



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 fifth year of implementation (2016) 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 241 inspections conducted in 2016.
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 requirements of this guideline were met in 2016 because:
 - (a) The number of Schedule 1, Schedule 2, and Schedule 3 inspections conducted in 2016 was the same as in 2015 (11, 42, and 19 respectively).
 - (b) As was the case in 2015, 10 initial Schedule 3 inspections were conducted in 2016 for the reasons explained in the Note entitled “Updated Assessment of a Methodology for the Selection of Schedule 3 Plant Sites for Inspection” (S/1088/2013, dated 11 April 2013).¹

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



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”. As was the case in the first four years of implementation of EC-66/DEC.10, this requirement was met because:
 - (a) All Schedule 2 plant sites (17 plant sites) subject to inspection but that had yet to receive initial inspections as at the beginning of 2016 received an initial inspection in 2016, while 14% (25 plant sites) of the 181 Schedule 2 plant sites that had been inspected in previous years received a subsequent inspection in 2016.
 - (b) A total of 10.2% (10 plant sites) of the 98 Schedule 3 plant sites subject to inspection but that had yet to receive initial inspections as at the beginning of 2016 were inspected in 2016, while 3.1% (nine plant sites) of the 290 Schedule 3 plant sites that had been inspected in previous years received a subsequent inspection in 2016.
 - (c) A total of 4.9% (135 plant sites) of the 2,737 other chemical production facility (OCPF) plant sites subject to inspection but not yet inspected at the beginning of 2016 were inspected in 2016, while 2.4% (34 sites)² of the 1,424 sites that had been previously inspected received a subsequent inspection in 2016.
5. Furthermore, in relation to guideline 1(b), the Technical Secretariat (hereinafter “the Secretariat”) observes that all Schedule 1 facilities inspected in 2016 had been inspected in previous years.
6. 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 2016, as was the case for the first four years of implementation of EC-66/DEC.10. At the end of 2016, five States Parties had not received any inspections for approximately the past eight years. As was the case for the previous years, the number of inspectable OCPFs declared by these States Parties is very low, namely, one or two plant sites. One of these States Parties had not declared inspectable facilities for a while. It should be noted that among these five States Parties, three were included in the list of the four States Parties for which the guideline 1(c) was not met in 2015. The remaining State Party received its most recent inspection in 2007.
7. As reported in the Note EC-79/DG.4 (dated 7 April 2015), several factors have been identified as influencing the achievement of the requirements of policy guideline 1(c), including the modification of the OCPF site selection methodology and the evolution of the number of OCPF inspections. 2016 is only the third year without any change to either the number of OCPF inspections or the OCPF site selection methodology and its parameters. Since guideline 1(c) covers an eight-year period, it is difficult for the Secretariat to currently draw conclusions or to make recommendations in order to ensure that the requirement will be fully met in the future.

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The rate of subsequent inspections for OCPF inspections was 20% in 2016, the same as for 2015; thus, 34 out of 169 OCPF inspections were conducted in a plant site that had already been inspected.

8. Guideline 1(d) reads as follows: “[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”. As in the previous four years, this requirement was fully met, because 62% (50 States Parties) of the 81 States Parties that had declared at least one inspectable Article VI facility received at least one Article VI inspection in 2016.

Conclusion

9. In 2016, the fifth 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.
10. The requirements of guideline 1(c) were not fully met. The Secretariat considers that additional time without changes to the OCPF site selection methodology and the number of inspections is needed before concluding whether corrective actions would be needed to meet the requirements of guideline 1(c).
11. Overall, the results in terms of adherence to the guidelines set out in EC-66/DEC.10 have been similar for all five 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.