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### NOTE BY THE DIRECTOR-GENERAL

## REPORT ON THE RESULTS OF THE IMPLEMENTATION OF POLICY GUIDELINES FOR DETERMINING THE NUMBER OF ARTICLE VI INSPECTIONS

### Background

1. The Executive Council (hereinafter “the Council”) at its Sixty-Sixth Session adopted a decision entitled “Policy Guidelines for Determining the Number of Article VI Inspections” (EC-66/DEC.10, dated 7 October 2011). Pursuant to the request from the Council (operative paragraph 2 of EC-66/DEC.10), this Note reports the results of the first year of implementation of these policy guidelines.

### Assessment

2. The policy guidelines spell out requirements (contained in subparagraphs 1(a) to 1(d) of EC-66/DEC.10), which “should be taken into account in a balanced manner, recognising that the number of Article VI inspections will continue to be determined pursuant to both the requirements of, and the limits set by, the Convention” (operative paragraph 1 of EC-66/DEC.10). The assessment contained in this Note is based on the 219 inspections conducted in 2012.
3. Policy guideline 1(a) states: “[B]ased on current projections and subject to declarations from States Parties, the number of Schedule 1 inspections should remain stable; the number of Schedule 2 inspections should remain relatively stable; and the number of initial Schedule 3 inspections should be reduced in a balanced manner, so as to maintain the total number of Schedule 3 inspections at a relatively stable level”. The requirements of this guideline were met because:
  - (a) the number of Schedule 1, Schedule 2 and Schedule 3 inspections conducted in 2012 were the same as in 2011, that is, 11, 42, and 29, respectively; and
  - (b) the number of initial Schedule 3 inspections decreased from 22 in 2011 to 20 in 2012 through the Director-General’s decision to increase the rate of subsequent Schedule 3 inspections from 25% in 2011 to 30% in 2012 (paragraph 34 of EC-67/DG.14, dated 14 February 2012).
4. Guideline 1(b) reads as follows: “[I]nspectable scheduled and unscheduled Article VI facilities which have not yet received inspections, should be given priority in their related process of site selection”. This requirement was also met because:



- (a) All 12 Schedule 2 plant sites subject to inspection but that had yet to receive initial inspections as of the beginning of 2012 received an initial inspection in 2012.
  - (b) Twelve percent (that is, 20 plant sites) of the 172 Schedule 3 plant sites subject to inspection but that had yet to receive initial inspections as of the beginning of 2012 were inspected in 2012, while 4% (that is, nine plant sites) of the 246 Schedule 3 plant sites that had been inspected in previous years received a subsequent inspection in 2012.
  - (c) 3.6% (that is, 123 plant sites) of the 3,394 other chemical production facility (OCPF) plant sites subject to inspection but that had yet to receive initial inspections as of the beginning of 2012 were inspected in 2012, while 1.7% (that is, 14 sites) of the 815 sites that had been inspected in previous years received a subsequent inspection in 2012.
5. Furthermore, in relation to guideline 1(b), the Technical Secretariat (hereinafter “the Secretariat”) observes that all Schedule 1 facilities inspected in 2012 had been inspected in previous years.
  6. The requirements of guideline 1(c), which states that “[T]he length of time between two Article VI inspections in any one State Party should not exceed approximately eight years”, were not fully met. At the end of 2012, two States Parties had not received any inspections for the past eight years. Given the number of Article VI inspections, it was not expected that this guideline would be fully achieved.<sup>1</sup> The Secretariat aims at accomplishing the desired result by gradually increasing the number of subsequent OCPF inspections in parallel with a gradual increase in the number of Article VI inspections (see subparagraph 3(g) of operative paragraph 3 of C-16/DEC.12, dated 2 December 2011).
  7. The requirements of guideline 1(d), which reads: “[A]t least 50%, and if possible 60%, of States Parties that have declared inspectable Article VI facilities should receive at least one Article VI inspection each in any one year”, was met because 54% of the 80<sup>2</sup> States Parties (that is, 43 States Parties) that had declared at least one inspectable Article VI facility received at least one Article VI inspection in 2012.

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<sup>1</sup> The longest time between two inspections is expected to apply to States Parties that have declared only one facility subject to inspection. Such a case applies to States Parties that have declared only one OCPF. It should be borne in mind that States Parties that have declared scheduled facilities subject to inspection also declared OCPFs. Consequently, the length of time between two inspections in such States Parties depends on the number of subsequent OCPF inspections. With 14 subsequent inspections (as conducted in 2012), simulations indicate that the maximum length of time between two inspections in such States Parties would be approximately 15 years. This length of time should theoretically decrease when the number of subsequent inspections increases, but the actual figure may vary due to the randomness of the OCPF site-selection process.

<sup>2</sup> The number of States Parties declaring at least one inspectable Article VI facility was reduced to 79, following an inspection that found that the only plant site declared by one State Party was not inspectable.

**Conclusion**

8. During the first year of implementation of the “Policy Guidelines for Determining the Number of Article VI Inspections” (EC-66/DEC.10), the requirements of guidelines 1(a), 1(b) and 1(d) were fully met. Guideline 1(c) was not fully achieved, but the Secretariat aims at accomplishing the desired result by gradually increasing the number of subsequent OCPF inspections in parallel with a gradual increase in the number of Article VI inspections.

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