



SECTION 7

Inspection Regime



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OVERVIEW

- In order to ensure State Party activities involving toxic chemicals and precursors are conducted only for purposes not prohibited by the Convention, each State Party must subject Schedule 1, 2 and 3 chemical and other chemical production facilities (OCPF) producing unscheduled discrete organic chemicals (DOCs) to on-site verification measures (i.e., inspections) pursuant to Article VI.
- Article VI inspections are triggered by the content of declarations submitted by a State Party to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (OPCW). These inspections (including initial, systematic, and subsequent) are only conducted at facilities (including plant sites) declared pursuant to Article VI provisions.

Note: *The OPCW Technical Secretariat also is empowered to conduct challenge inspections in accordance with Part X. Challenge inspections are not discussed in this section.*

- All inspections pursuant to Article VI are conducted in accordance with the provisions of Part II of the Verification Annex and the respective Part in the Verification Annex corresponding to the activities at the facility or plant site:

Parts III and VI:	Schedule 1 Facilities;
Part VII:	Schedule 2 Plant Sites;
Part VIII:	Schedule 3 Plant Sites; and
Part IX:	Other Chemical Production Facilities.

It should be noted that where inspection provisions differ between Part II and Parts III, VI-IX, the latter take precedence.

ELIGIBILITY FOR INSPECTION

- With the exception of Schedule 1 facilities, not all declared facilities are subject to inspection under Article VI. The Verification Annex contains inspection thresholds for each of the four types of facilities.
- A facility is subject to inspection if it:
 - Research, medical and pharmaceutical facilities: Produced in the previous calendar year or anticipated producing in the next calendar year more than 100g aggregate of Schedule 1 chemicals.
 - Single small scale and protective purposes facilities: Produced in the previous calendar year or anticipated producing in the next calendar year any amount of a Schedule 1 chemical.
 - Schedule 2: Produced, processed or consumed in any of the three previous years or anticipates producing in the next calendar year:
 - 10kg of a chemical designated “*” in Schedule 2, Part A;
 - 1 metric tonne (MT) of any other chemical listed in Schedule 2, Part A; or
 - 10 MT of a chemical listed in Schedule 2, Part B.



- Schedule 3: Produced in the previous calendar year or anticipates producing in the next calendar year more than 200 MT aggregate of any Schedule 3 chemical.
- OCPFs: Produced during the previous calendar year:
 - more than 200 MT aggregate of unscheduled DOCs by synthesis; or
 - more than 200 MT of an unscheduled DOC by synthesis containing the elements phosphorus, sulfur or fluorine (hereinafter referred to as “PSF-plants” and “PSF-chemical”) at one or more plants. This is a subset of the inspectable DOC category, singled out for particular attention in the CWC.
- By examining its declarations in light of these inspection thresholds, a National Authority can determine exactly how many facilities within its territory will be subject to inspection in a particular calendar year. This information may assist government officials in conducting outreach to subject facilities and apprising them of inspection regime provisions. This information, combined with the numbers of inspections planned in the OPCW programme of work and budget, can also provide an approximate sense of how many Article VI inspections the National Authority is likely to host during the year.
 - It is useful for the National Authority to inform facilities that are subject to inspection of this status upon submission of declarations to the Technical Secretariat.

SELECTION FOR INSPECTION

- The Technical Secretariat selects facilities for inspection based on criteria established in the corresponding Part(s) within the Verification Annex. These are as follows:
 - Schedule 1 facilities
 - Each declared Schedule 1 facility will receive an initial inspection promptly after it is declared to the OPCW.
 - The number, intensity, duration, timing and mode of systematic inspections for a particular facility will depend on the risk to the object and purpose of the Convention posed by the chemicals, characteristics of the facility and the nature of activities carried out there. This assessment will be made during the initial inspection.
 - There is no limit on the number of inspections that can take place annually at a declared Schedule 1 facility.
 - Schedule 2 plant sites
 - Each plant site will receive an initial inspection within one year after it is declared to the OPCW.
- Note: The CWC established that Schedule 2 plant sites declared at entry into force of the Convention would be inspected as soon as possible, and preferably no later than three years after entry into force. Schedule 2 plant sites declared subsequent to this period are required to be inspected within a year of declaration.*



- The frequency and intensity of subsequent inspections will depend upon the inspectors' risk assessment during the initial inspection (see also Part VII of the Verification Annex on initial inspections at Schedule 2 plant sites).
 - No Schedule 2 plant site will receive more than two inspections per calendar year.
 - Schedule 3 plant sites
 - The Technical Secretariat will randomly select plant sites for inspection through appropriate mechanisms (e.g., with specially-designed computer software) on the basis of the following weighting factors:
 - Equitable geographic distribution of inspections; and

Note: *The formula for weighing "equitable geographic distribution" was adopted by the Executive Council (see ECXVII/DEC.7).*
 - Information on the declared plant sites available to the Technical Secretariat related to the relevant chemical, the characteristics of the plant site and the nature of the activities carried out there.
 - No Schedule 3 plant site will receive more than two inspections per calendar year.
 - OCPF plant sites
 - The Technical Secretariat will randomly select plant sites for inspection through appropriate mechanisms (e.g., with specially designed computer software) on the basis of the following weighting factors:
 - Equitable geographic distribution of inspections;
 - Information on the declared plant sites available to the Technical Secretariat related to the characteristics of the plant site and the nature of the activities carried out there; and
 - Proposals by States Parties on a basis to be agreed upon by the Conference of States Parties.
 - No OCPF will receive more than two inspections per calendar year.
- Note:** *The combined number of Schedule 3 and OCPF inspections shall not exceed three plus 5 percent of the total number of declared Schedule 3 and OCPF plant sites or 20 inspections, whichever of the two figures is lower.*

NOTIFICATION OF AN IMPENDING INSPECTION

- A State Party will receive formal notification from the Director-General of the Technical Secretariat indicating the planned arrival of an inspection team at a point of entry (POE) within timeframes specified for each of the regimes (see Inspector Entry and Transit discussion for more information on POE and visa issues).
- The State Party is required to acknowledge receipt of a notification no later than one hour after receipt of notification.
- The National Authority should serve as a 24 hour point of contact to receive



OPCW notifications and to ensure the timely acknowledgment to the OPCW. Additionally, a dedicated office may notify the facility of the notification.

- The OPCW notification also will include the following:
 - The type of inspection (i.e., Schedule 1, 2, 3 or OCPF);
 - The POE where the inspection team will be arriving;
 - The date and estimated time of arrival at the POE;
 - The means of arrival at the POE (e.g., flight number and air carrier);
 - Information on the site to be inspected;
 - The notification will include the name and address of the facility, as it was provided in the declaration regarding that facility.
 - Names of inspectors and inspection assistants; and
 - If appropriate, aircraft clearances for special flights.
- See page 210 at the end of this section for a sample OCPF notification form.
- The specific timing of the notification in relation to arrival of inspectors at the POE or inspected plant site depends on the inspection regime:

REGIME	TIMING
Schedule 1	<p><u>Initial</u> inspection: Notification no less than 72 hours in advance of arrival at the POE.</p> <p><u>Systematic</u> inspection(s): Notification no less than 24 hours in advance of arrival at the POE.</p>
Schedule 2	Notification no less than 48 hours before arrival of the inspection team at the plant site to be inspected.
Schedule 3/ OCPF	Notification no less than 120 hours before arrival of the inspection team at the plant site to be inspected.

- The National Authority should be prepared to meet the inspection team at the POE upon arrival to ensure it arrives at the facility to be inspected within 12 hours after arrival at the POE.

INSPECTION AIMS

- Inspectors will conduct inspection activities in order to fulfill general and particular aims, both of which are established in the Convention.
- The aims for a particular regime impact the intensity of the inspection and dictate the particular activities which the inspectors will conduct. Inspectors will seek to verify that:



TYPE	GENERAL AIM	PARTICULAR AIM(S)
Schedule 1 Single Small-Scaled Facility (SSSF)	The quantities of Schedule 1 chemicals produced are correctly declared.	The aggregate amount of Schedule 1 chemicals does not exceed one tonne.
Other Schedule 1 Facilities	<ul style="list-style-type: none"> The facility is not used to produce any non-declared Schedule 1 chemicals; The quantities of Schedule 1 chemicals produced, processed or consumed are correctly declared and consistent with needs for the declared purpose; and The Schedule 1 chemical is not diverted or used for any other purposes. 	
Schedule 2	Activities are in accordance with obligations under the Convention and consistent with the information provided in declarations.	<ul style="list-style-type: none"> The absence of any Schedule 1 chemical, especially its production, except if in accordance with Part VI; Consistency with declarations of levels of production, processing or consumption; and Non-diversion of Schedule 2 chemicals for prohibited activities.
Schedule 3/ OCPF	Activities are consistent with the information provided in declarations.	The absence of any Schedule 1 chemical, especially its production, except if in accordance with Part VI.

INSPECTION MANDATES

- The inspection mandate contains specific instructions from the Director-General that direct the inspection team in conducting the inspection, including the inspection aims and particular operating inspections.
- The Inspection Team Leader will present the mandate to a representative of the inspected State Party upon arrival at the POE.
- See page 212 at the end of this section for a sample inspection mandate for an OCPF inspection.
- Inspected State Party review of the inspection mandate is helpful to ensure information is correct regarding the facility to be inspected and that the respective aims of the inspection correspond to treaty requirements as established in Parts VI-IX of the Verification Annex.



INSPECTION DURATION

- The duration of the inspection varies depending on the inspection type. All Article VI inspections have an established length, except for those involving Schedule 1 facilities.
- Schedule 2, 3 and OCPF inspections may be extended, subject to the agreement of the inspected State Party and inspection team.
- Inspection durations are as follows:

INSPECTION TYPE	DURATION
Schedule 1	No pre-set duration established in the Convention
Schedule 2	No more than 96 hours
Schedule 3/OCPF	No more than 24 hours

INITIAL INSPECTIONS AND FACILITY AGREEMENTS

- The first inspection conducted at a Schedule 1 or 2 facility is the initial inspection. All following inspections at facilities that have received an initial inspection are considered systematic (Schedule 1) or subsequent (Schedule 2). There are no separate provisions for initial or subsequent inspections for Schedule 3 and OCPF facilities; they are simply considered inspections.

Note: This section describes issues specific to initial inspections. Provisions for all other inspections (to include systematic and subsequent inspections) are included in the General Inspection Provisions section.

- Initial inspections at Schedule 1 facilities
 - All Schedule 1 facilities will receive an initial inspection shortly after being declared.
 - The purpose of the initial inspection is to verify information provided in declarations concerning the facility, develop a facility agreement (see below) and obtain any additional information needed for planning future verification activities at the facility, including on-site inspections and continuous monitoring.
 - In addition, on-site activities at a SSSF during an initial inspection include verifying:
 - the limits of reaction vessels do not exceed 100 litres; and
 - the total volume of all reaction vessels with a volume exceeding 5 litres is not more than 500 litres.



- These SSSF-specific provisions do not apply to other Schedule 1 facilities (i.e., protective purposes facilities or research, medical or pharmaceutical facilities).
- Facility agreements
 - Facility agreements are required to be completed within 180 days of entry into force for the State Party or after the facility has been declared for the first time. This provision applies to all Schedule 1 facilities.
 - Schedule 1 facility agreements are to be based on the model facility agreement approved by the Conference of States Parties (C-III/DEC.14).
 - Once a facility agreement is in place, detailed inspection procedures during systematic inspections will be directed by provisions contained in the facility agreement.
 - Finalization of all facility agreements requires approval of the Executive Council.
- Continuous monitoring provisions
 - During the initial inspection, the inspection team may install continuous monitoring instruments at Schedule 1 facilities consistent with relevant provisions in the Convention and the facility agreement.
- Initial inspections at Schedule 2 plant sites
 - In addition to achieving the general and particular inspection aims, initial inspections are intended to determine the frequency and intensity of subsequent inspections.
 - Inspectors will assess the risk to the object and purpose the Convention posed by:
 - the relevant chemicals;
 - the characteristics of the plant site; and
 - the nature of activities carried out there.

In considering these factors, inspectors will take the following into account:

- the toxicity of the Scheduled chemicals and of the end-products produced with them (if any);
- the quantity of the Scheduled chemical(s) typically stored at the inspection site;
- the quantity of feedstock chemicals for the Scheduled chemical(s) typically stored at the inspected site;
- the production capacity of Schedule 2 plant(s); and
- the capability and convertibility for initiating production, storage and filling of toxic chemicals at the inspected site.

Elements to be taken into account for risk assessment were further detailed by the Conference of States Parties in C-I/DEC.32.

- A Schedule 2 plant site will receive an initial inspection no later than one year after it is declared.



- Schedule 2 facility agreements
 - A draft facility agreement will be prepared during the initial inspection unless the State Party and Technical Secretariat agree it is not necessary.
 - The CWC stipulates that facility agreements are to be concluded no later than 90 days after completion of the initial inspection. Finalization of a facility agreement requires approval by the Executive Council.
 - Schedule 2 facility agreements are to be based on the model facility agreement approved by the Conference of States Parties (C-III/DEC.15).
 - The facility agreement will specify the frequency and intensity of inspections as well as inspection procedures to be employed during future inspections.

Schedule 3 and OCPF

- Because these plant sites are randomly selected for inspection based on appropriate mechanisms, and because individual sites are inspected relatively infrequently, the Convention does not require facility agreements for Schedule 3 and OCPF plant sites.
- However, a State Party can request to conclude a facility agreement for a Schedule 3 or OCPF plant site.
 - At the date of publication, no facility agreements have been concluded for these types of plant sites.

GENERAL INSPECTION PROVISIONS

The general rules of verification, as identified in Part II of the Verification Annex, apply identically to all Article VI inspection regimes and all inspection types. Applicable provisions of the Confidentiality Annex also apply to all inspections. This section discusses these requirements.

Parts II, III and VI-IX of the Verification Annex contain specific provisions that govern Article VI inspections. Technical Secretariat methodologies utilized to execute its responsibilities in accordance with Convention requirements are contained in the Technical Secretariat Inspection Manual, developed in accordance with Part II, paragraph 42 of the Verification Annex.

Inspector Entry and Transit

- All States Parties are required to designate POEs in their territories and inform the OPCW of the designated POEs within 30 days of entry into force.
- States Parties may change their designated POEs. Such changes go into effect 30 days after notifying the Technical Secretariat of such changes.
- There is no limit to the number of POEs a State Party can establish. However, all inspection sites within a State Party must be within twelve hours transit from a POE.



- If the Technical Secretariat perceives that the established POEs are insufficient for the timely conduct of inspections, it may approach the State Party to resolve this concern.
- POEs typically consist of airports capable of supporting international arrivals, but also may be road border crossings, railway stations, etc., depending on the country and infrastructure.
- States Parties are required to ensure immediate entry of the inspection team into its territory and safe transit to the inspection site.
 - Immediate entry into the country from the POE can be facilitated by making arrangements prior to arrival of the inspectors with immigration and customs or other appropriate government officials for expedited entry.
 - In order to ensure safe transit of inspectors to the inspection site, a National Authority may form an escort team to meet the inspectors at the POE, assist with immigration and customs processing, and transport the inspection team and equipment directly to the inspection site.

Equipment

- In order to adequately conduct technical inspection activities, the CWC provides that OPCW inspection teams may bring certain equipment into the State Party and onto the facility or plant site being inspected. Aside from provisions for inspected State Party inspection of equipment (discussed later in this section), there are no grounds for restriction by the inspected State Party on the inspection team bringing approved inspection equipment onto the site being inspected.
- Inspection equipment carried by members of the inspection team is inviolable subject to the provisions of the Convention, and is exempt from customs duties.
- The original list of all equipment maintained by the Technical Secretariat for use in verification activities is contained in CI/DEC.71.
- The Conference has adopted procedures for updating the list of approved equipment (C-VII/DEC.20), and for updating the technical specifications of approved equipment (C-VIII/DEC.3). Such an update may occur, for example, when technological developments in equipment would enable more cost-effective inspection operations.
- To the extent possible, the Technical Secretariat shall only select equipment specifically designated for the type of inspection required.
- In cases where the inspection team finds it necessary to use equipment available to the site that does not belong to the Technical Secretariat, it may make a request to the inspected State Party to use the equipment. The inspected State Party shall comply with such a request, to the extent that it can.
- The inspected State Party has the right to inspect the equipment at the POE in the presence of the inspection team members. This enables the inspected State Party to check the identity of the equipment with the list of approved Technical Secretariat equipment.



Note: *The Convention required the Conference of States Parties to establish procedures for such inspection, which are contained in CI/DEC.7.*

- No inspection procedure chosen by the inspected State Party shall render the approved equipment inoperable.
- To facilitate this inspection and identification process, the Technical Secretariat shall attach documents and devices to authenticate the equipment's designation and approval.
 - Such documents shall include, inter alia, the description, the technical specifications and the operational requirements of the equipment and a description of the procedures used by the Technical Secretariat for the designation, calibration and approval of the approved equipment.
- This inspection process also affords the inspected State Party the opportunity to verify that the equipment meets the description of the approved equipment for the particular type of inspection.
- The inspected State Party may exclude equipment not meeting the proper description or equipment without the necessary authentication documents and devices. Equipment excluded by the inspected State Party at the POE may be retained at the POE under joint control or joint seal and returned to the inspection team upon its departure from the country.
- Procedures and measures undertaken at the POE in relation to the equipment shall be recorded in the inspection report.
- Provision is also periodically made for States Parties to familiarize themselves with approved equipment in The Hague to facilitate inspection of equipment at the POE.

Administrative Arrangements

- The Convention requires States Parties to provide or arrange for amenities necessary for the inspection team. The State Party will be reimbursed for these services. Procedures for reimbursement are set out in Rule 4.12.01 of the OPCW Draft Financial Rules (EC-IX/CRP.2/Rev.2). These services include the following:
 - Communication means
 - While in-country, inspectors have the right to communicate with the Headquarters of the Technical Secretariat in The Hague, Netherlands.
 - Necessary interpretation services
 - Interpretation is required to ensure performance of inspection-related tasks (e.g., interviews).
 - Transportation
 - Applies to all transport of inspectors between arrival at and departure from the POE (e.g., transit from the lodging quarters to inspected site).
 - Escorting
 - Though not required, the inspected State Party has the right to escort inspectors.

Note: *Safe and efficient travel throughout the territory of a State Party can be more assured when the National Authority escorts inspectors.*



- Working space
 - During an inspection, inspectors have the right to a workspace that is accorded the inviolability and protection accorded to the premises of diplomatic agents pursuant to the Vienna Convention.
 - Inspectors' working spaces should be suitably equipped to allow for execution of tasks necessary for the completion of the inspection, such as:
 - drafting the preliminary findings;
 - consultation among inspectors;
 - review of records and documentation relating to the inspection; and
 - communication with OPCW Headquarters.
 - It is recommended that inspectors be provided working space on the site of the inspection. If this is not logistically possible, the National Authority should locate a suitable workspace as close to the site as possible (e.g., hotel).
- Lodging
 - Similar to requirements for provision of workspaces, inspectors have the right to living quarters that are accorded the inviolability and protection accorded to the premises of diplomatic agents pursuant to the Vienna Convention.
 - Because Article VI inspections are of a limited duration, temporary hotel lodging is suitable.
- Meals
 - Provision of access to meals for consumption during the in-country period is a responsibility of the State Party.
 - Inspected State Party representatives should review the notification for any special dietary concerns of incoming inspectors, and ensure those requests can be accommodated during the in-country period.
- Medical care
 - State Party representatives should be prepared to accommodate inspector needs in the event an inspector is injured or requires medical care during the inspection.
 - The State Party officials do not need to be capable of providing medical care themselves, but rather must ensure care can be provided by an accessible physician or other appropriate medical personnel (e.g., transport of the inspector to the necessary medical facility or arrange for appointments or care).
 - Prior to the inspection, the State Party should identify the closest medical facilities to the POE and the inspection site.

Pre-Inspection Briefing

- Representatives of the facility being inspected are required to provide a briefing to the inspectors prior to the conduct of the inspection.



- The pre-inspection briefing (PIB) establishes the foundation for a successful inspection and provides the framework for all verification activities to be conducted. It orients the inspection team to the inspected facility and provides critical input to the development of the preliminary findings.
- Briefings may include maps or other documents that may be useful for the inspection, as determined by the facility and State Party representatives.
- The briefing may not exceed three hours in duration.
- Briefing content should include:
 - Introduction of key facility personnel, primarily those individuals who will be interacting with the inspectors;
 - Information about the facility;
 - Activities carried out at the facility;
 - Business and manufacturing operations;
 - General description of declared facility activities;
 - Physical layout of facility, to include plants (undeclared and declared) and common infrastructure;
 - List of all Scheduled chemicals at the facility (declared and undeclared);
 - List of plants and units specific to declared operations;
 - Block-flow or simplified process flow diagram for the declared activit(ies);
 - Updates/revisions to the data declaration since the submission of the declaration(s) to the OPCW;
 - Types and location of records/documents;
 - Facility safety measures;
 - Administrative and logistical arrangements for the duration of the inspection;
 - Confidentiality concerns; and
 - Proposed inspection plan.
- State Party representatives should discuss the required portions of the PIB with facility personnel prior to delivery to encourage inclusion of these elements into the briefing.
- A pre-inspection briefing template incorporating the aforementioned elements can be found in the Inspection documents folder on the IAP CD and in the Inspection section of the IAP application. The generic briefing is modeled for an inspection at an OCPF.

Confidentiality

- The Confidentiality Annex permits the inspected State Party to take measures it deems necessary to protect confidential information, provided that it can demonstrate compliance with the Convention.
- The Confidentiality Annex also establishes requirements for the inspection team to follow in order to protect sensitive installations and confidential data in the course of on-site inspections:



- Inspection teams are guided by the principle of conducting inspections in the least intrusive manner possible consistent with the effective and timely accomplishment of their mission.
- Inspectors must take into consideration inspected State Party proposals to ensure that sensitive equipment or information not related to chemical weapons is protected.
- In the elaboration of arrangements and facility agreements, inspection teams shall pay due regard to the requirement of protecting confidential information.
- Other provisions of the Convention stipulate limitations to inspector access for all Article VI inspections:
 - Inspectors must discharge all functions in accordance with the provisions of the Convention, rules established by the Director-General and facility agreements.
 - Inspection teams must strictly observe the inspection mandate and refrain from any activities exceeding the mandate.
 - Inspector activities shall be arranged to ensure the timely and effective discharge of their functions and the least possible inconvenience to the inspected State Party and disturbance to the facility or area inspected.
 - The inspection team shall avoid unnecessarily hampering or delaying the operation of a facility and avoid affecting its safety. Particularly, inspectors shall not operate any facility; they may only request the designated operations be performed by a representative of the inspected facility.
 - In the performance of their duties, the members of the inspection team shall, if the inspected State Party so requests, be accompanied by representatives of the inspection team.
 - The accompanying representatives of the inspected State Party may not delay or otherwise hinder the exercise of inspection team functions.
 - Inspectors shall observe safety regulations established at the inspection site.

INSPECTOR ACCESS TO A FACILITY

- The Convention contemplates three types of access during Article VI inspections:
 - unimpeded access;
 - managed access, which allows the inspected State Party to utilize the measures contained in Part X, 46-50 of the Verification Annex; or
 - agreed access (i.e., agreement between inspection team and inspected State Party).



- These types of access apply to the four regimes as follows:

	SCHEDULE 1	SCHEDULE 2	SCHEDULE 3	OCPF
ACCESS	<i>Unimpeded</i> access to declared facilities.	<i>Unimpeded</i> access to declared plants; <i>managed</i> access to other areas of the plant site.	<i>Unimpeded</i> access to declared plants; <i>agreed</i> access to other areas of the plant site.	<i>Managed</i> access to declared plants; <i>agreed</i> access to other areas of the plant site.

- It is useful for the inspected State Party to provide an orientation tour of the plant site to the inspection team, which focuses on areas and activities related to the declared plant, to include common and associated infrastructure.
 - This can be a walking tour at smaller plant sites or a vehicular “windshield” tour at larger sites, combining exterior and interior views of relevant areas and activities.
- Schedule 1 facilities
 - Inspection teams have unimpeded access to all areas of a declared Schedule 1 facility.
 - The Technical Secretariat Inspection Manual references areas common to a SSSF, protective purposes facility, or a research, medical or pharmaceutical facility that may be inspected, to include:
 - Equipment used for production (e.g., vessels, reactors, piping);
 - All defined storage areas;
 - Supporting infrastructure (e.g., storage, waste handling, purification systems, ventilation systems and quality control laboratories directly connected with the production area);
 - Piping, valves and other items, even if not part of the declared production units, if they share the common infrastructure or can be connected with the unit;
 - Facility records associated with the acquisition of raw materials, Schedule 1 chemical production, storage, processing, consumption, transfer and quality control;
 - Analytical laboratories supporting the declared facility;
 - Ventilation and exhaust ducts, scrubbers, filters and fume hoods associated with the declared production unit; and
 - Lines leading from the facility to sumps and/or waste treatment facilities, as well as the sumps/facilities.
- Schedule 2 and 3 plant sites
 - The focus of the inspection shall be the declared plant(s) at the plant site being inspected, but some access to the plant site may be provided in order



to satisfy the aims of verifying the absence of any undeclared Schedule 1 chemicals or non-diversion (e.g., analytical laboratories, central warehouse, medical center).

- If the inspection team requests access to other parts of the plant site, it shall receive such access in accordance with the obligation to provide clarification pursuant to paragraph 51 of Part II of the Verification Annex.
- The Technical Secretariat Inspection Manual references areas to be inspected, to include:
 - Areas where feed chemicals or reactants are delivered or stored;
 - Areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessels;
 - Feed lines to the reaction vessels along with any associated valves, flow meters, etc.;
 - The external aspect of the reaction vessels and ancillary equipment;
 - Lines from the reaction vessels leading to further processing of the declared Schedule 2 or 3 chemical(s);
 - Control equipment associated with any of the five areas listed above;
 - Equipment and areas for waste and effluent handling;
 - Equipment and areas for disposition of chemicals not up to specification;
 - Quality control laboratories;
 - First aid and other medical facilities; and
 - Administrative section (operations).
- OCPF plant sites
 - The focus of the inspection is the plant(s) producing unscheduled discrete organic chemicals, and/or in particular declared PSF-plant(s).
 - If the inspection team requests access to other parts of the plant site for clarification of ambiguities in accordance with paragraph 51 of the Verification Annex, the extent of such access shall be agreed between the inspection team and the inspected State Party.
 - The Technical Secretariat Inspection Manual references areas of the plant site to be inspected, to include:
 - The production unit; the combination of those items of equipment, including vessels and vessel set-up, necessary for the production of the DOC/PSF chemical;
 - Areas for storing or handling feedstocks and products;
 - Areas for handling and treating effluent and waste;
 - Control/analytical laboratories;
 - First aid and other medical facilities; and
 - Administrative unit (operations).



RECORDS REVIEW

- For Schedule 1 and 2 inspections, the inspected State Party is required to provide records for inspection team review. Records review is subject to agreement for Schedule 3 plant sites and OCPFs.
- Though the inspection team has the general right to inspect documentation and records it deems relevant to the inspection, the intensity of records review, and limitations thereof, depend on the specific regime.
- Schedule 1 facilities
 - There are no limitations on the scope or intensity of records review.
 - Records review at a SSSF will be conducted to demonstrate that the quantities of Schedule 1 chemicals produced are correctly declared and the aggregate amount does not exceed one metric tonne.
 - For other Schedule 1 facilities, records review is a key element in demonstrating that the quantities of Schedule 1 chemicals produced, processed or consumed are correctly declared and consistent with the declared purpose.
 - Specific records requested for review to accomplish these objectives may include:
 - inventories of chemicals and equipment (if declared);
 - batch records or operator logs;
 - waste treatment and decontamination records;
 - sales/purchase/shipment transfer records; and
 - safety regulations and records.
- Schedule 2 plant sites
 - The inspected State Party is required to provide access to records to provide assurance that there has been no diversion of the declared Schedule 2 chemicals and that production, processing or consumption activities are consistent with the declaration and possibly demonstrate the absence of Schedule 1 chemicals.
 - The inspection team will conduct records review in accordance with provisions contained in the facility agreement, if one is in place at the time of the inspection.
 - The inspected State Party is free to suggest records which will best satisfy the inspection aims. Examples of commonly reviewed records include:

RECORD	PURPOSE
Batch records / operator logs	Confirm levels of production, processing or consumption declared.
Shipping, receiving, and inventory records	Establish a material balance to indicate non-diversion of the Schedule 2 chemicals
Maintenance, analytical and waste disposal records	Confirm non-diversion of the Schedule 2 chemicals



- Schedule 3 and UDOC facilities
 - The inspection team may have access to records in situations where the team and inspected State Party agree that such access will assist in achieving the objectives of the inspection.
 - Similar to a Schedule 2 inspection, inspectors may request to view records to satisfy the aims of the inspection (i.e., verifying the absence of Schedule 1 chemicals and verifying that activities are consistent with the declaration).
 - Records review may be less intensive than other regimes because production levels are only declared in ranges as opposed to specific amounts. A material balance is not conducted (as may be necessary for Schedule 2 inspections), as non-diversion is not an inspection aim.

ADDITIONAL INSPECTION PROCEDURES

- Inspectors have a broad array of procedures to satisfy the inspection aims during Article VI inspections (e.g., records review, access, interviews, photographs, sampling). Depending upon the circumstances, some or all of these procedures will be used.
- It is suggested that inspected State Party personnel develop procedures for handling such activities in the event the inspection team makes such a request.
- Beyond physical access and records review, other procedures available to inspectors follow.

Interviews

- During the course of the inspection, inspectors can be expected to converse with plant site personnel to attain information necessary to verify the inspection aims.
- As with other inspection procedures, the inspected State Party may take certain measures permitted by the Confidentiality Annex to protect against the release of confidential information not related to chemical weapons during these discussions.
- Inspectors also have the right to formally interview any facility personnel in the presence of State Party representatives during all Article VI inspections.
- The purpose of an interview is to establish facts relevant to the inspection. Inspectors are required to only request information that is necessary to conduct the inspection.
- The State Party can object to any question that is deemed not relevant to the inspection.

Photographs

- Inspectors have the right to have photographs taken at their request by representatives of the inspected State Party or inspected facility.
- As with other inspection procedures, the inspected State Party may take certain measures permitted by the Confidentiality Annex to protect against the release of confidential information not related to chemical weapons.



Sampling and Analysis

- Representatives of the inspected State Party or the inspected facility shall take samples at the request of the inspection team, in the presence of inspectors. If agreed in advance, the inspection team may take the sample itself.
- When possible, such analysis should be done on-site. The inspection team has the right to perform on-site analysis of samples using approved equipment brought by it. The inspected State Party shall assist in the analysis of samples on site, at the request of the inspection team and in accordance with agreed procedures.
- The inspection team shall, if it deems it necessary, transfer samples off-site for analysis at laboratories designated by the OPCW.
 - In the event of off-site analysis, the sample shall be analyzed in at least two designated laboratories. Any unused portion of the sample shall be returned to the Technical Secretariat.

Note: *The list of designated laboratories may change annually. Laboratories must participate in a proficiency-testing programme once per calendar year. An unsuccessful performance will result in temporary suspension of the facility from receiving and analysing OPCW samples. This suspension will be lifted upon successful completion of proficiency testing.*

- The Convention does not specify particular rules governing sampling at Schedule 1 facilities; the provisions stated in the preceding bullets govern Schedule 1 verification.
- The Convention states that during Schedule 2 inspections, sampling and analysis shall be undertaken to check for the absence of undeclared scheduled chemicals.
- For Schedule 3 and OCPF plant sites, sampling and analysis may be undertaken to check for the absence of undeclared scheduled chemicals.
- Technical measures have been implemented to allow inspected States Parties to protect confidential information during gas chromatography-mass spectrometry analyses (GCMS). A “blinding” feature of the GCMS software restricts results to information on the identification of scheduled chemicals, and the security-level filters of the GCMS data evaluation software limit the amount of information revealed about the identified compound.

Note: *For more information, see Technical Secretariat document S/360/2003.*

INSPECTION REPORTING

- No later than 24 hours after the completion of the inspection, the inspection team is required to present to the inspected State Party its preliminary findings in written form, according to a standardized format, together with a list of any samples and copies of written information and data gathered, and other material to be taken off-site.
 - The inspection team will meet with representatives of the inspected State Party upon completion of the inspection to review the preliminary findings of the inspection team and clarify any ambiguities.
 - In the course of reviewing the Preliminary Findings, the inspected State



Party may draft and provide comments to be included in the Preliminary Findings under Annex J (“Comments from the inspected State Party”). This Annex also is included in the final report (see below).

- The document will be signed by the inspection team leader, indicating he/she has taken notice of the contents of the document. The representative of the inspected State Party shall countersign the document.
- Not later than 10 days after the inspection and immediately upon its completion, the inspectors are required to prepare a factual, final report on the inspection activities conducted by the inspection team, and on their findings.
 - This report shall only contain facts relevant to compliance with the Convention, as provided for under the inspection mandate.
 - The Convention requires the final report to include information on the manner in which the State Party cooperated with the inspection team.
 - The inspected State Party is afforded the opportunity to provide comment to the final report within 30 days of receipt of the report. Any written comments received by the Technical Secretariat will be annexed to the report.
 - The report will be kept confidential. In accordance with the Confidentiality Annex, the report will be handled in accordance with the regulations established by the OPCW governing the handling of confidential information.
 - Should the report contain uncertainties or should cooperation between the National Authority and the inspectors not measure up to required standards, the Director-General will approach the State Party for clarification.
 - If the uncertainties cannot be resolved or the facts established are of a nature to suggest the obligations undertaken under the Convention have not been met, the Director-General shall inform the Executive Council without delay.
 - Summary information regarding inspections undertaken each year and their results, including any significant issues that have arisen and their status, is reported to States Parties annually in a classified Verification Implementation Report.

INSPECTION PREPARATION AND ASSISTANCE

- In addition to acting as a liaison with the Technical Secretariat and other States Parties, a National Authority also can provide a single governmental point of contact for the chemical industry and specific facilities that are subject to CWC provisions.
- Such a line of communication can provide general outreach to impacted facilities, but also can provide more timely and targeted assistance in the event a facility is notified of an impending inspection.
- This assistance could provide general information on the relevant provisions contained in the Convention that would be important to understand during an inspection. For an example of such off-the-shelf information, please see the Industry Inspection Preparation Handbook. The Industry Inspection Preparation Handbook can be found in the Inspection documents folder on the IAP CD and in the Inspection section of the IAP application.



INSPECTED STATE PARTY IN CONFIDENCE

FORM NUMBER: F010.

FROM: ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

TO: STATE PARTY

PRECEDENCE: IMMEDIATE

SUBJECT: NOTIFICATION OF PLANNED ARRIVAL OF INSPECTION TEAM
AT POINT OF ENTRY

1. CWC/XXX/1230GMT/2005/F010

2. REFERENCE: NIL

3. CONTENT:

A. PURPOSE OF INSPECTION OR VISIT: INSPECTION

B. TYPE OF INSPECTION:

OTHER CHEMICAL PRODUCTION FACILITY, ARTICLE VI,
VERIFICATION ANNEX, PART IX, CWC.

C. SITE OR FACILITY TO BE INSPECTED:

COMPANY ABC
ADDRESS

PLANT SITE CODE: ROM00014

D. POINT OF ENTRY:

INTERNATIONAL AIRPORT

E. DATE AND ESTIMATED TIME OF ARRIVAL AT POINT OF
ENTRY: 05 AUGUST 2005, 1230 HOURS LOCAL.

F. MEANS OF ARRIVAL AT POINT OF ENTRY: FLIGHT 123

G. LIST OF INSPECTORS:

INSPECTOR A, 123456 (UNLP: 12345), TEAM LEADER
INSPECTOR B, 789123 (UNLP: 67890)



INSPECTOR C, 456789 (UNLP: 54321)

- H. ESTIMATED VOLUME, WEIGHT AND ANY SPECIAL HANDLING REQUIREMENTS OF EQUIPMENT ACCOMPANYING INSPECTORS:

TOTAL ESTIMATED VOLUME: ABOUT 1 CUBIC METER
TOTAL ESTIMATED WEIGHT: NOT MORE THAN 100KG
NO SPECIAL HANDLING REQUIREMENTS OF EQUIPMENT

- I. NUMBER OF INTERPRETERS REQUESTED AND LANGUAGE TO BE USED:
THE LANGUAGE TO BE USED FOR INSPECTION IS ENGLISH.

4. REMARKS:

- A. NON-SMOKING ROOMS FOR ALL TEAM MEMBERS.
B. INSPECTOR B IS A VEGETARIAN

5. END OF CWC/XXX/1230GMT/2005/F010



To: Inspector A : *Inspection Team Leader*

From: The Director-General of the Organisation for the Prohibition of Chemical Weapons

Subject: Mandate for Inspection, Reference Number: OCPF/00001/05

In accordance with paragraph 6 of Article VI, I hereby mandate and instruct an inspection team under your leadership to conduct an on-site inspection at the Other Chemical Production Facility specified below, with the following aims:

- a) *Verify that the activities are consistent with the information provided by the inspected State Party in declarations;*
- b) *Verify the absence of any Schedule 1 chemical, especially its production, except if in accordance with Part VI of the Verification Annex of the Convention.*

- 1. State Party to be inspected : ***Romania***
- 2. Point of entry to be used : ***Bucharest International Airport***
- 3. Inspection site:
 - a) Name : ***Facility ABC***
 - b) Street address : ***1234 Main Street***
 - c) City/District : ***City X***
 - d) Province/State/Other : ***State X***
 - e) Postal Code : ***12345***
 - f) Site code : ***ROM00014***
 - g) Precise Location :
 - i) Geographic co-ordinates : ***12/34/56/N, 123/45/67 W***
 - ii) Other information : ***None***
- 4. Names of the inspectors and inspection assistants assigned to your inspection team:

INSPECTOR B
INSPECTOR C
INSPECTOR D



5. The inspection equipment which the Inspection Team has been authorised to carry will be selected from the list of approved equipment detailed in C-I/DEC.71.
6. The inspected State Party will be notified in accordance with paragraph 31 and 32, Part II of the Verification Annex.
7. Particular operational instructions:
 - 7.1 *If the inspected State Party requests a Facility Agreement, the Inspection Team is authorised to prepare a Draft Facility Agreement. In this case, the Inspection Team should negotiate an extension of the time on-site for the purpose of preparing the draft.*
 - 7.2 *Gather any further information to be provided in declarations.*

