



Seventy-Third Session  
16 – 19 July 2013

EC-73/DEC.1  
17 July 2013  
Original: ENGLISH

## DECISION

### TERMINATION OF APPROVED SCHEDULE 2 FACILITY AGREEMENTS

**The Executive Council,**

**Recalling** paragraph 24 of Part VII of the Verification Annex to the Chemical Weapons Convention (hereinafter “the Verification Annex”), under which a facility agreement for a declared Schedule 2 plant site subject to on-site verification shall be concluded, unless the inspected State Party and the Technical Secretariat (hereinafter “the Secretariat”) agree that it is not needed;

**Noting** that, pursuant to subparagraph 34(c) of Article VIII of the Chemical Weapons Convention (hereinafter “the Convention”), the Executive Council (hereinafter “the Council”) shall “[A]pprove agreements or arrangements relating to the implementation of verification activities, negotiated by the Technical Secretariat with States Parties”;

**Recalling** that, since the entry into force of the Convention, the Council has approved facility agreements for 18 declared Schedule 2 plant sites located in five States Parties;

**Recognising** that, since the entry into force of the Convention, the Secretariat, by conducting over 600 Schedule 2 inspections, has acquired significant experience in regard to inspecting Schedule 2 plant sites; only 38 of these inspections were conducted with an approved facility agreement in place;

**Considering** that, to date, the effectiveness and completeness of the verification activities conducted by the Secretariat at Schedule 2 plant sites have not been affected by the absence of facility agreements;

**Recalling** that, at its Sixty-Second Session (paragraph 5.1 of EC-62/6, dated 8 October 2010), the Council considered and noted a Note by the Director-General (EC-61/DG.10/Rev.1, dated 30 August 2010) entitled “Update on Schedule 2 Facility Agreements”, which stated that “the Secretariat will ordinarily not seek to conclude facility agreements for Schedule 2 plant sites unless the State Party in question and the Secretariat agree that a facility agreement for a particular Schedule 2 plant site is required” (paragraph 7 of EC-61/DG.10/Rev.1);

**Noting** that each approved facility agreement stipulates that it will cease to be in force when the provisions of paragraph 12 of Part VII of the Verification Annex no longer apply to the plant site concerned, except if the continuation of the agreement is agreed by mutual consent;



**Further noting** that, out of the 18 facility agreements concluded in relation to Schedule 2 plant sites, four, as listed in Annex 2 to this decision, have ceased to be in force. Accordingly only 14 Schedule 2 facility agreements remain in effect; and

**Taking into account** the results of the assessment by the Secretariat communicated to the Council by means of a Note by the Director-General (EC-73/DG.9, dated 4 July 2013) on the “Review of Schedule 2 Facility Agreements”, and the agreement of the State Party concerned to the assessment by the Secretariat;

**Hereby:**

1. **Approves** the termination of the 14 facility agreements listed in Annex 1 to this decision, which will cease to be in effect as from the date of this decision;
2. **Notes** that, in accordance with their own provisions, the facility agreements listed in Annex 2 have ceased to be in force; and
3. **Requests** that, consistent with current practice and as indicated in EC-61/DG.10/Rev.1, the Secretariat:
  - (a) will continue to assess each and every declared Schedule 2 plant site and, if it determines that a facility agreement is necessary for a given Schedule 2 plant site, initiate negotiations with the relevant State Party; and
  - (b) during the initial inspection of all Schedule 2 plant sites, will continue, in accordance with paragraph 17 of Part VII of the Verification Annex, to collect the information required to draft facility agreements and, if the State Party in question and the Secretariat agree to negotiate a facility agreement, the relevant information will be updated during subsequent inspections.

**Annexes:**

- Annex 1: List of Terminated Schedule 2 Facility Agreements and Facility Arrangements  
Annex 2: List of Approved Schedule 2 Facility Agreements that Have Ceased To Be in Force

**Annex 1****LIST OF TERMINATED SCHEDULE 2 FACILITY AGREEMENTS  
AND FACILITY ARRANGEMENTS**

<b>State Party</b>	<b>Schedule 2 Plant Sites</b>	<b>Approval Reference</b>
Italy	Dow Italia S.P.A., Correggio (RE)	EC-38/DEC.4, dated 13 October 2004
Italy	Cambrex Profarmaco S.P.A., Paullo, Milan	EC-38/DEC.5, dated 13 October 2004
Italy	Sifavitor S.P.A., Casaletto, Lodigiano, Lodi	EC-38/DEC.6, dated 13 October 2004
Italy	Solvay Solexis S.P.A, Spinetta Marengo, Alessandria	EC-38/DEC.7, dated 13 October 2004
Italy	Procos S.P.A., Cameri, Novara	EC-38/DEC.8, dated 13 October 2004
Italy	Solmag S.P.A., Garbagnate, Milan	EC-38/DEC.9, dated 13 October 2004
Italy	Sandoz Industrial Products S.P.A., Rovereto, Trento	EC-49/DEC.2, dated 27 June 2007
Sweden	Amersham Biosciences AB, Uppsala	EC-31/DEC.1, dated 10 December 2002
Switzerland	Säurefabrik Schweizerhall, Pratteln	EC-XVII/DEC.6, dated 3 December 1999
Switzerland	Ciba Specialty Chemicals, Monthey	EC-XVII/DEC.6, dated 3 December 1999
United Kingdom of Great Britain and Northern Ireland	Fluon Plant – AGC Chemicals Europe, Ltd, Thornton Cleveleys, Lancashire	EC-49/DEC.7, dated 28 June 2007
United Kingdom of Great Britain and Northern Ireland	Ellesmere Port Incineration Plant, Cleanaway Ltd., Ellesmere Port, Cheshire	EC-52/DEC.3, dated 4 March 2008
United Kingdom of Great Britain and Northern Ireland*	Albemarle Chemicals (UK), Avonmouth Works, Avonmouth, Bristol	EC-49/DEC.8, dated 28 June 2007
United States of America	Ciba Specialty Chemicals Corporation - McIntosh-A, McIntosh, Alabama	EC-50/DEC.1, dated 26 September 2007

\* The plant site ceased declarable activity in 2012 and is due for demolition. However, the plant site continues to meet the requirements of paragraph 12 of Part VII of the Verification Annex until December 2014 (based on activities in 2011).

**Annex 2**

**LIST OF APPROVED SCHEDULE 2 FACILITY AGREEMENTS THAT HAVE  
CEASED TO BE IN FORCE**

<b>State Party</b>	<b>Schedule 2 Plant Sites</b>	<b>Approval Reference</b>
Italy	Archimica S.R.L., Isso	EC-49/DEC.1, dated 27 June 2007
Switzerland	Lonza AG, Visp, Wallis	EC-XVII/DEC.6, dated 3 December 1999
Switzerland	Ciba Specialty Chemicals located at Basel	EC-XVII/DEC.6, dated 3 December 1999
Switzerland	Siegfried CMS AG, Zofingen, Aargau	EC-XVII/DEC.6, dated 3 December 1999

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