



OPCW

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DECISION

**ARRANGEMENT BETWEEN THE ORGANISATION FOR THE PROHIBITION OF
CHEMICAL WEAPONS AND THE GOVERNMENT OF THE FEDERAL REPUBLIC
OF GERMANY GOVERNING ON-SITE INSPECTIONS AT THE GESELLSCHAFT
ZUR ENTSORGUNG VON CHEMISCHEN KAMPFSTOFFEN UND
RÜSTUNGSALTLASTEN MBH (GEKA MBH),
MUNSTER, FEDERAL REPUBLIC OF GERMANY**

The Executive Council,

Noting the Note by the Technical Secretariat (the Secretariat) entitled “Initial Inspection of Chemical Weapons Declared by the Federal Republic of Germany as Abandoned Chemical Weapons” (EC-105/S/5, dated 26 February 2024);

Noting also that the Government of Germany and the Secretariat have negotiated an arrangement (annexed hereto) for verification of the destruction at the Gesellschaft zur Entsorgung von chemischen Kampfstoffen und Rüstungsaltslasten mbH (GEKA mbH), Munster, Germany, of the chemical weapons declared by Germany as abandoned;

Recalling that subparagraph 34(c) of Article VIII of the Chemical Weapons Convention (the Convention) states that the Executive Council shall approve agreements or arrangements, negotiated by the Secretariat with States Parties, relating to the implementation of verification activities;

Bearing in mind that this arrangement is without prejudice to the relevant provisions of the Convention, that nothing in this arrangement will be applied or interpreted in a way that is contradictory to the provisions of the Convention, and that, in the event of conflict between the provisions of this arrangement and the provisions of the Convention, the Convention shall take precedence; and

Recognising that States Parties remain free either to draw upon the present arrangement for the conclusion of other facility agreements or arrangements or to depart from it, where they deem this to be appropriate, thereby not establishing a precedent for future agreements or arrangements, provided that the new facility agreements or arrangements conform to the Convention;



Hereby:

Approves the text of the arrangement negotiated between the OPCW and the Government of Germany annexed hereto.

Annex (English only):

Arrangement between the Organisation for the Prohibition of Chemical Weapons and the Government of the Federal Republic of Germany Governing On-Site Inspections at the Gesellschaft zur Entsorgung von Chemischen Kampfstoffen und Rüstungsaltslasten mbH (GEKA mbH), Munster, Federal Republic of Germany

Annex

ARRANGEMENT BETWEEN THE ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY GOVERNING ON-SITE INSPECTIONS AT THE GESELLSCHAFT ZUR ENTSORGUNG VON CHEMISCHEN KAMPFSTOFFEN UND RÜSTUNGSALTLASTEN MBH (GEKA MBH), MUNSTER, FEDERAL REPUBLIC OF GERMANY

The OPCW and the Government of the Federal Republic of Germany (also referred to as “German Government”), both constituting the Participants to this Arrangement, have jointly decided upon the following arrangements for the conduct of verification at the Gesellschaft zur Entsorgung von chemischen Kampfstoffen und Rüstungsaltslasten mbH (GEKA mbH), located at Humboldtstrasse 110, Munster, Federal Republic of Germany (geographic coordinates Latitude 53° 00’ 16, 2’’ N, Longitude 10° 08’ 43’E), hereinafter referred to as “the facility”, with regard to Abandoned Chemical Weapons (ACW) declared by the Federal Republic of Germany:

Section 1 General Provisions

1. The purpose of this Arrangement is to ensure the implementation of the provisions of the Chemical Weapons Convention (Convention) and relevant decisions by the OPCW policy-making organs regarding verification activities conducted at the facility for the destruction of declared ACW. The declared ACW were recovered from two former military training areas in Fürstenwalde and Altengrabow in the Federal Republic of Germany as detailed in TS Note EC-105/S/5 dated 26 February 2024.
2. The Participants have jointly decided to apply, for planning purposes, the general factors and verification arrangements contained in the Agreed Detailed Plan for Verification (ADPV) (EC-107/DEC/CRP.6, dated 16 September 2024).
3. In particular, the relevant provisions for verification contained in Part II, Part III (B) and Part IV of the Annex on Implementation and Verification to the Convention (Verification Annex) will apply.
4. The German Government will ensure that for the duration of the period of inspection, its representative(s) can at all times be reached by the inspection team leader (ITL) and designated members of the inspection team (IT) either in person or by telephone. The German national authority (NA) will provide the names and means of contact for its designated representative(s) to the ITL.
5. Upon request of the IT, the German Government will provide or arrange for the provision of the amenities listed in detail in Attachment 1. Requests from the IT for the German NA to provide or arrange amenities will be made in writing by an authorised member of the IT using the form contained in Attachment 1. Costs incurred by the German authorities in relation to the provision of or arrangement for amenities will be borne by the German Government, unless mutually decided otherwise.

6. The language for communication between the IT and the German representatives during the conduct of verification activities at the facility will be English.
7. Nothing in this Arrangement will be applied or interpreted in a way that is contradictory to the provisions of the Convention. In case of inconsistency between this Arrangement and the Convention, the Convention will prevail.

Section 2 Health and Safety

1. Health and safety matters will be handled in accordance with the Convention, the OPCW Health and Safety Policy and Regulations, and applicable national, local and facility safety and environmental laws and regulations.
2. Without prejudice to paragraph 1 of this section, applicable health and safety regulations relevant to the conduct of verification activities on the territory of the Federal Republic of Germany, including inspections at the facility, are listed in Attachment 2 and will be made available, in English, to the IT prior to the beginning of an inspection.
3. During the pre-inspection briefing, the IT will be briefed on all health and safety matters which, in the view of the representatives of the German NA and the facility, are relevant to the conduct of verification activities by the team.
4. During the course of its activities, the IT will refrain from any action which by its nature could endanger the safety of the team, the facility, or personnel, or could cause harm to the environment. Should the German escort team leader refuse certain inspection activities on the grounds of health and safety, they may explain the circumstances and considerations involved and will provide alternative means for conducting the verification activities.
5. In the case of emergency situations or accidents involving IT members while on the territory of the Federal Republic of Germany, the IT will comply with the directions of the German representatives and facility personnel. Germany will facilitate the provision of medical and other assistance in a timely and effective manner with due regard to the rules of medical ethics if medical assistance is requested. Such assistance will include first aid, the arrangements for transport by ambulance and contacts with, and evacuation to a suitable hospital.

Section 3 Confidentiality

Matters related to confidentiality will be governed by the Convention, including its Confidentiality Annex and the OPCW Policy on Confidentiality.

Section 4

Media and Public Relations

Media requests will be coordinated by the Press Office of the German Federal Foreign Office and the OPCW Public Affairs Branch, in coordination with the German escort team leader and the ITL.

Section 5

Inspection Equipment

1. The inspection equipment that the IT will be authorised to carry will be selected from the list of approved equipment. The equipment will be used in accordance with the Convention and the relevant decisions of the Conference of the States Parties.
2. For the entire period of inspection, the IT will have the ability to store its equipment and supplies in the equipment storage area provided for the IT by Germany.
3. The German facility personnel will, as required, decontaminate equipment, clothing, and instruments belonging to the Technical Secretariat (TS) and used during inspection, for return to the IT. If decontamination is not possible, the German facility personnel will dispose of the contaminated equipment, clothing or instruments. Decontaminated equipment, clothing or instruments not yet disposed of, or to be further used by the IT on-site, will be stored in a secure, sealed area.

Section 6

Communications

In accordance with paragraph 44 of Part II of the Verification Annex the inspectors have the right throughout the in-country period to communicate with the Headquarters of the TS. For this purpose, they may use OPCW duly certified approved inspection equipment.

Section 7

Photographs

1. In accordance with paragraph 48 of Part II of the Verification Annex, inspectors have the right to have photographs taken at their request. This will include photographic record of seals and tags employed by the inspection team during the conduct of the inspection.
2. The representative of the inspected facility may object to the use of photographic equipment in specific areas, buildings or structures, if such use would be incompatible with safety or fire regulations given the characteristics of the chemicals stored in the area in question. If the objection is raised due to safety concerns, the German escort team will, if possible, furnish photographic equipment that meets the regulations. If the use of photographic equipment is not permissible at all in specific areas, buildings or structures for the reasons stated above, the German escort team will provide a written explanation of its objection to the ITL and propose an alternative. The explanation, along with the ITL's comments will be included in the IT's preliminary findings and in the final inspection report.

Section 8 Measurements

1. Measurements taken in the course of the inspection by the IT or by the German representatives at the IT's request will be recorded and signed by an inspector.
2. To help resolve potential ambiguities these measurements and data may be certified as accurate by a German representative, at the discretion of the German escort team leader, immediately after they are gathered. In case of discrepancies both Participants will make efforts to resolve discrepancies as soon as possible before the end of the inspection period. If necessary, the German representative and the inspector will each record the method(s) used and the final result(s). Such measurements will be recorded in the document on preliminary findings.

Section 9 Verification Activities

1. Information on the facility is contained in Germany's formally declared General Plan for Destruction and Detailed Facility Information (DFI). All information contained in these documents, including any update formally submitted previous to or subsequent to approval of this Arrangement, will by reference form an integral part of this Arrangement. The German NA, in close consultation with the facility, will allow and facilitate, consistent with national legislation and relevant provisions of the Convention and relevant decisions of the OPCW policy-making organs, the conduct by the IT of the verification measures specified in general terms below in paragraph 3 and in greater detail in the ADPV. Germany will, inter alia:
 - (a) upon notification of the arrival of the IT, ensure its immediate entry into its territory and, through an in-country escort by the Bundeswehr Verification Centre (hereinafter ZVBw), ensure the safe conduct of the IT and its equipment and supplies, from its point of entry to the facility, and to a point of exit;
 - (b) subject to the provisions of paragraph 29 of Part II of the Verification Annex, apply no restriction on the entry into its territory or on the use of any approved inspection equipment.
2. The purpose of the verification measures will be:
 - (a) to confirm the identity and quantity of the ACW declared, stored and to be destroyed at the facility;
 - (b) to confirm that these declared ACW have been irreversibly destroyed.

3. Verification measures may include:
 - (a) access of IT to storage, destruction, or other relevant areas at the facility specified in Attachment 3 and the ADPV;
 - (b) use of existing monitoring instruments, including photographic and video recording equipment;
 - (c) sampling and analysis if applicable;
 - (d) access to and review of relevant monitoring and process data, weighing data, and operational records.
4. The IT will be given a pre-inspection briefing by representatives of the ZVBw and the facility, in accordance with paragraph 37 of Part II of the Verification Annex.
5. Upon completion of an inspection, the IT will meet with representatives of the ZVBw and personnel responsible for the facility to review the preliminary findings of the IT and to clarify any ambiguities, in accordance with paragraph 60 of Part II of the Verification Annex.
6. The activities of the IT will be so arranged as to ensure the timely and effective discharge of its functions and the least possible inconvenience to Germany and disturbance to the facility or area inspected. The IT will avoid unnecessarily hampering or delaying the operation of a facility and avoid affecting its safety.

Section 10

Support and Privileges and Immunities

1. In accordance with the Convention, the OPCW and its ITs will enjoy the applicable privileges and immunities, in particular those set forth under Article VIII of the Convention and Part II (B) of the Verification Annex for the entire period between arrival on and departure from the territory of the Federal Republic of Germany, and thereafter with respect to acts previously performed in the exercise of their official functions.
2. Germany will provide the necessary support in accordance with Part II of the Verification Annex.

Section 11

Costs

Costs arising from the conduct of verification activities at the facility, or any other area as specified in this Arrangement will be borne by the Government of the Federal Republic of Germany, including as specified in Attachment 1 and in relevant decisions of the policy-making organs.

Section 12 Attachments

The Attachments form an integral part of this Arrangement. Any reference to this Arrangement includes the Attachments. However, in case of any inconsistency between this Arrangement and any Attachment, the sections of the Arrangement will prevail.

Section 13 Amendments and Modifications

1. Amendments to the sections of this Arrangement may be proposed by either Participant and will be jointly decided upon and take effect under the same conditions as provided for under Section 18.
2. Modifications to the Attachments of this Arrangement may be jointly decided upon at any time by the representative of the OPCW and representative of the Government of the Federal Republic of Germany, each being specifically authorised to do so. The Director-General will inform the Council about any such modifications. Each Participant to this Arrangement may revoke its consent to a modification not later than four weeks after it had been decided upon. After this time period the modification will take effect.

Section 14 Liabilities

Any claim by the German Government against the OPCW or by the OPCW against the German Government in respect of any alleged damage or injury resulting from inspections at the facility in accordance with this Arrangement, without prejudice to paragraph 22 of the Confidentiality Annex, will be settled in accordance with international law and, as appropriate, with the provisions of Article XIV of the Convention.

Section 15 Settlement of Disputes

Any dispute between the Participants that may arise out of the application or interpretation of this Arrangement will be settled in accordance with Article XIV of the Convention.

Section 16 Clarifications

In accordance with paragraph 51 of Part II of the Verification Annex, inspectors will have the right to request clarifications in connection with ambiguities that arise during an inspection. The NA will provide the IT with such clarification in a timely manner. If the ambiguity has not been removed at the end of the period of inspection, inspectors will include in the Report on Destruction Activities any such unresolved question, relevant clarifications, and any other relevant information.

Section 17 Reporting

1. Upon completion of each inspection, and upon completion of destruction operations at the facility, the TS will prepare a summary document on preliminary findings, covering the entire period of operations at the facility (referred to in this Arrangement as the "Preliminary Findings Report"). The report will be based on the results of verification activities conducted by the TS during individual on-site inspections as well as on the review of recovery and/or destruction-related records. The report will provide a summary of all declared ACW destroyed at the facility, including their type and quantity, and highlighting the main developments. The IT will meet with representatives of the ZVBw and personnel responsible for the facility to review the preliminary findings of the IT and to clarify any ambiguities, in accordance with paragraph 60 of Part II of the Verification Annex. The report will be signed by the ITL and the representative of the German Government to show that note has been taken of the report. Each will be provided with one copy thereof.
2. Not later than 10 days after the inspection to verify the completion of destruction operations at the facility, the TS will prepare a factual, final report on the activities conducted by the IT and on its findings and submit this report to Germany. The final inspection report together with any written comments from Germany will be submitted to the Director-General of the OPCW not later than 30 days after the completion of destruction operations at the facility.
3. In accordance with the ADPV, the TS will certify the completion of destruction of the designated quantity of declared ACW by Germany by issuing a letter of confirmation.

**Section 18
Taking Effect**

This Arrangement will take effect upon approval by the Executive Council and signature by the two Participants.

**Section 19
Duration and Termination**

This Arrangement will cease to have effect no later than 30 days after the completion of the activities by the facility, as certified by the TS in accordance with this Arrangement and the ADPV.

Signed in _____ on _____ in two copies in English.

For the Government of the
Federal Republic of Germany:

For the OPCW:

H.E. Mr. Thomas Schieb
Permanent Representative
of the Federal Republic of Germany
to the OPCW

H.E. Mr. Fernando Arias
Director-General of the OPCW

Date

Date

Place signed

Place signed

Attachment 1. Amenities

1. At the request of the OPCW, Germany will provide or arrange for the provision of the following amenities:
 - (a) Meals and Lodging: Germany will arrange adequate meals and lodging for the IT.
 - (b) Other amenities may be requested by the IT, including medical assistance due to reasons related to the conduct of verification activities at the facility as well as medical emergencies, including those not connected with the verification activities.
2. Any costs incurred by the German authorities in relation to the provision or arrangement of the amenities listed above will be borne by the Government of the Federal Republic of Germany.
3. Any request by the IT for the provision of amenities will be conveyed to the German NA using the following form:

**REQUEST FOR AND CERTIFICATION OF AMENITIES
TO BE PROVIDED OR ARRANGED**

Date: _____

Facility: Gesellschaft zur Entsorgung von chemischen Kampfstoffen und Rüstungsaltslasten mbH (GEKA mbH), Munster

Inspection number: _____

Category of amenities requested: _____

Description of amenities requested: _____

Approval of the request by the Federal Republic of Germany: _____

Comments on the request by the Federal Republic of Germany: _____

Indication of the costs for the amenities requested _____

Certification of the authorised member of the inspection team that the requested amenities have been provided _____

Comments by the authorised member of the inspection team in regard to the quality of the amenities provided _____

Name and signature of the Inspection Team Leader: _____

Name and signature of the German representative: _____

Attachment 2. Health and Safety Regulations

1. The following national and facility health and safety regulations are relevant for the performance of verification activities under this Arrangement:
 - (a) Rules of conduct
 - (i) Smoking, starting and fuelling fires and handling naked flame is prohibited in the buildings of the facility.
 - (ii) The incineration plant may be entered only if IT members are accompanied by an escort.
 - (iii) When entering the changing area/the displacement room, personal protective equipment (PPE) (i.e. protective gloves, boots, protective suit and CBRN protective mask) must be worn.
 - (b) Agreed health and safety measures
 - (i) The IT must comply with all requirements for wearing PPE as specified by the German authorities. All PPE used by inspectors will meet or exceed the standards of certification of Germany and the OPCW. The IT must also comply with the personnel limits posted at entries to hazardous areas. Respirator fit tests will be conducted at the site prior to entering any hazardous areas.
 - (ii) Medical screening procedures for members of the IT, including pre- and post-entry checks will be conducted as required by the on-site doctor. The IT will all be subject to pre and post deployment medical checks as a matter of procedure at the OPCW HQ.
 - (iii) Continuous low-level monitoring with alarm regarding CW will take place during the inspection. Before the IT enters the storage site, site personnel will use the Real-Time Analytical Platform (RT AP) and visual inspection to conduct low-level monitoring of the structure. Following clearance of the structure by the site personnel, the IT members will be permitted to enter the facility. PPE must be worn at all times while IT members are at the storage site.
 - (c) Primary safety regulations

Inspectors will be given the appropriate local safety guidance for the potential hazard. Definition of the warning signs that may be posted in the facility:

Meaning of the basic colours:

Red	Prohibition sign
Yellow	Safety sign
Blue	Regulatory sign
Green	Rescue services, escape routes, first aid

Attachment 3. Additional Areas of Access

1. The incineration plant used to destroy the declared ACW may be physically inspected, including:
 - (a) Storage area(s);
 - (b) Declared ACW destruction area(s);
 - (c) Plant working spaces;
 - (d) Facility laboratory.
2. Access will be granted to all buildings/structures connected with the storage and destruction of the declared ACW in accordance with the existing safety and security regulations and in coordination with representatives of the ZVBw and the personnel of the facility.
3. Air sampling may be performed at any location within the area of the incineration plant.
4. The exact mechanisms for sampling and analysis to confirm the complete destruction of the declared ACW must be mutually decided prior to conducting the inspection.
5. Approved equipment provided by the OPCW may be used in accordance with local safety regulations. On-site analysis to confirm the complete destruction of the declared ACW may be conducted at the facility laboratory.