

FEDERAL REPUBLIC OF GERMANY

The impact of on-site inspections of current civilian production
on the chemical industry

Without any doubt the question of on-site inspections of civilian production facilities deserves a thorough discussion because many technical, legal and economic aspects must be taken into account and straightforward solutions are difficult. The main problem is that production processes in the chemical industry are the result of extremely expensive research undertaken in the fields of chemistry, technology and engineering. Some of the results of industrial research can be protected by patents, but the value of the protection is limited and does not include all the experience acquired during the practice of manufacturing which is generally referred to as know-how.

That is why industry has a legitimate interest in keeping certain details of the production process as well as of the construction of production facilities secret. On-site inspections should respect these legitimate interests of the chemical industry as far as possible. The crucial question can therefore be formulated as follows: is it possible to elaborate a practicable procedure for on-site inspections allowing the inspectors to gather sufficient information to ensure them that CW-agents are not produced in the controlled factory without forcing the producer to reveal commercial secrets?

Regarding the complexity of this problem in view of the high degree of diversification of the chemical industry, it goes without saying that it is impossible to describe the details of an on-site inspection procedure fulfilling the aforementioned requirement in a short working paper. Nevertheless, some principles can be enunciated which, in our opinion, could reduce the difficulties considerably.

(a) It is self-evident that verification is easier if the number of compounds the non-production of which is to be verified is small. Though a ban should be comprehensive, verification by on-site inspections should be restricted to those compounds which -- regarding the state of military technology -- actually are of practical importance. In this respect, certain derivatives of methanphosphonic acids are of outstanding importance. The following remarks therefore refer mainly to these compounds.