

DECISION

**NOTIFICATION FORMATS IN CHALLENGE INSPECTION, ILLUSTRATIVE
EXAMPLES OF THE TYPE OF INFORMATION WHICH MIGHT BE INCLUDED
UNDER "ALL APPROPRIATE INFORMATION ON THE BASIS OF WHICH THE
CONCERN (OF POSSIBLE NON-COMPLIANCE) HAS ARISEN", IN THE
CONTEXT OF FORMAT 1, COMMON UNDERSTANDINGS ON THESE
NOTIFICATION FORMATS, AND FORMAT OF AN INSPECTION MANDATE FOR
THE CONDUCT OF A CHALLENGE INSPECTION**

The Conference

Recalling that the Commission, in its PC-XII/17, paragraph 8.2, adopted the Notification Formats 1-7 in Challenge Inspection together with the illustrative examples of the type of information which might be included under "all appropriate information on the basis of which the concern (of possible non-compliance) has arisen", in the context of Format 1, the common understandings on these Notification Formats, and the Format of an Inspection Mandate for the Conduct of a Challenge Inspection,

Bearing in mind that the Commission recommended in paragraph 51.3 of its Final Report that the Conference adopt the above mentioned understanding,

Hereby:

1. **Adopts** the Notification Formats 1-7 in Challenge Inspection together with the illustrative examples of the type of information which might be included under "all appropriate information on the basis of which the concern (of possible non-compliance) has arisen", in the context of Format 1, the common understandings on these Notification Formats and the Format of an Inspection Mandate for the Conduct of a Challenge Inspection.

Annex

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Annex

NOTIFICATION FORMATS IN CHALLENGE INSPECTION, ILLUSTRATIVE EXAMPLES OF THE TYPE OF INFORMATION WHICH MIGHT BE INCLUDED UNDER "ALL APPROPRIATE INFORMATION ON THE BASIS OF WHICH THE CONCERN (OF POSSIBLE NON-COMPLIANCE) HAS ARISEN", IN THE CONTEXT OF FORMAT 1, COMMON UNDERSTANDINGS ON THESE NOTIFICATION FORMATS, AND FORMAT OF AN INSPECTION MANDATE FOR THE CONDUCT OF A CHALLENGE INSPECTION¹

1. COMMON UNDERSTANDINGS

(a) Classification:

the initial classification of a Challenge Inspection request is left to the requesting State Party. Until receipt by the Director-General, and by the Executive Council, the requesting State Party's classification, if any, applies. Thereafter, the appropriate OPCW classification applies for all communications from the OPCW to State Parties; and

(b) Means of Transmission:

means of transmission (MOT) are to be consistent with classification and should be established between the individual State Parties and the OPCW to ensure the validity of any request. MOT should ensure clarity of the transmitted material to include any images, e.g. diagrams or maps. The OPCW is required to abide by the Confidentiality Annex;

(c) Format 1. It is understood that:

- (i) the question of the language(s) for the submission of the Challenge Inspection requests may have practical implications for the handling and processing for all formats;
- (ii) the term "nature" under point 4 (a) in Format 1 is related to the type of possible non-compliance with the provisions of the Convention (e.g. CW production, storage, etc.); and
- (iii) if the requesting State Party does not indicate in the Challenge Inspection request format the nationality of the observer or additional information indicated by paragraph 6 of Format 1, this is not a reason for the Director-General, in reviewing the request, to indicate that the requirements for a Challenge Inspection are not met;

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As contained in Appendices 1 to 7 of the Annex to PC-IV/B/WP.10; paragraph 5 of the Annex to PC-IV/B/WP.10 as amended by PC-XIII/18, paragraph 7.4; and Annexes 1 and 2 of PC-XII/B/WP.3.

- (d) Format 3. It is understood that:
 - (i) the time frame for compiling the format starts when the Director-General receives the request for a Challenge Inspection; and
 - (ii) the time frames related to the request do not relate to the time frames applicable to the Executive Council action under Article IX, paragraphs 16 and 17;
- (e) Format 4. It is understood that under the heading : "Additional Information Deemed Appropriate," at the discretion of the requesting State Party, the following items could, for example, be included:
 - (i) provision of additional map(s) with scale(s);
 - (ii) designation of the requested perimeter with exact geographic location reference to characteristic points; and
 - (iii) additional information which might include details regarding location, name and address of the site, if known;
- (f) Format 4A. It is understood that:
 - (i) if the requesting State Party elects to send an observer by indicating the observer's name in Appendix 1, then use of Format 4A will be required;
 - (ii) the Director-General may be notified of the information in Format 4A simultaneously with or at any time after transmission of the Challenge Inspection request. Ideally the requesting State Party would provide this information as soon as possible, but in any case, prior to the Director-General's notification of the intent to conduct a Challenge Inspection to the inspected State Party (Verification Annex, Part X, paragraph 11). The Director-General would include the information in Format 4A in the aforementioned notification; and
 - (iii) in addition to the data provided under paragraph 7 in Format 4A, there may be further exchanges of information between the requesting State Party and the Director-General;
- (g) Format 6. It is understood that:
 - (i) in paragraph 2, the request for a Challenge Inspection is the one that meets the requirements for a request for a Challenge Inspection;
 - (ii) in paragraph 4 (f), in providing information under this paragraph the Director-General should include distinguishing data, e.g. passport number, etc.; and

- (iii) in paragraph 5, provision of information by the Director-General on the list of inspection equipment under this paragraph would facilitate its expeditious clearance at the point of entry. It is also recognised that other information could be provided.

2. NOTIFICATION FORMATS IN CHALLENGE INSPECTION

- Format 1: Challenge Inspection Request format**
(Verification Annex, Part X, Section B, paragraph 4)
- Format 2: Acknowledgement of Challenge Inspection Request Format**
(Verification Annex, Part X, Section B, paragraph 5)
- Format 3: Format for Implementation of Article IX, paragraph 14**
- Format 4: Challenge Inspection Format for Notification of the Location of the Inspection Site**
(Verification Annex, Part X, Section B, paragraphs 6 and 7)
- Format 4A: Challenge Inspection: Notification on Requesting State Party's Observer**
(Article IX, paragraph 12; Verification Annex, Part X, Section B, paragraph 4 and Section C, paragraphs 53 and 56)
- Format 5: Format for the Transmission of Information from the Director-General to the Executive Council about the Location of the Inspection Site**
(Verification Annex, Part X, Section B, paragraph 10)
- Format 6: Format for Transmission of the Inspection Request to the Inspected State Party Including Location of the Inspection Site and Information Specified in Verification Annex, Part II, paragraph 32**
(Verification Annex, Part X, Section B, paragraph 11)
- Format 7: Format for Acknowledgement of Receipt of Notification of Intent to Conduct a Challenge Inspection**
(Verification Annex, Part II, Section D, paragraph 33)

Format 1
Challenge Inspection Request Format
(Verification Annex, Part X, Section B, paragraph 4)

Date and Time in GMT of Transmission:

Classification:

To: Executive Council and Director-General

From (Requesting State Party):

Subject: Request For a Challenge Inspection

1. State Party to be Inspected:

and Host State Where the Inspection Will Take Place (if applicable):
2. Point of Entry to be Used:
3. The Size and Type of the Inspection Site:
4. Concern Regarding possible Non-Compliance:
 - (a) Specification of the Relevant Provisions of the Convention about which Concern has Arisen:
 - (b) Specification of the Nature and Circumstances of Possible Non-Compliance:
 - (c) All Appropriate Information on the Basis of Which the Concern has Arisen:
5. Data on Requesting State Party's Observer:
 - (a) Name:
 - (b) Nationality (optional):
6. Additional Information Deemed Necessary:

Format 2
Acknowledgement of Challenge Inspection Request Format
(Verification Annex, Part X, Section B, paragraph 5)

Date and Time in GMT of Transmission:

Classification:

To: (Requesting State Party)

Copy To: Executive Council

From: Director General

Subject: Challenge Inspection Request from (Requesting State Party) of (Date and Time in GMT of Transmission)

OPCW Reference Code:

The Director-General acknowledges receipt in The Hague (Date and Time in GMT of Receipt) of the request for a Challenge Inspection.

Format 3
Format for Implementation of Article IX, paragraph 14

Date and Time in GMT of Transmission:

Classification:

To: (Requesting State Party)

Copy to: Executive Council

From: Director-General

Subject: Article IX, Paragraph 14

OPCW Reference Code:

Reference: Challenge Inspection Request from (Requesting State Party) of (Date and Time in GMT of Transmission)

___ The request meets the requirements for a request for Challenge Inspection. Preparations for the Challenge Inspection are underway.

___ The request does not meet the requirements for a request for Challenge Inspection. The following information is requested:

Format 4

Challenge Inspection Format for Notification of the Location of the Inspection Site
(Verification Annex, Part X, Section B, paragraphs 6 and 7)

Date and Time in GMT of Transmission:

Classification:

To: Director-General

From: (Requesting State Party)

Subject: Notification of the Location of the Inspection Site

OPCW Reference Code:

Reference: Challenge Inspection Request from (Requesting State Party) of (Date and Time in GMT of Transmission)

Content: - Site diagram related to a reference point with geographic co-ordinates, specified to the nearest second, if possible (Enclosure 1).

- If possible, a map with general indication of the inspection site and a diagram specifying as precisely as possible the requested perimeter of site to be inspected (Enclosures 2 thru___).

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Additional Information Deemed Appropriate:

Format 4A

Challenge Inspection: Notification on Requesting State Party's Observer
(Article IX, paragraph 12; Verification Annex, Part X, Section B, paragraph 4 and Section C, paragraphs 53 and 56)

Date and Time in GMT of Transmission:

To: Director-General and Executive Council

From: (Requesting State Party)

Subject: Information on Requesting State Party's Observer

OPCW Reference Code:

Reference: Challenge Inspection Request from (Requesting State Party) on (Date and Time in GMT of Transmission)

1. Name (Family Name, Given Name(s)):
2. Nationality:
3. Passport Data (Type, Date, Place of Issue, and Number):
4. Date and Place of Birth:
5. Sex:
6. Languages (For Interpretation Services):
7. Co-ordination Information about the Observer's Arrival at the Designated POE:
8. Additional information:

Format 5
Format for the Transmission of
Information from the Director-General to the Executive Council about the Location of
the Inspection Site
(Verification Annex, Part X, Section B, paragraph 10)

Date and Time in GMT of Transmission:

Classification:

To: Executive Council

From: Director General

Subject: Information about the Location of the Inspection Site

OPCW Reference Code:

Reference: Challenge Inspection Request from (Requesting State Party) of (Date and Time in GMT of Transmission)

Enclosed is Format 4 received from (Requesting State Party)

Date and Estimated Time of Arrival in GMT of the Inspection Team at the Point of Entry:

Format 6
Format for Transmission of the Inspection Request to the Inspected State Party
Including Location of the Inspection Site and Information Specified in Verification
Annex, Part II, paragraph 32
(Verification Annex, Part X, Section B, paragraph 11)

Date and Time in GMT of Transmission:

Classification:

To: (Inspected State Party and, if applicable, Host State Party)

From: Director General

Subject: Notification of the Intent to Conduct a Challenge Inspection pursuant to Article IX of the Chemical Weapons Convention

OPCW Reference Code:

Content:

1. Notification of the Intent to Conduct a Challenge Inspection pursuant to Article IX of the Chemical Weapons Convention.
2. Enclosure 1 is the request for a Challenge Inspection received from (Requesting State Party).
3. Enclosure 2 is the notification of the location of the inspection site.
4. Information specified in Part II, paragraph 32 of the Verification Annex:
 - (a) the type of inspection;
 - (b) the point of entry;
 - (c) the date and estimated time of arrival at the point of entry;
 - (d) the means of arrival at the point of entry;
 - (e) the site to be inspected;
 - (f) the names of inspectors and inspection assistants; and
 - (g) if appropriate, aircraft clearance for special flights.
5. Additional information:

Format 7
Format for Acknowledgement of Receipt of Notification of Intent to Conduct a
Challenge Inspection
(Verification Annex, Part II, Section D, paragraph 33)

Date and Time in GMT of Transmission:

Classification:

To: Director General

From: (Inspected State Party and, if applicable, Host State Party)

Subject: Acknowledgement of Receipt of Notification of Intent to Conduct a Challenge Inspection of (Date and Time in GMT and OPCW Code of Transmission)

OPCW Reference Code:

Content: (Inspected State Party and, if applicable, Host State Party) acknowledges receipt (Date and Time in GMT of Receipt) of notification of intent to conduct a Challenge Inspection.

3. ILLUSTRATIVE EXAMPLES OF THE TYPE OF INFORMATION WHICH MIGHT BE INCLUDED UNDER "ALL APPROPRIATE INFORMATION ON THE BASIS OF WHICH THE CONCERN (OF POSSIBLE NON-COMPLIANCE) HAS ARISEN", IN THE CONTEXT OF FORMAT 1

Paragraph 9 of Article IX obliges the requesting State Party to "keep the inspection request within the scope of the Convention" and to provide "all appropriate information on the basis of which a concern has arisen regarding possible non-compliance with the Convention as specified in the Verification Annex". The following are illustrative examples, neither comprehensive nor prescriptive, of the type of such information which the requesting State Party could provide:

1. The nature of the suspected non-compliance, such as, inter alia:
 - (a) development of chemical weapons;
 - (b) production transfer/acquisition/stockpiling/retention of chemical weapons;
 - (c) use of chemical weapons; use of riot control agents as a method of warfare;
 - (d) assisting, encouraging or inducing anyone to engage in an activity prohibited under the Convention;
 - (e) production/processing/consumption of scheduled chemicals except as permitted under the Convention;
 - (f) omission of declarations, or submission of inaccurate declarations, due under the Convention.
2. The types and amounts, as appropriate, of chemicals, munitions, devices, or specifically designed equipment suspected to have been involved.
3. The period within which the activities are suspected to have been carried out.
4. The type of facility(ies)/installation(s)/building(s)/area(s) suspected to have been involved.
5. The possible extent of the activities and the ways and means used.
6. Specific chemical signatures emanating from the facility(ies).

4. FORMAT OF AN INSPECTION MANDATE FOR THE CONDUCT OF A CHALLENGE INSPECTION

(Article IX, paragraph 18)

To: [Name]; Inspection Team Leader

From: Director-General of the Technical Secretariat

Subject: Mandate For Challenge Inspection, Reference Number:

In accordance with the relevant provisions of the Convention, I have received a request for an on-site challenge inspection (Attachment 1) and hereby mandate and instruct an inspection team under your leadership, in accordance with this request, to collect and document on-site such facts as are relevant to the concerns raised by the requesting State Party for the sole purpose of clarifying any questions concerning possible non-compliance with the Convention.

1. State Party to be inspected:

Host State where the inspection will take place (if applicable):
2. Point of Entry to be used:
3. Name and nationality of the observer, if applicable:
4. Inspection site and specification of the requested perimeter
 - (a) Type and Configuration:²
 - (b) Location: (Attachment 2)³
5. Relevant provisions of the Convention about which the concern has arisen:
6. Nature and circumstances of possible non-compliance:
7. All appropriate information on the basis of which the concern has arisen:
8. Names of the inspectors and inspection assistants assigned to your inspection team:

² Corresponds to the entry under paragraph 3 in Format 1.

³ Attachment 2 is a copy of Format 4. It may either be attached to the mandate when issued to the inspection team leader, or communicated to him/her before the arrival of the inspection team at the POE.

9. The inspection equipment from the list of approved equipment which the inspection team has been authorised to carry is attached (Attachment 3):
10. The inspected State Party has been/will be notified in accordance with paragraph 32 of Part II of the Verification Annex (Attachment 4)⁴:
11. Any particular operational instructions⁵:

Signature of the Director-General of the Technical Secretariat
of the Organisation for the Prohibition of Chemical Weapons

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⁴ Attachment 4 is a copy of Format 6. It may either be attached to the mandate when issued to the inspection team leader, or communicated to him/her before the arrival of the inspection team at the POE.

⁵ Particular operational instructions/limitations from the Director-General which have the view of achieving the purposes of the inspection while ensuring the rights of the inspected State Party.