Training on CWC Obligations for Industry

4 and 25 September 2015
Contents

1. SECO: Export Controls and Sanctions, Technical Negotiations, Legal Basis and Licensing
2. Spiez Laboratory: The Swiss Institute for NBC-Protection
3. Chemical Weapons: Disarmament and Control
5. OPCW Industry Inspections
SECO: Export Controls and Sanctions, Technical Negotiations, Legal Basis and Licensing

Dominic Béchaz, Export Control Policy Dual-Use, SECO
SECO: Goals of Export Controls and Sanctions

Export Controls of War Material:
• Compliance with international obligations and preservation of foreign policy principals

Export Controls of Dual-Use Goods (civil and military goods):
• Prevention of non-proliferation of weapons of mass destruction (biological, chemical and nuclear weapons) and their delivery mechanisms.

Sanctions:
• Implementation of international sanctions (UN, EU) to support international peace and security as well as human rights.
SECO: Export Control Policy Dual-Use

- Chemical Weapons Convention (CWC)
- Biological Weapons Convention (BWC)
- Australia Group (AG)
- Nuclear Supplies Group (NSG)
- Missile Technology Control Regime (MTCR)
- Wassenaar Arrangement (WA)

Technical negotiations
Technical Expert Groups

1. Round of Negotiations
- Proposal to change control text
- Review of Member States (with affected Industry)
- Adoption into goods control ordonnance (Attachment 1, 2 and ML)
- Adoption and translation for EU Dual-Use List
- Plenary meetings (AG, MTCR, NSG, WA)

2. Round of Negotiations
- Agreement by consensus (technical group)

Revision of Proposal

No Agreement → Withdrawal of proposal

Adoption into goods control ordonnance (Attachment 1, 2 and ML)

Plenary meetings (AG, MTCR, NSG, WA)
Spiez Laboratory: The Swiss Institute for NBC-Protection

Beat Schmidt, Head of Arms Control, Chemistry Section at Spiez Laboratory
Spiez Laboratory & NBC Centre Spiez

The NBC-EOD Centre of Competence of the Swiss Armed Forces

Sports Facilities

SPIEZ LABORATORY
Training on CWC Obligations for Industry
SECO and SPIEZ LABORATORY
Staff: 103 persons as per 01.01.2015

- Academics: 28
- Engineers: 14
- Technicians: 46
- Administration: 8
- Apprentices: 7
International Organisations

United Nations Organisation (UNO)
- UNSCOM und UNMOVIC: Arms Control in Iraq

Organisation for the Prohibition of Chemical Weapons (OPCW)
- Designated Laboratory *(Verification)*
- Delivery of Analytical Reference Chemicals and Data
- Training Courses for OPCW Inspectors, Internship

United Nations Environment Programme (UNEP)
- Kosovo, Serbia and Montenegro, Bosnia and Herzegovina *(Depleted Uranium)*
- Romania, Afghanistan *(Water)*
- Palestine, Iraq, Liberia *(Build-up of Environmental Protection Agency)*
- Lebanon *(Uranium Ammunition)*
- Afghanistan *(Military Waste)*

International Atomic Energy Agency (IAEA)
- ALMERA Network IAEA
- Kuwait *(Depleted Uranium)*

World Health Organization (WHO)
- Global Outbreak Alert and Response Network (GOARN)

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SECO and SPIEZ LABORATORY
Objective Arms Control: **Prevention**

**Chemistry and Biology**

To serve and assist worldwide efforts in the **disarmament and non-proliferation** of biological and chemical weapons.

⇒ It deals with measures for disarmament, arms control and export control of biological and chemical weapons. Consequently arms control is engaged with the implementation, preservation and improvement of the relevant multinational regimes and treaties.
Biological / Chemical – Agents

Biological Weapons
Biological and Toxin Weapons Convention (BTWC)

Chemical Weapons
Chemical Weapons Convention (CWC)

Pathogens
Examples:
Smallpox
Ebola
Anthrax
Plague

Toxins
Examples:
Botulinum neurotoxin
Saxitoxin
Ricin

Bioregulators
Examples:
Endorphin
Neurokinin
Endothelin
Bradykinin

Toxic Chemicals
Examples:
Sarin
VX
HD
Chlorine

Infectious
Production: biological

Toxic
Production: biological/chemical

Toxic
Production: biological/chemical

Toxic
Production: Chemical
• Chemistry is making biology and biology is making chemistry supported with novel enabling technologies

What are the Implications on BWC and CWC?

Results were presented last year 2014 in The Hague (CWC) and Geneva (BWC) during the CSP (Report is online)
Chemical Weapons: Disarmament and Control

Beat Schmidt, Head of Arms Control, Chemistry Section at Spiez Laboratory
What are Chemical Weapons
Chemical Weapons

• Fully developed chemical weapons, the components of such weapons when stored separately (e.g. binary munitions)
• Chemicals used to produce chemical weapons (precursors) and,
• under the “general purpose criterion”, items with a civilian use when intended for chemical weapons (dual-use items)
• Munitions and devices intended for the delivery of toxic chemicals and equipment directly in connection with those munitions and devices.

155 mm VX Grenade, US
Chemical Weapons Convention

• A comprehensive prohibition of chemical weapons

• A multilateral and legally binding treaty for State Parties, which prohibits the development, production, acquisition, retention, stockpiling, transfer and use of chemical weapons and it requires each State Party to destroy chemical weapons and chemical weapons production facilities.

• The CWC entered into force April 29, 1997 (Switzerland ratified March 10, 1995)

• CWC is the first multilateral arms control treaty that incorporates an extensive verification regime.
OPCW
Organization for the Prohibition of Chemical Weapons

OPCW Headquarter is in The Hague:

The Organisation verifies the implementation of the CWC in the States Parties
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CWC States Parties
August 2015 [www.opcw.org]

- **green:** 192 States Parties
- **Yellow:** 1 Signatory States: Israel
- **red:** 3 Non-Member States: Egypt, North Korea, South Sudan
Pillars of the CWC

**DISARMAMENT**
- Destruction of all existing CW and CW Production Facilities (CWPF)

**NON-PROLIFERATION**
- Prohibition to assist or encourage anyone to engage in activities prohibited by the CWC or to spread CW

**INTERNATIONAL COOPERATION AND ASSISTANCE**
- Promote free trade and peaceful use of chemistry
- Assist and deliver protection equipment, medicine or provide advice if so needed by a SP
Chemical Weapons Convention

a) Destruction of all existing CW and CWPF

- Russia, USA, Albania, “a State Party”, India, Iraq, Libyan, Syria

Lethal dose of VX (10 mg for a human being; dermal poisoning)
Chemical Weapons Convention

a) Destruction of all existing CW and CWPF

RUS: 35’881t destroyed (89.8%; July 2015)

Shchuchye, RUS
Chemical Weapons Convention

a) Destruction of all existing CW and CWPF

USA: 24’923t destroyed (89.9%; July 2015)
### Other CW Possessor States

<table>
<thead>
<tr>
<th>Name</th>
<th>declared CW</th>
<th>destruction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>16.7t</td>
<td>100% (June 2007)</td>
</tr>
<tr>
<td>A State Party</td>
<td>~600t</td>
<td>100% (10.07.2008)</td>
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<tr>
<td>India</td>
<td>~1,000t</td>
<td>100% (16.03.2009)</td>
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<tr>
<td>Libya</td>
<td>~26.34t (+846t)</td>
<td>100% (30.09.2014)</td>
</tr>
<tr>
<td>Iraq (acceded 02. 2009)</td>
<td>CW remnants</td>
<td>bunker 13+41</td>
</tr>
</tbody>
</table>

- **Albania** declared 16.7 tons of CW and completed destruction in June 2007.
- **A State Party** declared approximately 600 tons of CW and completed destruction in July 2008.
- **India** declared about 1,000 tons of CW and completed destruction in March 2009.
- **Libya** declared about 26.34 tons of CW and completed destruction in September 2014.
- **Iraq** (acceded in 2009) declared CW remnants and completed destruction in 2014.
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SECO and SPIEZ LABORATORY
UN Investigation from 26. – 29. August 2013 in Ghouta - Sampling taking
Environmental Samples from SYR to Spiez
Sample Analytics and Evaluation

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SECO and SPIEZ LABORATORY
UN Secretary-General receives Report
After Ghouta - Syria Acceded CWC

14. Sept: RUS/USA reached an Agreement on SYR CW program

19. Sept: SYR informs the OPCW on his CW Program

27. Sept: OPCW decision and UN Security Council resolution

1. Oct: Advanced OPCW Team in Damascus

6. Oct: OPCW starts with CWPF-destruction


16. Oct: UN/OPCW Joint Mission, lead by Sigrid Kaag NLD
Shipment of toxic Chemicals outside SYR

Syrian Chemical Destruction Data

As of 27 July 2015

<table>
<thead>
<tr>
<th>Total Category (Cat. 1 and 2)</th>
<th>Total Amount</th>
<th>Amount Destroyed</th>
<th>Destroyed (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Category 1*</td>
<td>1,046,981 kg</td>
<td>1,046,981 kg</td>
<td>100.0%</td>
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<tr>
<td>Total Category 2**</td>
<td>261,040 kg</td>
<td>244,723 kg</td>
<td>93.7%</td>
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<tr>
<td>Total Chemicals (Cat. 1 and 2)</td>
<td>1,308,021 kg</td>
<td>1,291,704 kg</td>
<td>98.8%</td>
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</tbody>
</table>
Chemical Weapons Convention:
b) Prevent and deter new CW armament through OPCW routine Inspections of the civil chemical Industry

Objective:
verification of compliance with the Convention
➢ Are the submitted declarations accurate and correct?
➢ Any Schedule 1 chemicals? (particularly its production)
Chemical Weapons Convention:

c) Free trade in chemicals and open exchange of information on the peaceful applications of chemistry to further the economic and technological development of all States Parties.

Internship program

advise on elimination of CW e.g. Albania

protective equipment
Implementation of the Chemical Weapons Convention in Switzerland: National Authority

Dominic Béchaz, Export Control Policy Dual-Use, SECO
Chemical Weapons Convention (CWC)

- Disarmament and non-proliferation treaty under international law
- Peaceful use of chemicals
- Switzerland signed the CWC on 14 January 1993 and ratified it on 10 March 1995
- Entered into force on the 29 April 1997 and has 192 Member States
- Includes 24 articles and 3 annexes
- The Organisation for the Prohibition of Chemical Weapons (OPCW) in The Hague oversees the compliance of the Member States with the CWC
Structure of the Swiss National Authority
(Art. VII Obligation)
NA Working Methods

- Head of National Authority
- Head of delegation in international negotiations

Swiss Embassy in The Hague:
Permanent representative to the OPCW
NA Working Methods

- Lead in industry aspects (e.g. inspections, industry cluster)
- Represents industry interests in NA and international negotiations
- Implementation of export control regulations (Licensing)
NA Working Methods

FDFA
Division for Security Policy (DSP)

EAER
State Secretariat for Economic Affairs (SECO)

DDPS
International Relations Defence (IR D)

DDPS
SPIEZ LABORATORY (LS)

- Technical assistance and training for other Member States under Art. X (Assistance and Protection against Chemical Weapons)
- In charge of Schedule 1 Inspections
NA Working Methods

- Provides technical advice to Swiss delegations and the NA
- Reporting centre for all chemical industry declarations required by the CWC

Provides support to OPCW
- OPCW Central Analytical Database (OCAD)
- Reference samples
- MOCK inspections
- etc.
Legal Basis (related to chemicals)

Federal Constitution

Goods Control Act (GCA); Federal Act of 13 December 1996 on the Control of Dual-Use Goods and Specific Military Goods (SR 946.202)

Chemical Control Ordinance (ChCO); Ordinance on the Control of Chemicals for Civil and Military Applications (SR 946.202.21)

Goods Control Ordinance (GKO); Ordinance on the Control of Goods for Civil and Military Applications (SR 946.202.1)

Further ordinances (not relevant to chemicals)
**Licensing Procedure**

1. **Company**
   - Requested activity (e.g., licence req.)
     - Consultation

2. **SECO**
   - Political
   - Approval
   - Denial

3. **Export Control Group**
   - Approval
   - Denial
   - No consensus

4. **Federal Council**
   - Approval
   - Denial

**Denial Notification**
## Legal Basis: Chemicals Control Ordinance (ChCO)

<table>
<thead>
<tr>
<th>ChCO</th>
<th>Chapter 1</th>
<th>General provisions</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Chapter 2</td>
<td>Responsibilities</td>
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<tr>
<td></td>
<td>Chapter 3</td>
<td>Prohibitions</td>
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<tr>
<td></td>
<td>Chapter 4</td>
<td>Licensing obligations</td>
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<td></td>
<td>Chapter 5</td>
<td>Reporting obligations</td>
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<td></td>
<td>Chapter 6</td>
<td>Inspections</td>
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<td></td>
<td>Chapter 7</td>
<td>Legal sanctions</td>
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<tr>
<td></td>
<td>Chapter 8</td>
<td>Final provisions</td>
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<tr>
<td></td>
<td>Annex:</td>
<td>Lists of chemicals (scheduled chemicals)</td>
</tr>
</tbody>
</table>
Complete Revision of ChCO of 2013

1) Threshold for import and export of schedule 2 and 3 chemicals
   - CWC does not specify a de-minimis threshold
   - For practical purposes, Switzerland had already defined a threshold at the national level before the revision of the ChCO. This decision is now reflected in the ChCO.

2) Round-to-Zero-Rule for and Schedule 1 chemicals as intermediates
   - Schedule 1 chemicals produced as unavoidable by-products or impurities and in concentrations of less than 0.5% of the total product are rounded to zero and, therefore, need not be declared. Concentrations above 0.5% remain prohibited!
   - Schedule 1 chemicals that are produced as intermediates that are subsequently reacted to form another (non-Schedule 1) chemical, which exist only for a very short period of time and cannot be isolated, need not be declared.

3) Several other changes
   - Structure streamlined, language clarified
   - Changes relating to the national authority and competencies of federal agencies
   - Further changes – this is not an exhaustive list!
Revisions to the ChCO of 2015

1) Minor changes as a result of experiences made after complete revision of 2013

2) Introduction of Schedule-1 de-minimis rule for research purposes: no license is required for the processing and use (but not production!) of Schedule 1 chemicals of up to 100g per year for research, medical and pharmaceutical purposes
OPCW Industry Inspections

Dominic Béchaz, Export Control Policy Dual-Use, SECO
Art. VI: Activities not Prohibited under the CWC

- Outlines activities not prohibited under the Chemical Weapons Convention

- Includes declaration and on-site verification obligations of scheduled chemicals

- States general obligations concerning verification of production, processing and use of scheduled chemicals (Schedule 1, 2, 3) and Other Chemical Production Facilities (OCPF)

- Constitutes the basis for industry verification (inspections)
# CWC Annexes

<table>
<thead>
<tr>
<th>Annexes</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemicals:</td>
<td>Includes a list of all scheduled 1, 2, 3 Chemicals</td>
</tr>
<tr>
<td>Verification:</td>
<td></td>
</tr>
<tr>
<td>Part VII:</td>
<td>Regime for schedule 2 chemicals and facilities related to such chemicals</td>
</tr>
<tr>
<td>Part VIII:</td>
<td>Regime for schedule 3 chemicals and facilities related to such chemicals</td>
</tr>
<tr>
<td>Part IX:</td>
<td>Regime for Other Chemical Production Facilities (OCPF)</td>
</tr>
<tr>
<td>Confidentiality:</td>
<td>Measures to protect sensitive installations and prevent disclosure of confidential data in the course of on-site verification activities</td>
</tr>
</tbody>
</table>
Inspection aims

General Aim of OPCW Inspections

- Verify that activities are in accordance with Member States’ obligations under the Chemical Weapons Convention

Inspection Mandate

1) Verify that activities are consistent with the information provided in declarations

2) The particular aim of inspections shall be the verification of the absence of any schedule 1 chemical, especially its production
## Selection Procedure Plant Sites

| Schedule 2 | Priority on initial inspections (within 1 year)  
|           | Subsequent inspection based on risk. Key factors: relevant chemicals, characteristics of plant site, nature of activities carried out.  
|           | 8-10 S&A Inspections based on resources.  
| Schedule 3 | Random Selection Methodology:  
|           | Weighting factors (2 steps):  
|           | 1) geographic distribution -> selection of State Party  
|           | 2) information on declared plant sites -> selection of Plant Site  
| OCPF      | Random Selection Methodology:  
|           | Weighting factors:  
|           | Geographic distribution and information on declared plant sites based on A15 Algorithm:  
|           | \[ A15 = N^{1.5} \times M \times G \times P \times A \]  
|           | N = Number of plants  
|           | M = Range of production  
|           | G = Group codes  
|           | P = PSF or not  
|           | A = Site inspected before or not (0.1 = last year upto 1 = 10 years)  

**Industry Inspections**

**Schedule 2**
- Total 42 per year (Max 2 per year/facility)
- Priority on initial inspections (within 1 year)
- Subsequent inspection based on risk. Key factors: relevant chemicals, characteristics of plant site, nature of activities carried out.
- 8-10 S&A Inspections based on resources.

**Schedule 3**
- Total 29 per year (25% re-inspected)
- Random Selection Methodology:
  - Weighting factors (2 steps):
    1) geographic distribution -> selection of State Party
    2) information on declared plant sites -> selection of Plant Site

**OCPF**
- Total 137 per year (10% re-inspected)
- Random Selection Methodology:
  - Weighting factors:
  - Geographic distribution and information on declared plant sites based on A15 Algorithm:
  - \[ A15 = N^{1.5} \times M \times G \times P \times A \]
  - N = Number of plants
  - M = Range of production
  - G = Group codes
  - P = PSF or not
  - A = Site inspected before or not (0.1 = last year upto 1 = 10 years)
Conduct of Inspection

**Facility**
- Representatives during inspection: E.g. Environmental, health and safety officer, plant manager, etc.
- Prepare and give presentation on facility during the Pre-Inspection Briefing
- Assist during site tour, inspection on site and verification of declarations

**Escort Team**
- 3-5 members
- Escort Team is part of National Authority: SECO, SPIEZ LABORATORY, International Relations Defence
- Preparing of inspection within Switzerland
- Facilitates interaction between the industry representatives and the inspectors

**Inspection Team**
- 2-6 inspectors
- All inspectors from CWC Member States
- Requirements of the OPCW Inspectors: University degree and work experience in industry
- Receive special training from the OPCW for the work as inspector (part of the education is also executed at the Spiez Laboratory in form of MOCK inspections)

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Training on CWC Obligations for Industry
SECO and SPIEZ LABORATORY
Escort Team: Composition and Role

State Secretariat for Economic Affairs (EAER/SECO)
Lead of Escort Team

International Relations Defence (DDPS/IR D)
Security and transportation

SPIEZ LABORATORY (DDPS/LS)
Technical assistance

Pre-inspection Activities
- Receives inspection notification → SECO
- Forward an Advance Team to the Plant Site → LS
- Logistical arrangements for transport and accommodation → SECO/IR D
- Receive the Inspection Team at the Point of Entry (POE) to Switzerland → SECO/IR D

During the inspection
- Accompanies all activities of the Inspection Team (IT) and is facilitates between the inspected plant site representatives and the inspectors
- Monitors inspections and ensure that it proceeds in accordance with provisions of CWC
- Provide records and ensures classification of documents IT receives
- Advises plant site representatives on rights and obligations
- Acknowledges the Preliminary Inspection Findings
Example: Sequence of Actions DOC
Inspection (see also NA website)

- OPCW-Notification
- Min. 5 Days before arrival in CH
- In case of uncertainties, Inspection maybe extended
- Debriefing
  - Max. 24 h
- End of Inspection after 24 h
- Start of Inspection
- Max. 12 h
- Point of Entry (POE)

- Preinspection-briefing
  - Max. 3 h

- Elaboration of Inspection Plan

- Inspection Activities

- Work on preliminary findings
## Timelines OPCW-Notification and Physical Inspections

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Arrival of Notification</th>
<th>Allowed Timelines for physical inspections*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule 1</td>
<td>At short notice, generally 3-4 days before arrival of IT at POE</td>
<td>4-5 days</td>
</tr>
<tr>
<td>Schedule 2</td>
<td>At least 2 days before arrival of IT at POE</td>
<td>4 days</td>
</tr>
<tr>
<td>Schedule 3</td>
<td>At least 5 days before arrival of IT at POE</td>
<td>1 day</td>
</tr>
<tr>
<td>OCPF</td>
<td>At least 5 days before arrival of IT at POE</td>
<td>1 day</td>
</tr>
</tbody>
</table>

*may be extended if so agreed with the ISP
Objectives CHE National Authority

- Accomplish all set goals handed out in the inspection mandate to SPs – Switzerland as a State Party is inspected and wants to comply with CWC!

- No uncertainties – no (pending) issues

- Facilitators and Interpreters – least intrusive manner for the company

- Balance between protection of company (e.g. time, confidentiality issues, etc.) and Swiss interests (e.g. uncertainty)
Declarable vs. Inspectable Facilities (CH)
(as of 2015)

<table>
<thead>
<tr>
<th>Sites</th>
<th>Declared</th>
<th>Inspectable</th>
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<tr>
<td>Sched 1</td>
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<td>Sched 2</td>
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<td>Sched 3</td>
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<tr>
<td>OCPF</td>
<td>33</td>
<td>33</td>
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<tr>
<td>Total</td>
<td>52</td>
<td>43</td>
</tr>
</tbody>
</table>
Art. VI Inspections since 2011 (Global)

- 2011 (Total 209)
  - DOC: 127
  - Schedule 3: 42
  - Schedule 2: 29
  - Schedule 1: 11

- 2012 (Total 219)
  - DOC: 137
  - Schedule 3: 42
  - Schedule 2: 29
  - Schedule 1: 11

- 2013 (Total 229)
  - DOC: 147
  - Schedule 3: 42
  - Schedule 2: 29
  - Schedule 1: 11

- 2014 (Total 241)
  - DOC: 169
  - Schedule 3: 42
  - Schedule 2: 19
  - Schedule 1: 11

- 2015 (Total 241)
  - DOC: 169
  - Schedule 3: 42
  - Schedule 2: 19
  - Schedule 1: 11
## OPCW Inspections in CHE

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<td>82</td>
</tr>
</tbody>
</table>

Ca. 4 - 5 Inspections per year

Red: Inspections which were conducted sequentially (Total: 10)
* Sample & Analysis Inspections (Total S&A: 2)
Training on CWC Obligations for Industry
SECO and SPIEZ LABORATORY
Sampling & Analysis

Sampling

Analysis
Experiences

**Motto:** The better prepared the faster the inspection is!

Pay attention:

- Friendly and open atmosphere – inspectors are neither our enemies nor our friends
- Be polite and honest, support information with written and relevant documents
- Explain what they ask for and not more (no story tellers)
- In case of uncertainties – show documents first to ET in order to filter the relevant information
- Inspectors should have unimpeded access to different facilities, thus no „eye-catcher“!
Questions?