



DECISION

FACILITY AGREEMENT BETWEEN THE ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS AND THE GOVERNMENT OF INDIA REGARDING ON-SITE INSPECTIONS AT THE SCHEDULE 1 SINGLE SMALL-SCALE FACILITY LOCATED AT CDEF, DEFENCE RESEARCH AND DEVELOPMENT ORGANISATION, BORKHEDI CAMP, WARDHA ROAD, NAGPUR, MAHARASHTRA, INDIA

The Executive Council,

Recalling that paragraph 3 of Part III of the Verification Annex to the Chemical Weapons Convention (hereinafter “the Verification Annex”) requires each State Party to conclude a facility agreement with the OPCW for each facility declared and subject to on-site inspection pursuant, inter alia, to Article VI of the Chemical Weapons Convention (hereinafter “the Convention”);

Also recalling that, according to paragraph 8 of Part III of the Verification Annex, facility agreements “shall be based on models for such agreements and provide for detailed arrangements which shall govern inspections at each facility”, and that the Conference of the States Parties at its Third Session approved a model agreement for Schedule 1 facilities (C-III/DEC.14, dated 20 November 1998);

Recalling further that subparagraph 34(c) of Article VIII of the Convention states that the Executive Council shall approve “agreements or arrangements relating to the implementation of verification activities, negotiated by the Technical Secretariat with States Parties”;

Noting that, on the basis of the above-mentioned model facility agreement for Schedule 1 facilities, the Technical Secretariat and the Government of India have negotiated a facility agreement for a Schedule 1 single small-scale facility located in India, the text of which is set out in EC-96/HP/DEC.1 (dated 9 March 2021);

Bearing in mind that this facility agreement is without prejudice to the relevant provisions of the Convention; that nothing in this facility agreement shall be applied or interpreted in a way that contradicts the Convention; and that, in the event of a conflict between this facility agreement and the Convention, the Convention shall take precedence; and

Recognising that Member States of the OPCW remain free either to draw upon the present facility agreement for the conclusion of other facility agreements or arrangements, or to depart from it, where they deem this to be appropriate, thereby not establishing a precedent for future



agreements or arrangements, provided that the new facility agreements or arrangements conform to the Convention, and so long as they retain the general form and content of the model facility agreement for Schedule 1 facilities;

Hereby:

Approves the facility agreement between the OPCW and the Government of India set out in EC-96/HP/DEC.1.

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