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### 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 second year of implementation (2013) of these policy guidelines.

### Assessment

2. The policy guidelines spell out requirements (contained in subparagraphs 1(a) to 1(d) 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 229 inspections conducted in 2013.
3. Policy guideline 1(a) states: “[B]ased 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 requirements of this guideline were met because:
  - (a) the number of Schedule 1, Schedule 2 and Schedule 3 inspections conducted in 2013 was the same as in 2012 (11, 42, and 29, respectively); and
  - (b) as in the year 2012, 20 initial Schedule 3 inspections were conducted in 2013, through the Director-General’s decision to maintain the rate of re-inspection for Schedule 3 inspections at 30% in 2013 (paragraph 40 of EC-71/DG.15, dated 19 February 2013).
4. Guideline 1(b) reads as follows: “[I]nspectable scheduled and unscheduled Article VI facilities which have not yet received inspections, should be given priority in their related process of site selection”. This requirement was also met because:



- (a) As mentioned in paragraph 2 of EC-71/S/5/Rev.2, dated 21 February 2013, priority was given in the 2013 inspection plan for the inspection of a previously undeclared Schedule 1 “other facility for research, medical or pharmaceutical purposes”;
  - (b) More than 87% (20 plant sites) of the 24 Schedule 2 plant sites subject to inspection but that had yet to receive initial inspections as of the beginning of 2013 received an initial inspection in 2013, while 13% (22 plant sites) of the 168 Schedule 2 plant sites that had been inspected in previous years received a subsequent inspection in 2013;
  - (c) More than 13% (20 plant sites) of the 149 Schedule 3 plant sites subject to inspection but that had yet to receive initial inspections as of the beginning of 2013 were inspected in 2013, while 3.4% (nine plant sites) of the 261 Schedule 3 plant sites that had been inspected in previous years received a subsequent inspection in 2013; and
  - (d) 3.7% (125 plant sites) of the 3,356 other chemical production facility (OCPF) plant sites subject to inspection but not yet inspected at the beginning of 2013 were inspected in 2013, while 2.4% (22 sites<sup>1</sup>) of the 921 sites that had been previously inspected received a subsequent inspection in 2013.
5. 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”, which requirement was not fully met in 2013. At the end of 2013, six States Parties had not received any inspections for the past eight years. The desired result might be achieved in 2014 by an incremental increase in the number of subsequent OCPF inspections to 20% in conjunction with a budgeted increase in the number of Article VI inspections (see subparagraph 3(g) of operative paragraph 3 of C-16/DEC.12, dated 2 December 2011), as well as a greater allocation of inspections to OCPFs overall.
6. Guideline 1(d) reads: “[A]t 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”. This requirement was met because 54% of the 79 States Parties (43 States Parties) that had declared at least one inspectable Article VI facility received at least one Article VI inspection in 2013.

### **Conclusion**

7. During 2013, the second year of implementation of the “Policy Guidelines for Determining the Number of Article VI Inspections” (EC-66/DEC.10), the requirements of guidelines 1(a), 1(b), and 1(d) were fully met. Guideline 1(c) was not fully achieved, but the desired result might still be achieved by an incremental increase in the number of subsequent OCPF inspections to 20% in conjunction with a budgeted increase in the number of Article VI inspections.

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The rate of subsequent inspections for OCPF inspections was increased from 10% in 2012 to 15% in 2013; thus, 22 inspections out of 147 OCPF inspections were conducted in a plant site that had already been inspected.