



Verification Division
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NOTE BY THE TECHNICAL SECRETARIAT

**TECHNICAL SECRETARIAT'S PROCEDURE FOR HANDLING CASES
OF SCHEDULE 1 ACTIVITIES NOT YET DECLARED AND DISCOVERED DURING
AN ARTICLE VI INSPECTION UNDER PART VI OF THE VERIFICATION ANNEX
TO THE CHEMICAL WEAPONS CONVENTION**

1. At the Seventy-Second Session of the Executive Council (hereinafter “the Council”), the Director-General presented to the Council the procedure of the Technical Secretariat (hereinafter “the Secretariat”) for handling cases of previously undeclared Schedule 1 facilities and activities (EC-72/DG.6, dated 24 April 2013), which the Council noted (paragraph 6.12 of EC-72/4, dated 7 May 2013).
2. The procedure set out in EC-72/DG.6 does not, however, apply to cases of undeclared Schedule 1 activities carried out at a declared Schedule 1 facility meeting the requirements of Sections A and C of Part VI of the Verification Annex to the Chemical Weapons Convention (hereinafter “the Verification Annex”) that are discovered during an inspection conducted under Part VI of the Verification Annex.
3. Such cases may occur when either declarations submitted under Part VI of the Verification Annex are inaccurate, or an activity involving a Schedule 1 chemical has been carried out at a declared Schedule 1 facility after the annual declaration of anticipated activities (ADAA), required by paragraphs 16 and 20 of Part VI of the Verification Annex, has been submitted and such activity has not been declared.¹ Although it is not mandatory, States Parties are encouraged to inform the Secretariat when Schedule 1 activity occurs in addition to that which has been declared in the ADAA.
4. Therefore, for the purposes of transparency and to ensure the handling of such cases in a consistent manner, the Secretariat presents its procedure for handling cases of undeclared Schedule 1 activities carried out at a declared Schedule 1 facility and discovered during an inspection conducted under Part VI of the Verification Annex.

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The activity may not have been planned at the time when the ADAA was submitted and Part VI of the Verification Annex does not require States Parties to declare additional activities planned after the ADAA has been submitted. However, it should be noted that the Chemical Weapons Convention (hereinafter “the Convention”) mechanism anticipates that Schedule 1 facilities be subject to verification through monitoring with on-site instruments in addition to on-site inspections as set forth in paragraph 3 of Article VI of the Convention and paragraphs 22 and 29 of Part VI of the Verification Annex. This is not, however, taking place in the declared Schedule 1 facilities.



5. In accordance with paragraph 2 of Article VI of the Convention, the overall objective underlying any inspection conducted under Article VI of the Convention is to verify that the activities conducted at the inspected facility or plant site are in accordance with obligations under the Convention. The general and particular aims of each type of Article VI inspection are set forth in Parts VI to IX of the Verification Annex. For inspections under Part VI of the Verification Annex, the main objective is the verification of compliance of the activities with the regime set forth in this Part of the Verification Annex, in particular with the information provided in the declarations.
6. Activities verified during an inspection that have not been included in the annual declaration of past activities (ADPA) are recorded as a pending issue in the preliminary findings and as an issue requiring further attention (IRFA) in the final inspection report and the inspected State Party is requested to amend its ADPA.
7. Activities verified during an inspection that have not been included in the applicable ADAA are recorded in the “Gather any further information to be provided in declarations” sections of the preliminary findings and final inspection report and the inspected State Party is requested to declare these activities as appropriate.
8. The inspection file remains open until a declaration (or declarations) of these activities is received by the Secretariat. The ADPA, when received, supersedes the ADAA for the corresponding year.

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