



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 tenth year of implementation (2021) 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 that were planned for 2021.
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 2021.
4. Because of the COVID-19 pandemic and its impact on OPCW activities, the actual number of Article VI inspections conducted in 2021 was 80 (33% 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 2021, 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 2021 (241 inspections), rather than the actual number of inspections conducted (80 inspections).
5. The number of Schedule 1 and Schedule 3 inspections planned for 2021 was the same as for 2020 (11 and 19 respectively).



6. From 2004 to 2020, there were 42 Schedule 2 inspections each year provided for in the Programme and Budget. The global chemical industry has grown significantly in the past few years. At the same time, the Technical Secretariat (hereinafter “the Secretariat”) has observed a gradual accumulation of Schedule 2 plant sites that are due for inspection, but which remain uninspected each year. This backlog was raised during the July 2020 meeting of the Industry Cluster, with a proposal to increase the number of Schedule 2 inspections in the Programme and Budget from 42 to 49. Accordingly, 49 Schedule 2 inspections were approved in the 2021 Programme and Budget. This increase was accompanied by a corresponding reduction in the number of inspections of other chemical production facilities (OCPFs) from 169 to 162.
7. A total of 80 Article VI inspections had been completed by the end of 2021, as follows:
 - (a) Schedule 1: 13 inspections of the 11 included in the Programme and Budget for 2021 (118% of the planned number);
 - (b) Schedule 2: 22 inspections of the 49 included in the Programme and Budget for 2021 (45% of the planned number);
 - (c) Schedule 3: seven inspections of the 19 included in the Programme and Budget for 2021 (37% of the planned number); and
 - (d) OCPFs: 38 inspections of the 162 included in the Programme and Budget for 2021 (23% of the planned number).
8. As was the case in 2020, 10 initial Schedule 3 inspections had been planned for 2021 for the reasons explained in the Note by the Director-General 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 one of the 10 planned initial Schedule 3 inspections.
9. 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 nine years of implementation of EC-66/DEC.10, the Secretariat continues to give priority to Schedule 1 inspections, as well as initial Schedule 2 and Schedule 3 inspections. Seventeen initial Schedule 2 inspections had been planned; however, because of the COVID-19 pandemic, only six of the 17 planned initial Schedule 2 inspections were conducted in 2021.
10. Furthermore, in relation to policy guideline 1(b), the Secretariat observes that all Schedule 1 facilities inspected in 2021 had been inspected in previous years, with the exception of two newly declared Schedule 1 facilities that were added to the 2021 inspection plan. The annual Schedule 1 inspection plan gives priority to newly declared Schedule 1 facilities.
11. 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 2021, as was the case for the first nine years of implementation of

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

EC-66/DEC.10. At the end of 2021, eight States Parties had not been selected for 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 at just one or two. Two of these States Parties had not declared inspectable plant sites for some time.

12. 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 remains significant—that is, five States Parties in 2016, seven in 2017, eight in 2018, six in 2019, seven in 2020, and eight in 2021. During this same period, the number of OPCW inspections and the OCPF site selection methodology remained unchanged. Given this trend, the Secretariat is unable at present to predict whether the requirements of policy guideline 1(c) will be fully met in the future.
13. 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 44 (56%) of the 79 States Parties that had declared at least one inspectable Article VI facility were selected for at least one Article VI inspection in 2021.

Conclusion

14. In 2021, the tenth 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.
15. The requirements of guideline 1(c) were not fully met. The Secretariat is unable at present to predict whether the requirements of policy guideline 1(c) will be fully met in the future.
16. Overall, the results in terms of adherence to the guidelines set out in EC-66/DEC.10 have been similar for all 10 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.