



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 third year of implementation (2014) 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 241 inspections conducted in 2014.
3. Policy guideline 1(a) states that “based 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”. Unlike the first two years of implementation of EC-66/DEC.10, the requirements of this guideline were met only for Schedule 1 and Schedule 2 inspections. This is because:
 - (a) the number of Schedule 1 and Schedule 2 inspections conducted in 2014 was the same as in 2013 (11 and 42 respectively); and
 - (b) the number of initial Schedule 3 inspections was reduced from 20 in 2013 to 10 in 2014, while the number of subsequent Schedule 3 inspections was maintained at nine, for the reasons explained in the Note entitled “Updated Assessment of a Methodology for the Selection of Schedule 3 Plant Sites for Inspection” (S/1088/2013, dated 11 April 2013).¹ Accordingly, the total

¹ See, for example, paragraphs 9 and 10 of S/1088/2013.



number of Schedule 3 inspections was decreased from 29 in 2013 to 19 in 2014.

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”. As during the first two years of implementation of EC-66/DEC.10, this requirement was met because:
 - (a) more than 95% (21 plant sites) of the 22 Schedule 2 plant sites subject to inspection but that had yet to receive initial inspections as of the beginning of 2014 received an initial inspection in 2014, while 12% (21 plant sites) of the 167 Schedule 2 plant sites that had been inspected in previous years received a subsequent inspection in 2014;
 - (b) more than 8% (10 plant sites) of the 125 Schedule 3 plant sites subject to inspection but that had yet to receive initial inspections as of the beginning of 2014 were inspected in 2014, while 3.3% (nine plant sites) of the 272 Schedule 3 plant sites that had been inspected in previous years received a subsequent inspection in 2014; and
 - (c) a total of 4.1% (135 plant sites) of the 3,261 other chemical production facility (OCPF) plant sites subject to inspection but not yet inspected at the beginning of 2014 were inspected in 2014, while 3.3% (34 sites²) of the 1,017 sites that had been previously inspected received a subsequent inspection in 2014.
5. Furthermore, in relation to guideline 1(b), the Technical Secretariat (hereinafter “the Secretariat”) observes that all Schedule 1 facilities inspected in 2014 had been inspected in previous years.
6. Guideline 1(c) states that “the length of time between two Article VI inspections in any one State Party should not exceed approximately eight years”, which requirement was not fully met in 2014, as during the first two years of implementation of EC-66/DEC.10. At the end of 2014, three States Parties had not received any inspections for approximately the past eight years. Each of these States Parties has declared only one inspectable OCPF. For two of these States Parties, the latest inspection was carried out in 2005, while the remaining State Party received its most recent inspection in 2004. Several factors have been identified as influencing the achievement of the requirements of this policy guideline, including: the modification of the OCPF site selection methodology three times over the last 10 years; the evolution of the number of OCPF inspections and the rate of subsequent OCPF inspections; and the variations in the declaration data set for States Parties declaring a small number of inspectable sites. The effect of numerous changes implemented over the past few years are not expected to be reflected in a single year (2014), which makes it difficult for the Secretariat to currently draw conclusions or to make recommendations in order to ensure that the requirement will be fully met in the future.

²

The rate of subsequent inspections for OCPF inspections was increased from 15% in 2013 to 20% in 2014; thus, 34 out of 169 OCPF inspections were conducted in a plant site that had already been inspected.

7. Guideline 1(d) reads as follows: “[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”. As in the previous two years, this requirement was fully met, because 63% (50 States Parties) of the 79 States Parties that had declared at least one inspectable Article VI facility received at least one Article VI inspection in 2014. It should be noted that, in 2014, the rate exceeded 60% for the first time, mainly as a consequence of the increase in the number of States Parties receiving OCPF inspections (see Note S/1240/2015, dated 6 February 2015).

Conclusion

8. In 2014, the third year of implementation of the “Policy Guidelines for Determining the Number of Article VI Inspections” (EC-66/DEC.10), the requirements of guidelines 1(b) and 1(d) were fully met, while the requirements of guideline 1(c) were not, potentially as a result of the adverse impact of some of the factors mentioned in paragraph 6. The requirements of guideline 1(a) were met only for Schedule 1 and Schedule 2 inspections, but not for Schedule 3 inspections.
9. With the exception of the requirements of guideline 1(a) for Schedule 3 inspections, the results in terms of adherence to the guidelines set out in EC-66/DEC.10 were similar during all three years of implementation of that decision.
10. The Secretariat considers that additional time of implementation of these policy guidelines (without changes to the OCPF site selection methodology and inspection parameters) is needed before corrective actions can be proposed to achieve the requirements of guideline 1(c).