	-	≥200t (aggregate) / ≥30t (chemical)



Timeline: Annual Declarations of Anticipated Activities (ADAA)





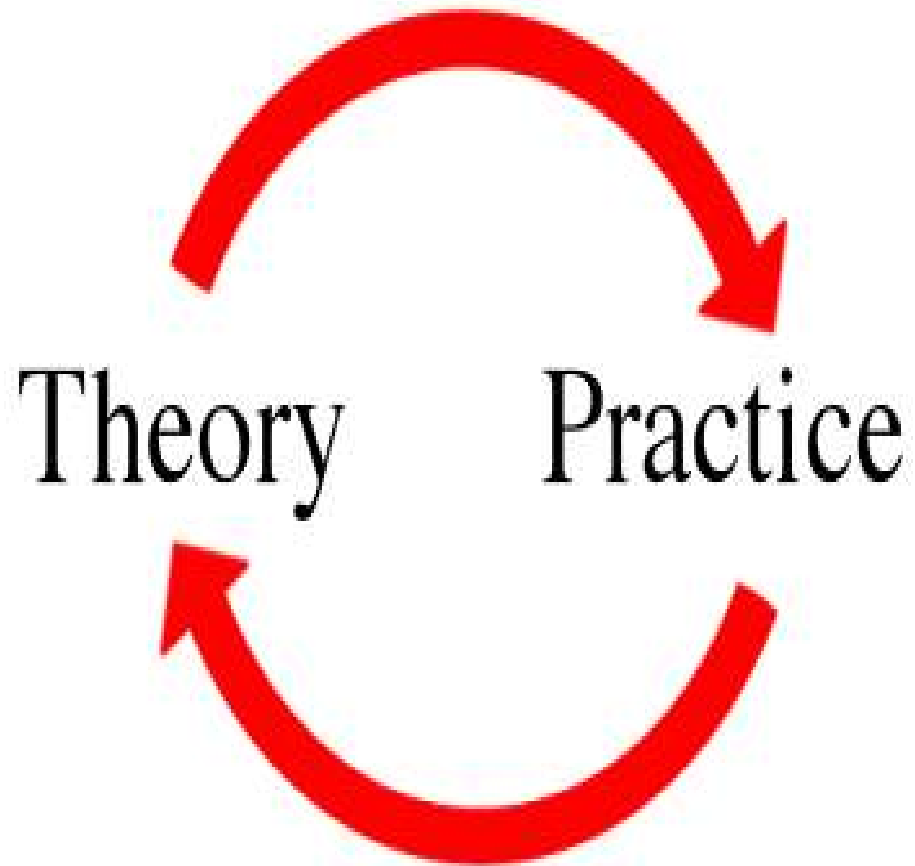
Companies Declaration Obligations

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





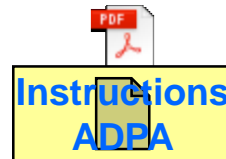
Examples in your Handout

- 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_2018 (DEU or FRA)

⇒ Guidance for Industry ADAA_2020 (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 are only required to declare all activities (production, consumption or processing) above the set threshold of the corresponding Scheduled 2 or 3 chemical. There is no need for an *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, namely the one above 30 tonnes.
- Questions from the floor?



Thank you!

