

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



Industry Workshop / 2022



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

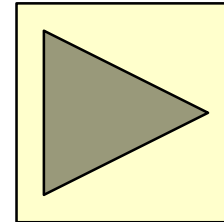
Bundesamt für Bevölkerungsschutz BABS
LABOR SPIEZ

OPCW Declarations under Art. VI



Scheduled Chemicals, DOC and PSF Chemicals

- Schedule 1
- **Schedule 2**
- **Schedule 3**



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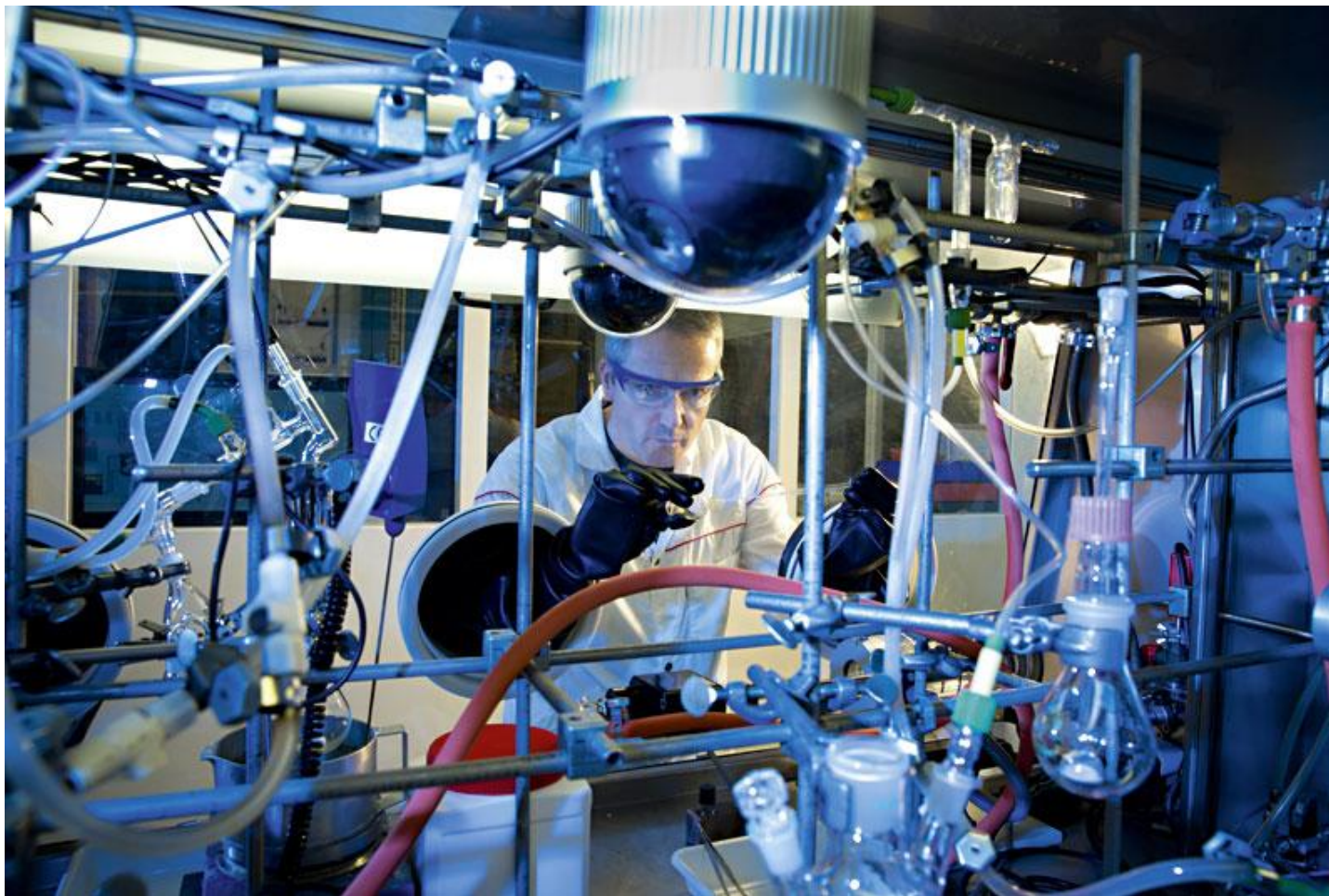
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- Discrete Organic Chemicals ([DOC](#)), PSF-Chemicals
 - "Discrete Organic Chemical" means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates, identifiable 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

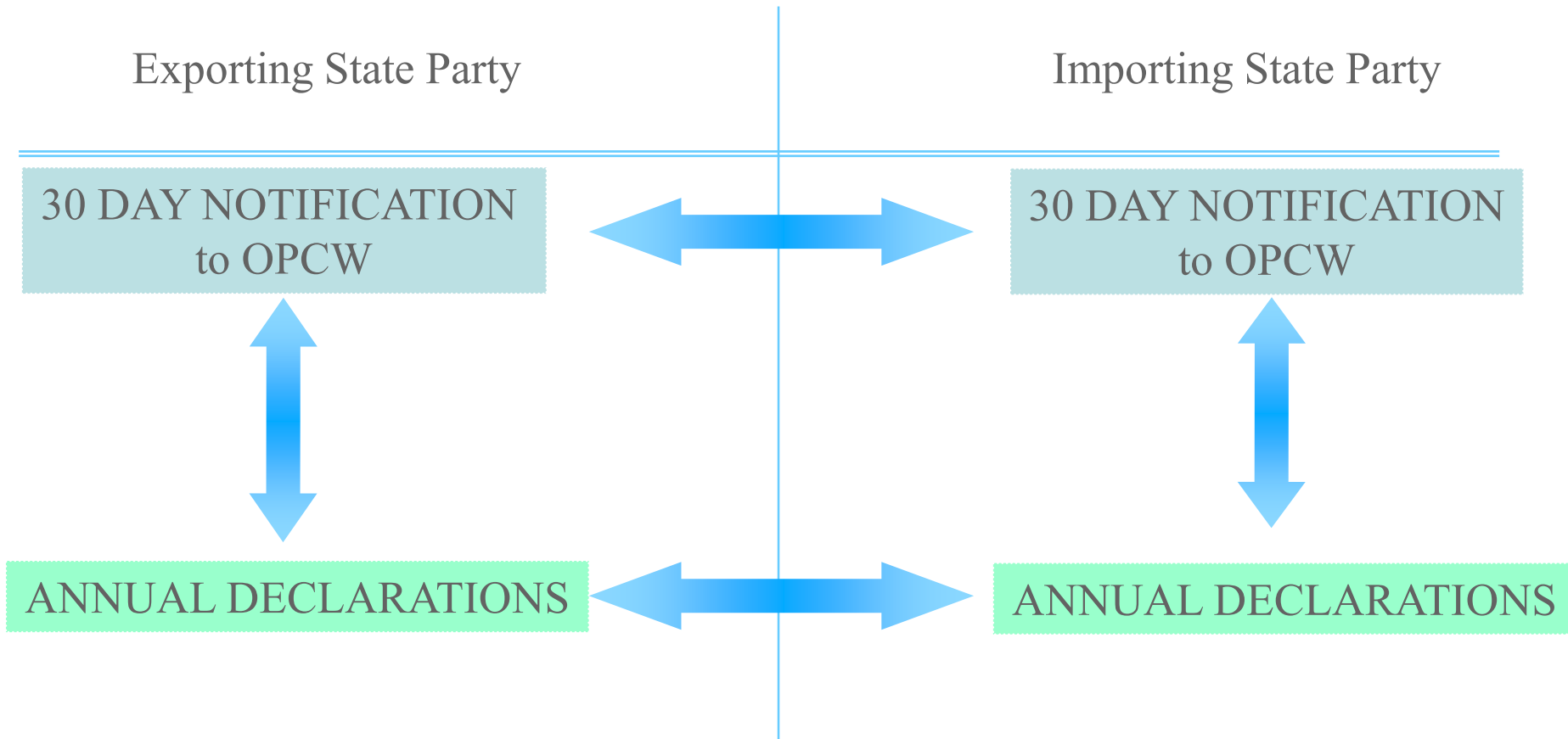
Subject to approval by SECO, usually only applies to Spiez Laboratory





Schedule 1: Export – Import

Stringent requirements for notifications and declarations to OPCW





Schedule 2 and Schedule 3: Export – Import



Export Licence (SECO) vs. Declarations Obligations (Spiez Laboratory)

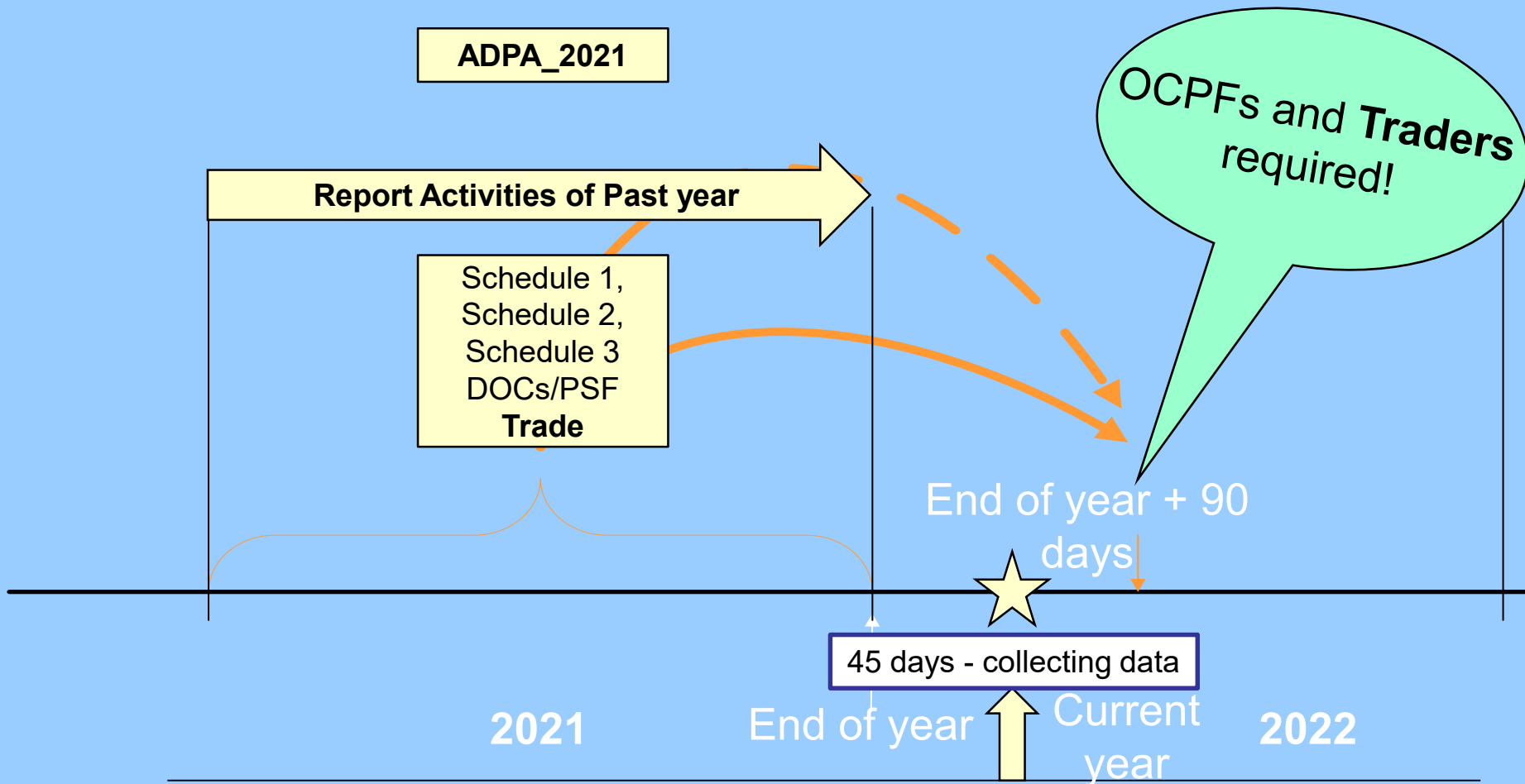
Be aware of different obligations of traders

- 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)





Companies Declaration Obligations

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

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



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

ADPA_21
AND declared by Spiez Laboratory to OPCW

Names revealed to SL

No names revealed to OPCW

Thionylchloride (S3)

export 5to/DEU
CHE trader 1

Thionylchloride (S3)

export 11.5to/DEU
CHE trader 2

Thionylchloride (S3)

export 50to/DEU
CHE OCPF

AND to DEU
Thionylchloride (S3) to DEU

66.5to



Thresholds and Concentrations Import – Export Schedule 2 and 3:

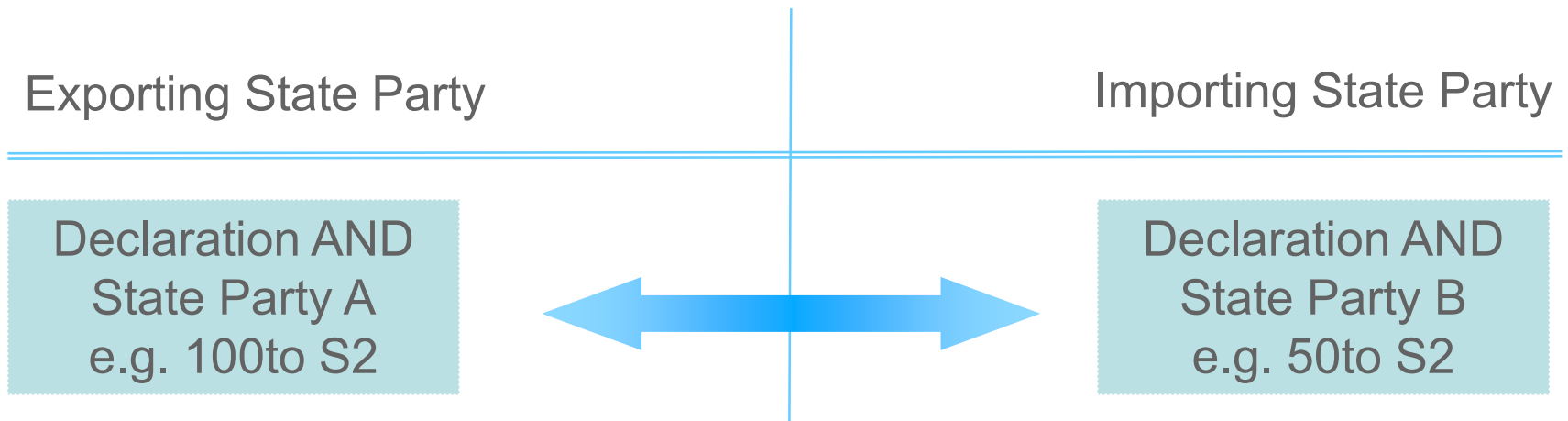
<u>Import / Export and Aggregate National Data (AND)</u>		
	Concentrations (Mixtures)	Declarable above quantities (as 100 w/w-%)
Schedule 2A and 2A*	see ChCO	see ChCO
Schedule 2B	≥ 30 %	100kg
Schedule 3	≥ 30 %	100kg

⇒ Declarable as soon as $\geq 30\%$ **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



OPCW Transfer discrepancy letter: Δ 50to S2



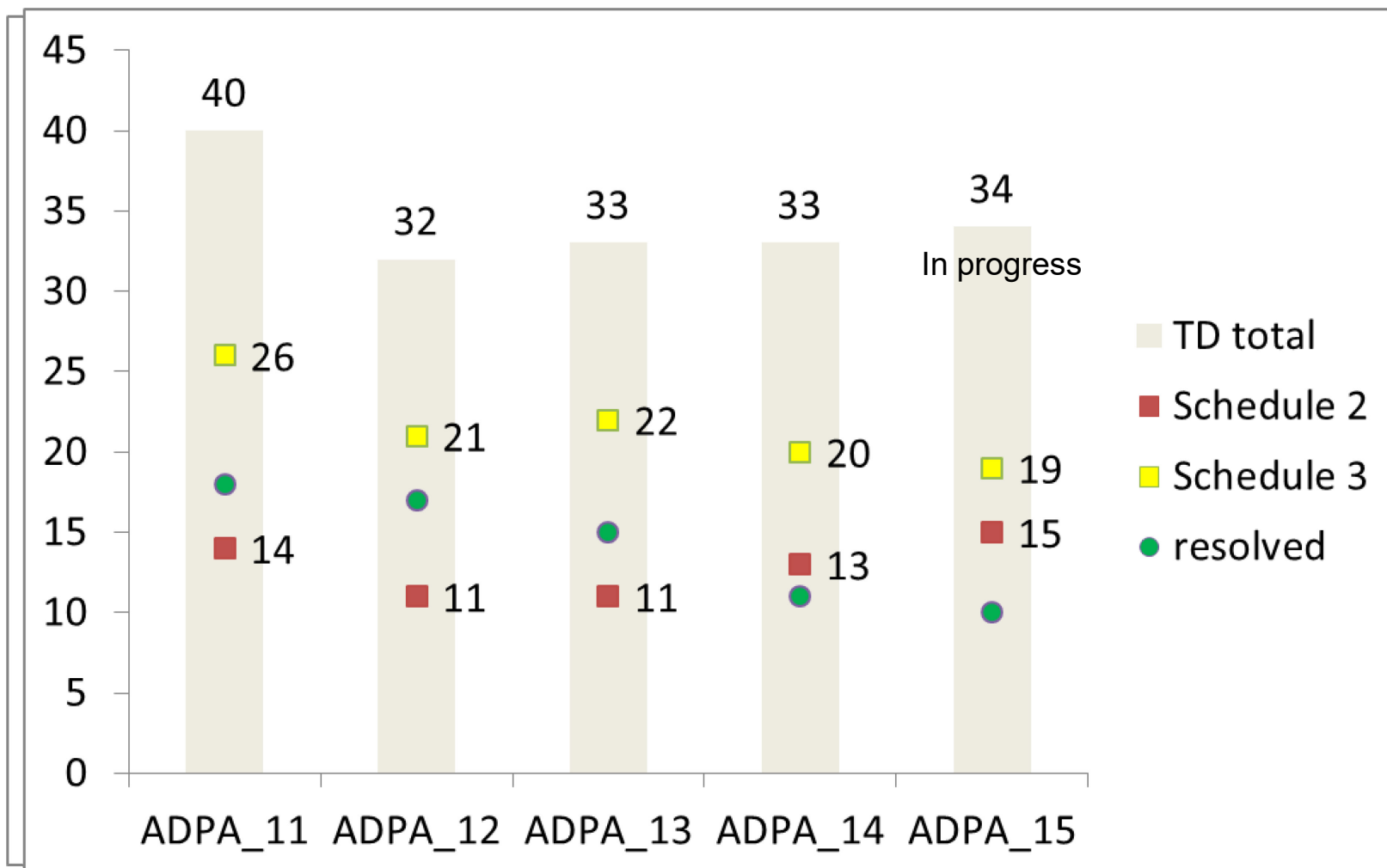
Definition of *Discrepancy* - Current Criteria

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:

- Δ 1 tonne for Schedule 2B chemicals
- Δ 30 tonnes for Schedule 3 chemicals

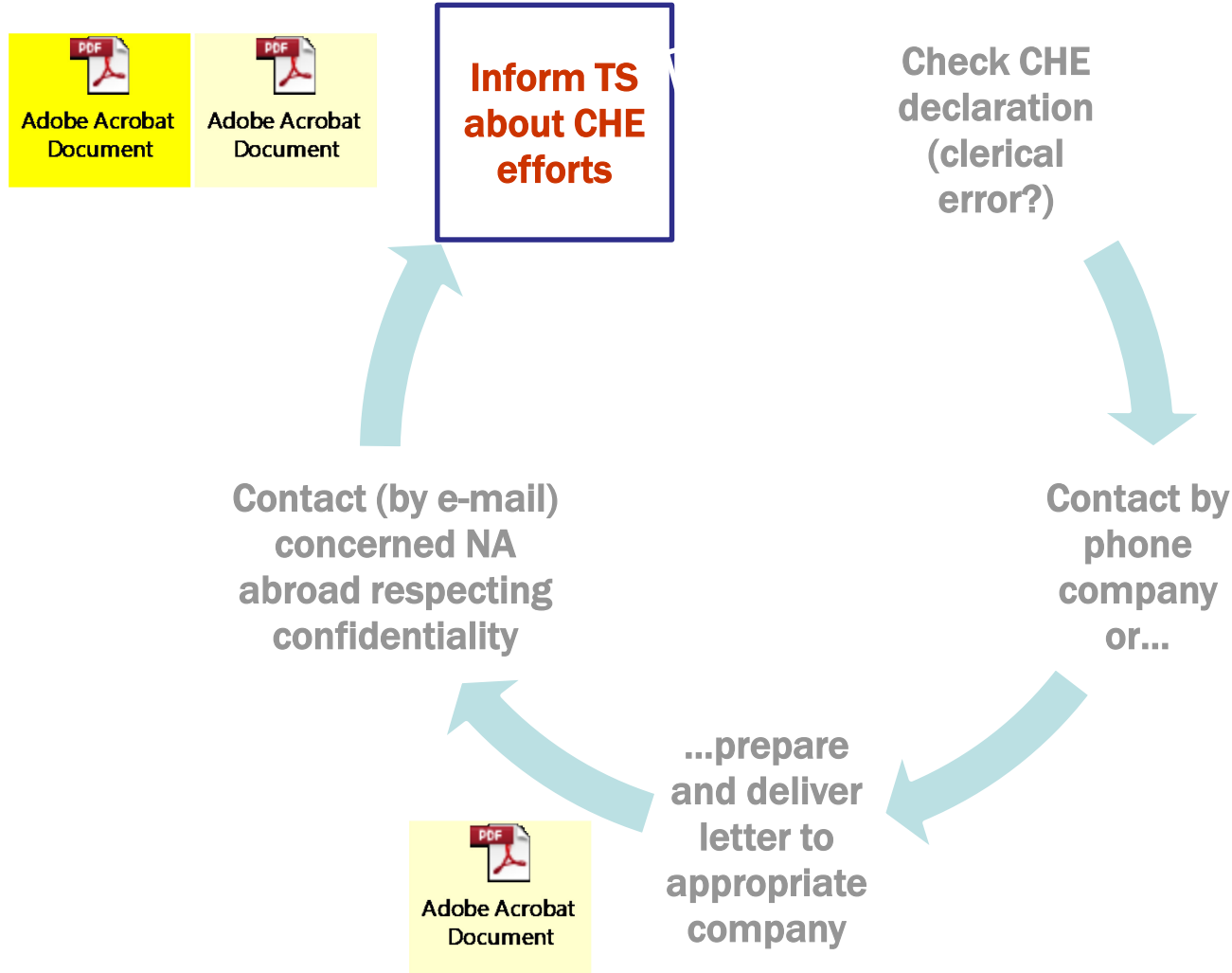


Break Down Schedule 2, 3 and resolved



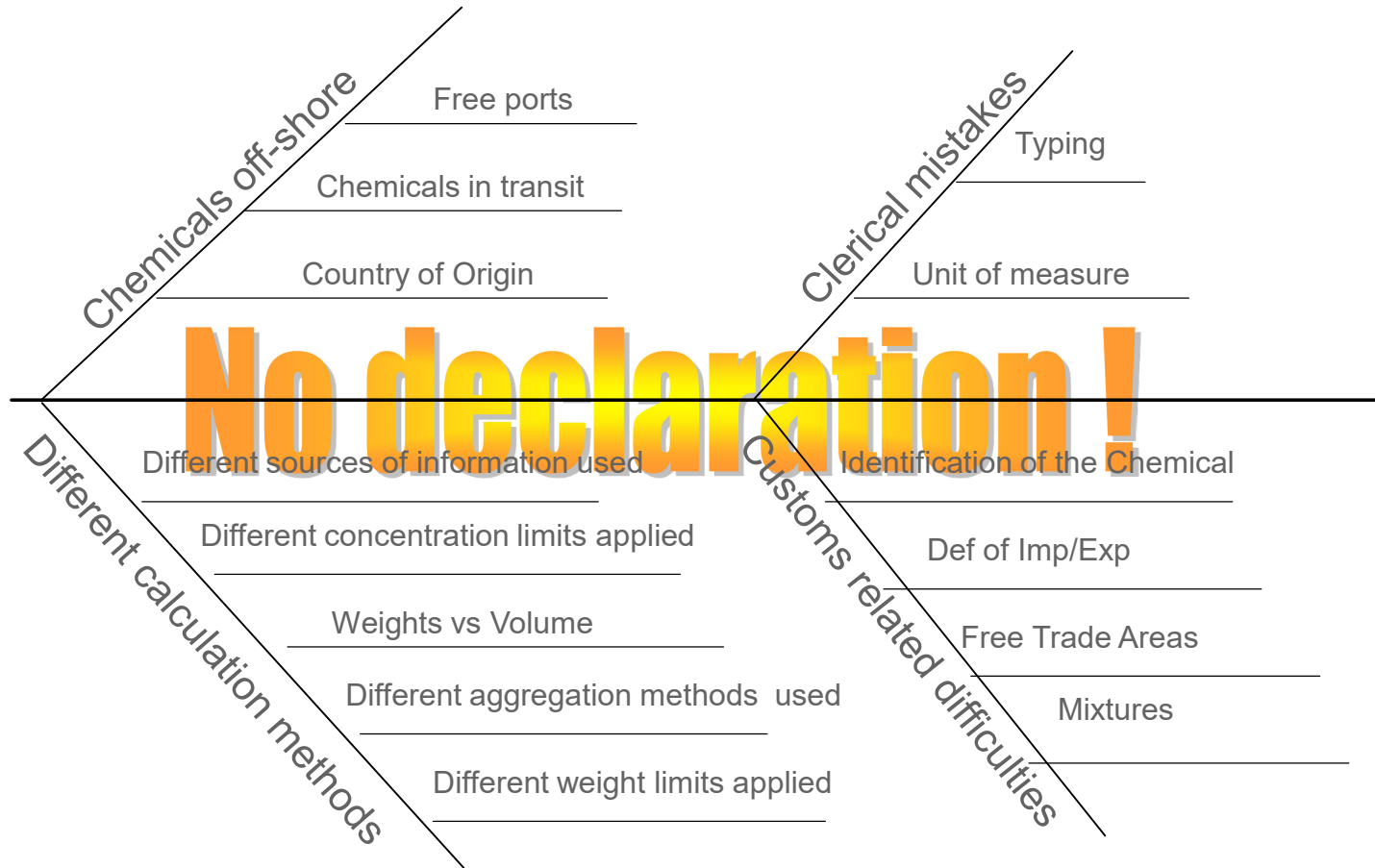


How do we tackle the issue?





Nature of Export-Import discrepancies





Technical Secretariat of the OPCW Info - Some States Parties have failed to declare AND

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).



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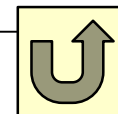


CWC States Parties

August 2022 [www.opcw.org]

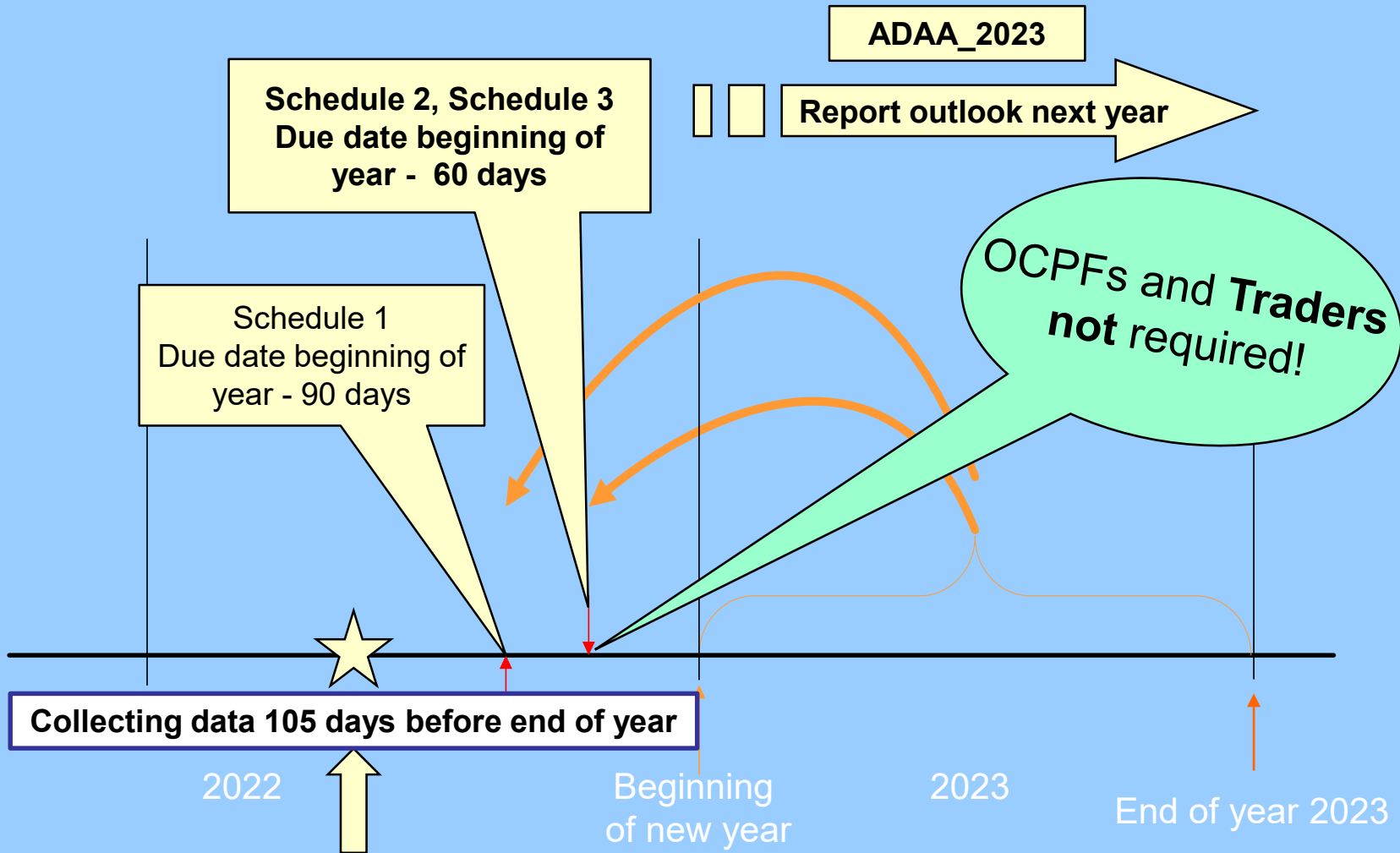


- **green:** 193 States Parties (PSE in Jun 2018)
- **Yellow:** 1 Signatory States: Israel
- **red:** 3 Non-Member States: Egypt, North Korea, South Sudan





Annual Declarations of Anticipated Activities (ADAA)





Companies Declaration Obligations

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

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



How do Determine if a Chemical is Subject to CWC Declarations?

For more background information consult OPCW-Webpage :

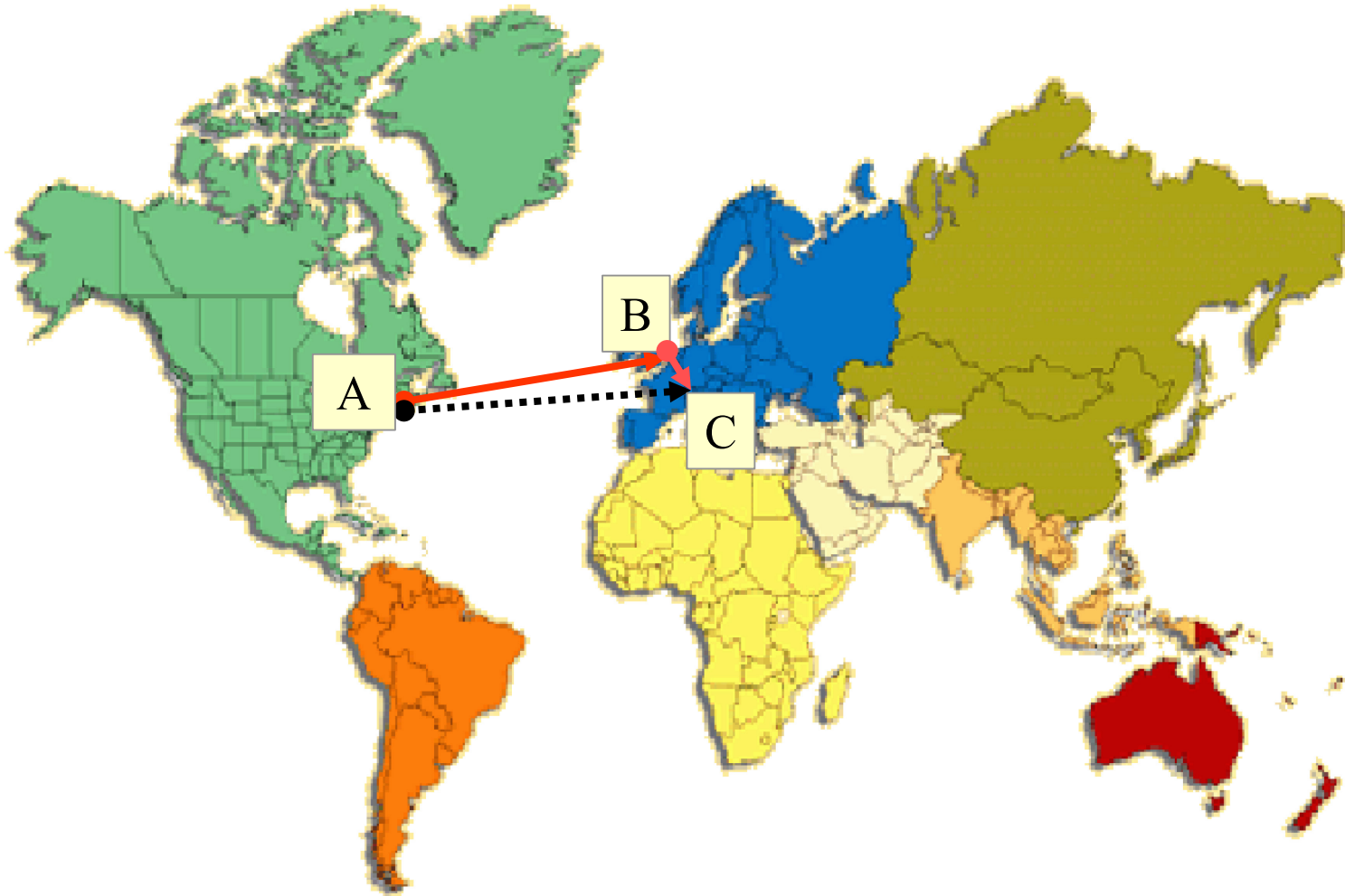
[Declarations Requirements for Scheduled Chemicals](#)

- Determine the CAS registry number most [traded Scheduled Chemicals](#) (49 most traded Schedule 2 and 3 chemicals)
- [Handbook on Chemicals](#) (2,143 chemicals) (<https://www.opcw.org/our-work/non-proliferation/declarations-adviser/declarations-handbook/>) or
- 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

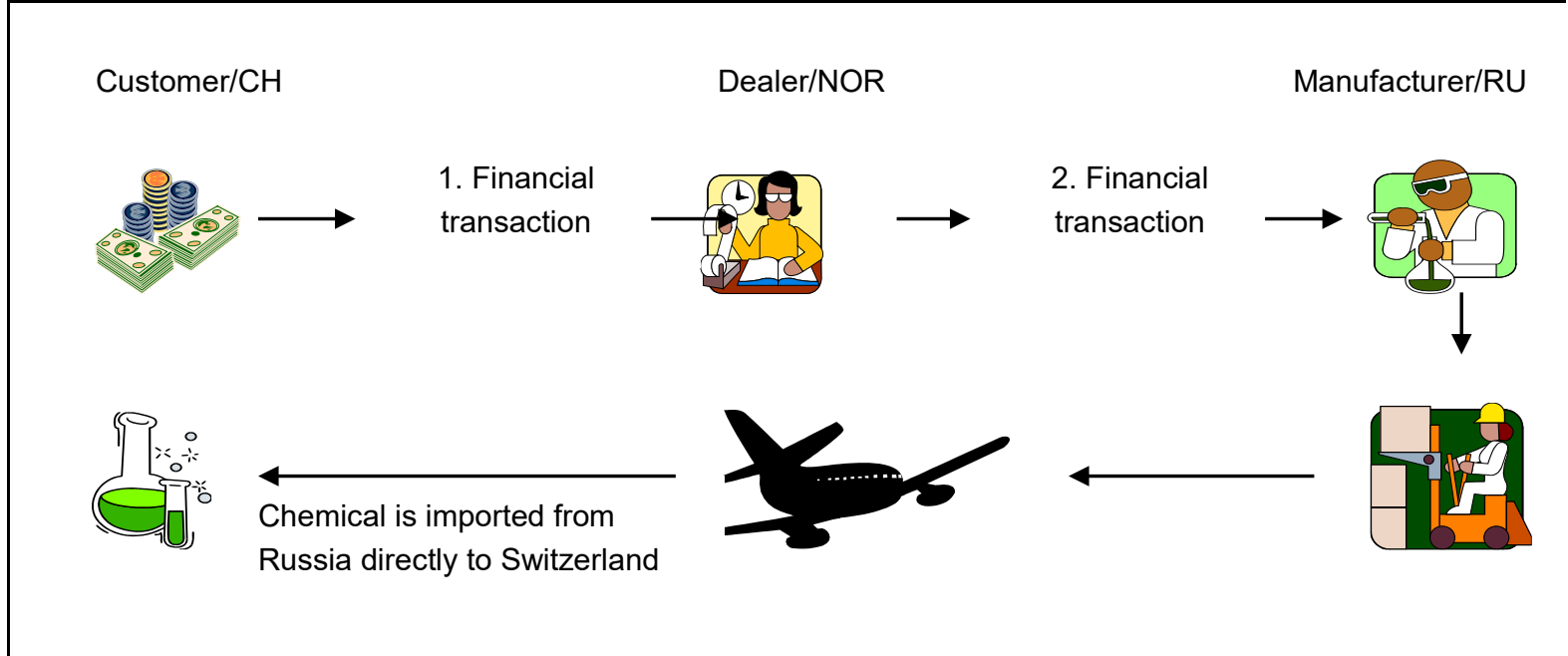
Who is the Importer/Exporter of Scheduled Chemicals for the CWC?





Determination of country of origin

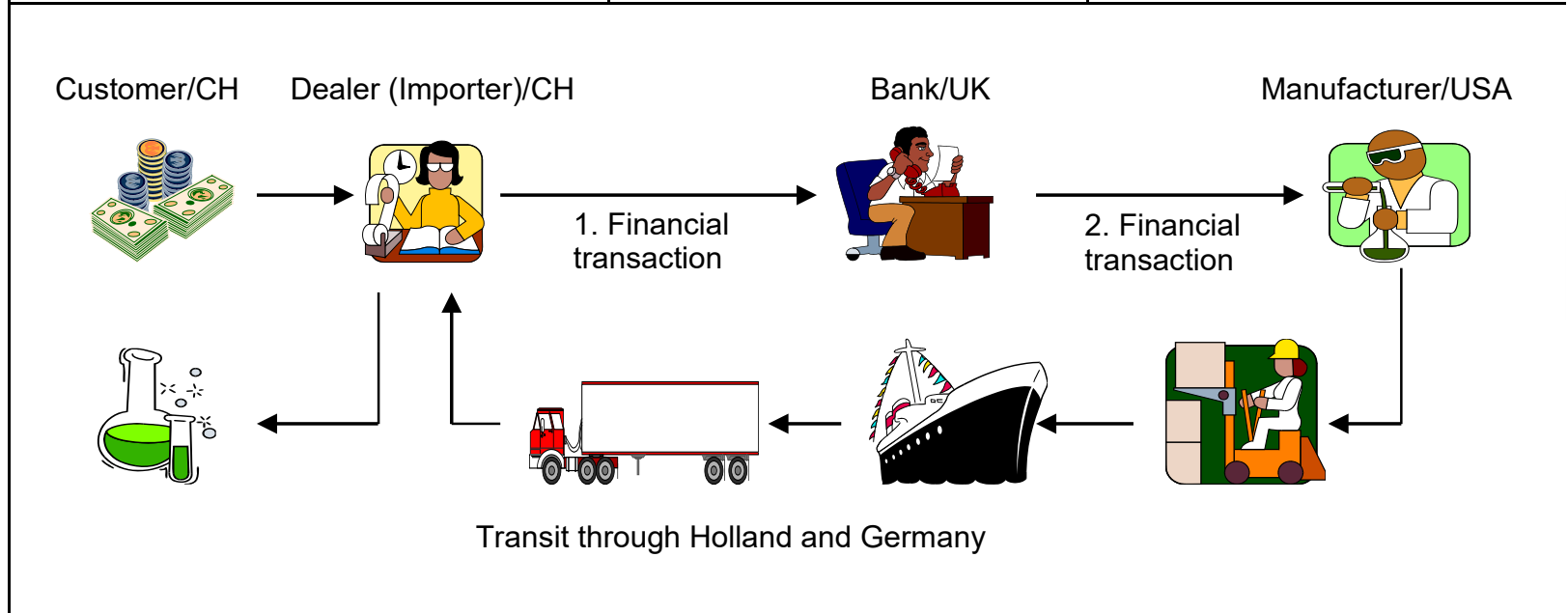
Contract and financial transaction	Physical way of the chemicals	Country of Origin in respect to the declarations
A Swiss company has a contract with a Norwegian company (dealer only) for the delivery of a chemical which is subject to the CWC control regime. The Norwegian company has a contract with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





Determination of country of origin

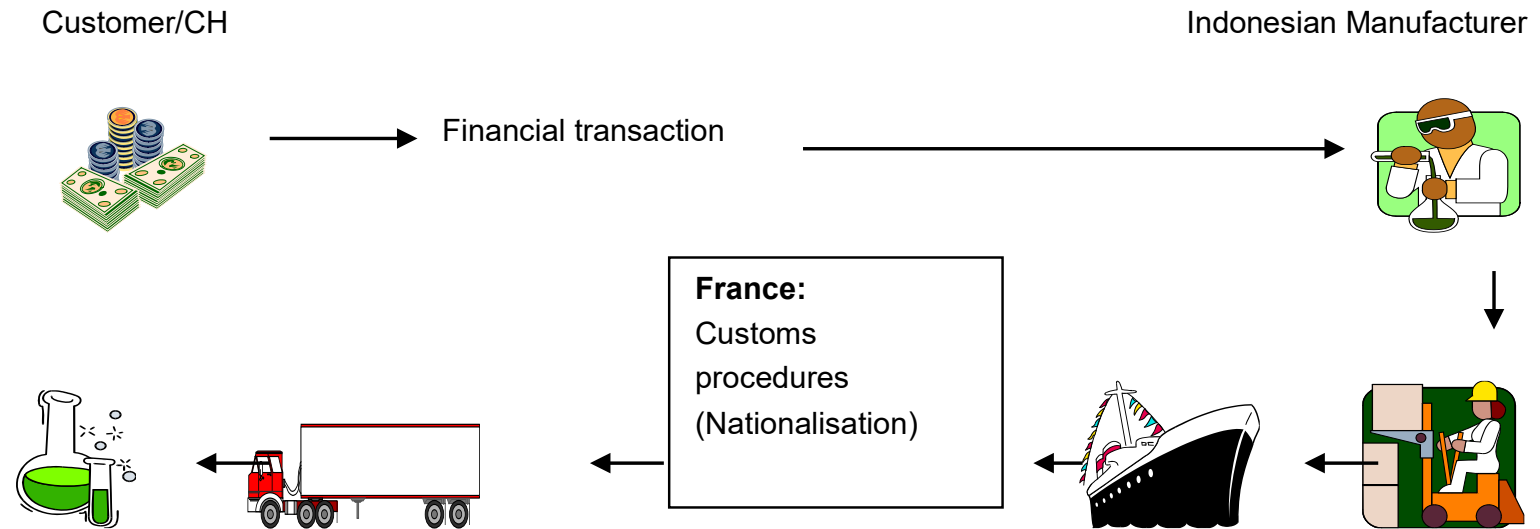
Contract and financial transaction	Physical way of the chemicals	Country of Origin in respect to the declarations
A Swiss dealer has a contract with an US manufacturer for the delivery of a chemical which is subject to the CWC control regime. The Swiss dealer resells the chemical to a customer within Switzerland. The customer transfers the payment to a UK Bank. The US manufacturer is paid by the UK Bank.	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.	





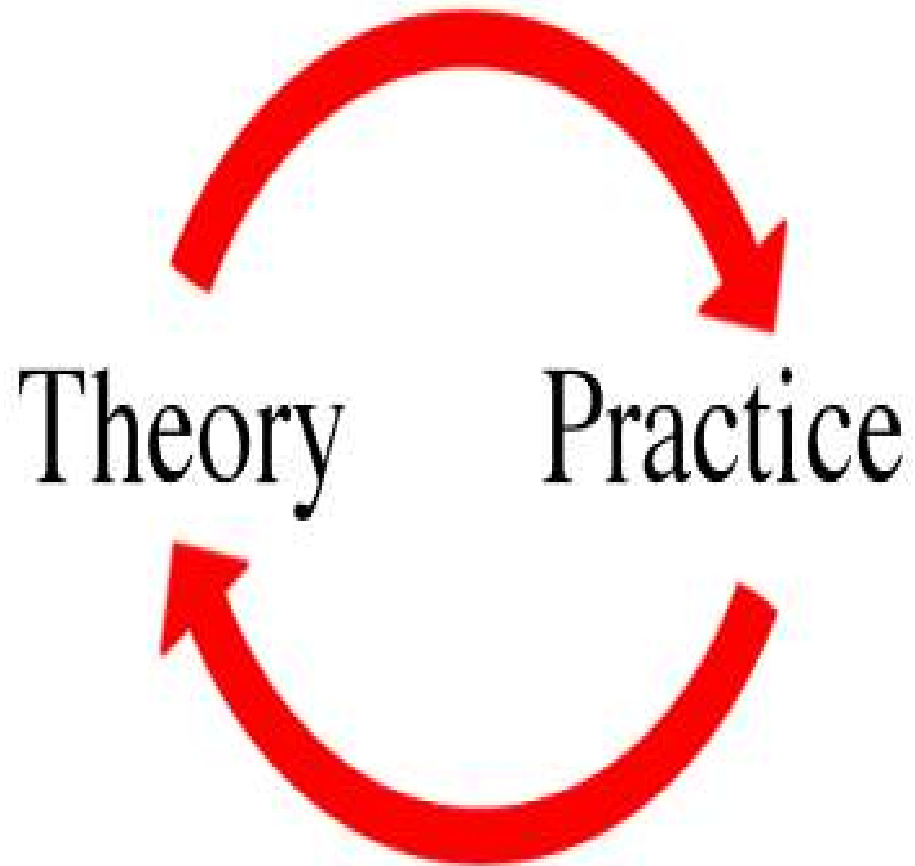
Determination of country of origin

Contract and financial transaction	Physical way of the chemicals	Country of Origin in respect to the declarations
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.	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.	





Turn to Practice - Examples





Example in your Handout

- [Trader CHE/0084](#)

⇒ Please consult instructions



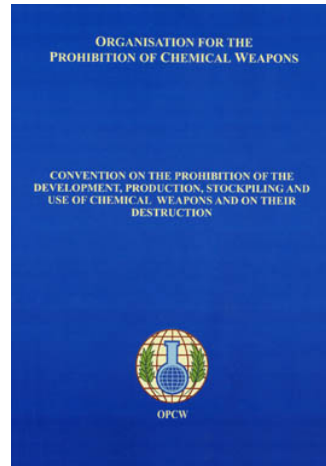
Guide for the Completion of the Annual Declarations of Past Activities in 2021.pdf



⇒ Correct declaration CHE/0084: [Form 1](#)



Thank you!





Break

