



NOTE BY THE TECHNICAL SECRETARIAT

GUIDELINES FOR VERIFICATION OF CESSATION OF ACTIVITIES AT CLOSED SCHEDULE 1 FACILITIES AND FOR VERIFICATION OF THE COMMISSIONING OF NEW SCHEDULE 1 FACILITIES FOLLOWING SUCH CLOSURE

INTRODUCTION

1. The Verification Annex to the Chemical Weapons Convention (hereinafter “the Verification Annex”) does not explicitly provide for separate procedures when a State Party wishes to close down a single small-scale facility (SSSF) or other facility for protective purposes (OFPP) in order to commission a new such facility.
2. In accordance with paragraphs 8 and 10 of Part VI of the Verification Annex, a State Party may operate only one SSSF and/or one OFPP at any given time, making the timeline for closing down and commissioning a new facility essential.
3. The Technical Secretariat (hereinafter “the Secretariat”) intends to use the procedure outlined below to provide guidance and a framework of actions that it and the State Party in question are to take when closing down an SSSF or OFPP to commission a new such facility.

PROCEDURE

4. The actions outlined in this procedure are covered by the definition of “planned changes” under paragraph 14 of Part VI(D) of the Verification Annex, which states that: “Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not less than 180 days before the changes are to take place.” The State Party must provide the Secretariat with notice of cessation of activities at the declared SSSF or OFPP following the same procedure as for any other notification of planned changes. Accordingly, the date for cessation of activities shall be, by default, 180 days after receipt of this notification by the Secretariat, unless otherwise specified by the State Party (i.e. at a later date). After such date, the State Party will no longer be required to provide any declarations under paragraphs 15 and 16 of Part VI of the Verification Annex, and the Secretariat will suspend the verification activities specified in Section E of Part VI of the Verification Annex.
5. The Verification Annex does not contain provisions for the verification of cessation of activities at a declared SSSF or OFPP. However, the practice of the Secretariat has been to conduct a final systematic inspection at such facilities after it receives advance notice from the State Party. Verification of the cessation of activities includes



the verification of the fate of the declared stocks of Schedule 1 chemicals and the declared equipment (for an SSSF) through records review and physical inspection. Upon completion of verification of the cessation of activities, the contents of the joint sealed container, if applicable, shall be returned to the State Party.

6. If the State Party chooses to operate a new SSSF or OFPP after closing an existing facility, it shall provide an initial declaration in accordance with paragraph 3 of Article VI of the Chemical Weapons Convention and with paragraph 13 of Part VI of its Verification Annex, pursuant to which the State Party must provide this declaration not less than 180 days before operations begin at the new SSSF or OFPP.
7. The Secretariat will conduct an initial inspection of the newly declared facility. The Inspection Team will collect information as required for a new facility agreement.
8. In accordance with paragraph 26 of Part VI of the Verification Annex, the State Party planning to establish a new SSSF or OFPP shall conclude a facility agreement with the Secretariat before operations begin at the new facility. The Secretariat will evaluate on a case-by-case basis whether the facility agreement for the closed facility can be modified or whether a new facility agreement needs to be concluded. After the Secretariat and the State Party agree on the content of the new or updated facility agreement, the Secretariat will submit the said facility agreement to the Executive Council (hereinafter “the Council”) for approval.
9. Under paragraph 26 of Part VI of the Verification Annex, an approved facility agreement must be in place before operations at the facility can begin.

SUMMARY

10. The table below summarises the timeline and actions to be taken by the State Party and/or the Secretariat for the closing of an existing SSSF or OFPP and the commissioning of a new facility.

Actions to be taken		State Party	Secretariat
<i>180 days in advance</i>			
1.	Provide advance notification of “planned changes” to the facilities to be closed	✓	
<i>Within 180 days of receipt of advance notification by the Secretariat</i>			
2.	Verification of the cessation of activities at the facility, ¹ including verification of the fate of declared Schedule 1 chemical stocks and equipment and the return of the contents of the joint sealed container (if applicable)		✓

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Verification of the cessation of activities shall be carried out during the final systematic inspection of the Schedule 1 facility within 180 days of receipt by the Secretariat of the advance notification of the “planned changes” from the State Party, as the facility agreement governing regular systematic inspections becomes void after the notified closure date, in accordance with Section 16 of the model facility agreement for Schedule 1 facilities (EC-XII/DEC.1, dated 9 October 1998).

Actions to be taken		State Party	Secretariat
<i>180 days after receipt of advance notification by the Secretariat</i>			
3.	Stop providing declarations for the closed facility	✓	
4.	Stop planning further inspection at the closed facility		✓
<i>Up until completion of the construction of a new SSSF or OFPP (if the State Party chooses to build such a facility)</i>			
5.	Provide an initial declaration for the newly built SSSF or OFPP (180 days before operations begin at the new facility)	✓	
6.	Conduct an initial inspection of the new SSSF or OFPP		✓
7.	Collect and discuss data and agree on the content of the amended or new facility agreement	✓	✓
8.	Submit a new or amended facility agreement to the Council for approval		✓
9.	Begin operations at the new SSSF or OFPP after approval of the facility agreement by the Council	✓	

11. If at the time of the final systematic inspection not all decommissioning activities for the Schedule 1 facility have been completed by the State Party, it may, as a transparency measure, invite the Secretariat to conduct, at a mutually agreed time, a technical assistance visit to confirm that the notified decommissioning activities have been completed.

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