



OPCW

Executive Council

Seventieth Session
25 – 28 September 2012

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DECISION

GUIDELINES FOR THE NUMBER, INTENSITY, DURATION, TIMING AND MODE OF INSPECTIONS AT SCHEDULE 1 SINGLE SMALL-SCALE FACILITIES AND AT OTHER SCHEDULE 1 FACILITIES

The Executive Council,

Recalling that paragraph 3 of Article VI of the Chemical Weapons Convention (hereinafter “the Convention”) requires that Schedule 1 facilities specified in Part VI of its Verification Annex (hereinafter “the Verification Annex”) shall be subjected to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with that Part of the Verification Annex;

Recalling further that paragraph 23 of Part VI of the Verification Annex, relating to verification at single small-scale Schedule 1 facilities (hereinafter “SSSFs”), as defined in paragraphs 8 and 9 of Part VI of the Verification Annex, provides that the “number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the object and purpose of this Convention posed by the relevant chemicals, the characteristics of the facility and the nature of activities carried out there”, and that “[a]ppropriate guidelines shall be considered and approved by the Conference”;

Recalling also that paragraph 30 of Part VI of the Verification Annex, relating to verification at other facilities referred to in paragraphs 10 and 11 of Part VI of the Verification Annex (hereinafter “other Schedule 1 facilities”), provides that the “number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the object and purpose of this Convention posed by the quantities of chemicals produced, the characteristics of the facility and the nature of the activities carried out there”, and that “[a]ppropriate guidelines shall be considered and approved by the Conference”;

Bearing in mind that facility agreements covering detailed inspection procedures at each facility have been concluded for all Schedule 1 facilities declared so far, in accordance with paragraphs 26 and 31 of Part VI of the Verification Annex;

Recalling moreover that, at its Sixty-Second Session, the Executive Council (hereinafter “the Council”) noted the report of the Vice-Chairperson of the cluster on chemical industry and other Article VI issues on the status of outstanding industry issues on the agenda of the Council since the Second Special Session of the Conference of the States Parties to Review



the Operation of the Chemical Weapons Convention (EC-62/4, dated 5 October 2010), and concurred with the proposal contained therein that the guidelines for the number, intensity, duration, timing, and mode of inspections at Schedule 1 SSSFs should be considered in conjunction with the issue of the guidelines for inspections at other Schedule 1 facilities (paragraph 16.5 of EC-62/6, dated 8 October 2010);

Having considered that there are currently 27 declared and inspectable Schedule 1 facilities in 22 States Parties, namely: eight SSSFs, 17 Other Schedule 1 Facilities for Protective Purposes, and two Other Schedule 1 Facilities for Research, Medical, or Pharmaceutical Purposes, and that, since entry into force of the Convention, all currently declared Schedule 1 facilities have been inspected with an average of 7.9 inspections per facility, with some of them having been inspected up to eleven times;

Noting that the level of the risk they pose to the object and purpose of the Convention is related to Schedule 1 chemicals present at these facilities, their design and characteristics, as well as to their actual handling capabilities (production and storage);

Taking into account that, pending the adoption by the Conference of guidelines on this matter, the Technical Secretariat (hereinafter “the Secretariat”) has been relying on previous inspection reports, declarations and official correspondence, as well as on the relevant facility agreements to select the facilities and plan the number, intensity, duration, and timing of inspections of those facilities;

Recalling that the number of inspections at Schedule 1 facilities is continuously adjusted, in line with the requirements of the Convention and decisions taken by the State Parties, that special consideration in selecting facilities to be inspected is given to the facilities that reported significant production activities and/or changes in the installation or in the delineation of these facilities, and that any newly-declared Schedule 1 facility shall be subject to an initial inspection;

Recalling further that, since 2007, inspections at Schedule 1 facilities have been carried out at the rate of 11 per year; and

Having received a recommendation from the Vice-Chairperson of the cluster on chemical industry and other Article VI issues to forward for the consideration of the Conference this decision on the number, intensity, duration, timing, and mode of inspections for Schedule 1 single small-scale facilities and for other Schedule 1 facilities;

Hereby:

Recommends that the Conference at its Seventeenth Session:

1. **Decides** that, when planning the number, intensity, duration, timing, and mode of inspections of Schedule 1 facilities, based on the risk to the object and purpose of this Convention posed by the relevant chemicals at SSSFs or quantities of chemicals produced thereof at other Schedule 1 facilities, the characteristics of the facility and the nature of activities carried out there, the Secretariat should take into account the relevant approved facility agreement; relevant declarations and inspection findings; and any relevant decisions of the Executive Council or Conference of the States Parties;

2. **Reaffirms** its right, taking into account the advice of the Secretariat, to review the factors indicated in paragraph 1 above, should the circumstances so require, at request of a State Party or the Council;
3. **Considers** the issues of guidelines on the number, intensity, duration, timing, and mode of inspections at Schedule 1 single small-scale facilities and at other Schedule 1 facilities as closed and not requiring further consideration; and
4. **Calls upon** the Secretariat to develop procedures for implementing these guidelines and to inform State Parties of these procedures, upon request.

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