

**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 ninth year of implementation (2020) of these policy guidelines.

Assessment

2. The policy guidelines spell out requirements (contained in subparagraphs (a) to (d) of operative paragraph 1 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 planned for 2020.
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”. The assessment against the policy guidelines is based on the 241 inspections planned for 2020.
4. Due to the COVID-19 pandemic and its impact on OPCW activities, the actual number of Article VI inspections conducted in 2020 was 82 (34% of the planned number). The purpose of this document is to report on the results of the implementation of the policy guidelines for determining the number of Article VI inspections. Because of the unusual circumstances of 2020, reporting based on the actual inspections conducted would not accurately reflect the results of the implementation of the policy guidelines. This report therefore bases its findings on the complete inspection plan for 2020 (241 inspections), rather than the actual number of inspections conducted (82 inspections).
5. The number of Schedule 1, Schedule 2, and Schedule 3 inspections planned for 2020 was the same as for 2019 (11, 42, and 19 respectively).



6. Eighty-two Article VI inspections were completed by the end of 2020:
 - (a) Schedule 1: seven inspections (64% of the planned number) of the 11 included in the Programme and Budget for 2020;
 - (b) Schedule 2: 16 inspections (38% of the planned number) of the 42 included in the Programme and Budget for 2020;
 - (c) Schedule 3: four inspections (21% of the planned number) of the 19 included in the Programme and Budget for 2020; and
 - (d) other chemical production facilities (OCPFs): 55 inspections (33% of the planned number) of the 169 included in the Programme and Budget for 2020.
7. As was the case in 2019, 10 initial Schedule 3 inspections were planned for 2020 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 Given the COVID-19 pandemic, it was possible to conduct only two of the 10 planned initial Schedule 3 inspections.
8. Policy guideline 1(b) states that “inspectable scheduled and unscheduled Article VI facilities which have not yet received inspections should be given priority in their related process of site selection”. As was the case in the first eight years of implementation of EC-66/DEC.10, the Technical Secretariat (hereinafter “the Secretariat”) continues to give priority to Schedule 1 inspections, as well as initial Schedule 2 and Schedule 3 inspections. Sixteen initial Schedule 2 inspections were planned. However, due to the COVID-19 pandemic, only seven out of the 16 planned initial Schedule 2 inspections were conducted in 2020.
9. Furthermore, in relation to policy guideline 1(b), the Secretariat observes that all Schedule 1 facilities inspected in 2020 had been inspected in previous years.
10. Policy 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”. This requirement was not fully met in 2020, as was the case for the first eight years of implementation of EC-66/DEC.10. At the end of 2020, seven States Parties had not received any inspections for approximately the past eight years. As was the case in the previous years, the number of OCPF plant sites declared by these States Parties is very low: just one or two. Three of these States Parties had not declared inspectable plant sites for some time.
11. Regarding the lack of adherence to policy guideline 1(c), the number of States Parties not receiving any inspections for approximately the past eight years has remained significant since the number of OCPF inspections, the OCPF site selection methodology, and its parameters have been kept stable—that is, four States Parties in 2015, five in 2016, seven in 2017, eight in 2018, six in 2019, and seven in 2020. Given this trend, it is difficult at present for the Secretariat to predict that the requirements of this policy guideline will be fully met in the future.

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

12. Policy guideline 1(d) states that “at 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 eight years, this requirement was fully met because 49 (61%) of the 80 States Parties that had declared at least one inspectable Article VI facility received at least one Article VI inspection in 2020.

Conclusion

13. In 2020, the ninth year of implementation of the “Policy Guidelines for Determining the Number of Article VI Inspections” (EC-66/DEC.10), the requirements of policy guidelines 1(a), 1(b), and 1(d) were fully met.
14. The requirements of guideline 1(c) were not fully met. The Secretariat considers it difficult at present to predict whether the requirements of policy guideline 1(c) will be fully met in the future.
15. Overall, the results in terms of adherence to the guidelines set out in EC-66/DEC.10 have been similar for all nine years of implementation of that decision. A difference was observed in 2014, only with regard to the implementation of guideline 1(a) for Schedule 3 inspections, following the issuance of Note S/1088/2013, which provided an updated assessment of the site selection methodology.

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