

**DECISION****CRITERIA FOR THE APPLICABILITY AND SUFFICIENCY  
OF BILATERAL/MULTILATERAL VERIFICATION PROCEDURES****The Conference**

**Recalling** that the Commission, in its PC-VI/22, subparagraph 6.8(i), adopted the criteria for the applicability and sufficiency of bilateral/multilateral verification procedures,

**Bearing in mind** that the Commission recommended in paragraph 49.2.5 of its Final Report that the Conference adopt the above mentioned criteria,

**Hereby:**

1. **Adopts** the criteria for the applicability and sufficiency of bilateral/multilateral verification procedure, annexed hereto.

Annex

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## **Annex**

### **GENERIC APPLICABILITY OF BILATERAL/MULTILATERAL VERIFICATION PROCEDURES**

1. In accordance with paragraphs 13 and 16 of Article IV, the OPCW shall consider measures to avoid the unnecessary duplication of bilateral and multilateral agreements on the verification of chemical weapons destruction between States Parties when:
  - (a) the verification provisions of such an agreement are consistent with the verification provisions of Article IV, paragraph 13 and Part IV(A);
  - (b) the implementation of such an agreement provides sufficient assurance of compliance with the relevant provisions of the Convention;
  - (c) parties to the bilateral or multilateral agreement keep the OPCW fully informed about their verification activities.
2. The Executive Council shall decide to limit the OPCW's verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement by assessing it and its implementation against the following criteria:
  - (a) consistency;
  - (b) comprehensiveness; and
  - (c) effectiveness.
3. The following should be evaluated against the above criteria when relevant or appropriate:
  - (a) the definition of chemical weapons: the definition of chemical weapons in relation to a bilateral or multilateral agreement must be consistent with the definition of chemical weapons in the CWC;
  - (b) declarations: there should be provisions in a bilateral or multilateral treaty for the declaration of the general plan for destruction, detailed annual plans for destruction, and annual reports on destruction of chemical weapons and detailed facility information, in a form that is compatible with the OPCW's declaration formats;
  - (c) inspection regimes: there should be provision for an initial visit and for subsequent systematic on-site monitoring of chemical weapons destruction facilities to verify both the declarations referred to in 3. (b) above and the destruction process and these should reflect an effectiveness sufficient to satisfy the requirements of the Convention. The burden of proof of the

effectiveness of the bilateral/multilateral inspection regime lies with the parties to the bilateral/multilateral agreements. Indicators of bilateral/multilateral verification effectiveness might include, inter alia, the frequency of inspections, notification timelines, and the intensity of inspections of equivalent facilities that are conducted by the OPCW;

- (d) facility agreements: there should be an agreement mechanism which meets the requirements of the Convention for a facility agreement for each declared chemical weapons destruction facility. The facility agreements should be consistent with the facility agreements employed by the OPCW;
  - (e) provision of information: the following information shall be provided to the OPCW by the States involved in bilateral or multilateral agreements:
    - (i) inspection reports, to be available to the Director-General within a time frame comparable to the submission of reports of inspections conducted by the OPCW;
    - (ii) facility agreements or appropriate mechanisms as noted in 3. (d) above; and
    - (iii) notifications that could trigger multilateral monitoring activities, e.g. intent to conduct an inspection; and
    - (iv) copies of declarations exchanged between parties to the bilateral/multilateral agreement. Such copies of declarations should provide information additional to that required by the OPCW's declaration formats that is relevant to the aims of the Convention.
4. The Executive Council should assess the sufficiency of bilateral/multilateral verification agreements against the criteria of consistency, comprehensiveness and effectiveness to determine whether the complementary measures or provisions of the verification regime shall apply.
  5. If complementary measures have been implemented by the Executive Council, the Director-General should report to the Executive Council on the verification activities taken by the parties to bilateral/multilateral agreements and on the complementary measures. This should include an assessment of their effectiveness.
  6. Should the Director-General at any time have uncertainties about the effectiveness of any bilateral/multilateral inspection regime, he shall approach the States Parties for clarification. If the uncertainties cannot be removed or if the facts established suggest that obligations undertaken under this Convention have not been met, the Director-General shall inform the Executive Council without delay.
  7. If the Executive Council finds reason to doubt the effectiveness of any bilateral/multilateral agreement, it should consider directing the implementation of the

OPCW's verification regime. The Executive Council should take appropriate measures aimed at clarifying the issue prior to directing such action.

8. In accordance with paragraph 16 of Article IV of the Convention, if the Executive Council decides to limit the OPCW's verification measures to complementary measures, the costs of these measures shall be paid in accordance with the United Nations scale of assessment as specified in paragraph 7 of Article VIII of the Convention.

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