



OPCW

Executive Council

Fifty-Fourth Session
14 – 17 October 2008

EC-54/4
C-13/2
15 October 2008
Original: ENGLISH

**REPORT OF THE EXECUTIVE COUNCIL
ON THE PERFORMANCE OF ITS ACTIVITIES
IN THE PERIOD FROM 30 JUNE 2007 TO 27 JUNE 2008**



EC-54/4

C-13/2

page ii

(blank page)

TABLE OF CONTENTS

1.	ORGANISATIONAL MATTERS	1
	ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS OF THE COUNCIL	2
	ACCREDITATION OF REPRESENTATIVES TO THE COUNCIL	2
	APPLICATION OF THE RULES OF PROCEDURE OF THE COUNCIL	2
	WORKING METHODS OF THE COUNCIL	3
2.	STATUS OF IMPLEMENTATION OF THE CONVENTION.....	3
	STATEMENTS AND REPORTS BY THE DIRECTOR-GENERAL	3
	DRAFT REPORT OF THE OPCW FOR 2007	3
	AGREEMENTS ON THE PRIVILEGES AND IMMUNITIES OF THE OPCW	3
	UNIVERSALITY-RELATED ACTIVITIES	3
	VERIFICATION IMPLEMENTATION REPORT	4
	THE OCPF SITE SELECTION METHODOLOGY	4
	IMPLEMENTATION OF THE REGIME GOVERNING THE HANDLING OF CONFIDENTIAL INFORMATION BY THE TECHNICAL SECRETARIAT	4
	PROGRESS MADE IN THE IMPLEMENTATION OF ARTICLE VII OBLIGATIONS.....	5
	REPORTS ON THE PROGRESS MADE IN MEETING THE REVISED DEADLINES FOR THE DESTRUCTION OF CHEMICAL WEAPONS	5
	VISITS BY REPRESENTATIVES OF THE EXECUTIVE COUNCIL TO CHEMICAL WEAPONS DESTRUCTION FACILITIES	6
	DETAILED PLANS FOR VERIFICATION OF THE DESTRUCTION OF CHEMICAL WEAPONS.....	6
	CONVERSION OF CHEMICAL WEAPONS PRODUCTION FACILITIES	7
	FACILITY AGREEMENTS.....	8
	AMENDMENTS TO FACILITY AGREEMENTS	9
	DISCREPANCIES REGARDING DECLARATION OF IMPORT AND EXPORT DATA FOR SCHEDULE 2 AND 3 CHEMICALS.....	10
	TIMELY SUBMISSION OF DECLARATIONS UNDER ARTICLE VI OF THE CONVENTION.....	10
	OPCW CENTRAL ANALYTICAL DATABASE	10
	REVISIONS TO THE SPECIFICATIONS FOR ITEMS OF APPROVED INSPECTION EQUIPMENT	11
	STATUS OF IMPLEMENTATION OF ARTICLE X.....	11
	STATUS OF IMPLEMENTATION OF ARTICLE XI.....	11
	ADMINISTRATIVE AND FINANCIAL MATTERS.....	11
	PROGRAMME AND BUDGET OF THE OPCW FOR 2008, AND ALL ITEMS PERTAINING TO IT.....	11
	DRAFT PROGRAMME AND BUDGET OF THE OPCW FOR 2009, AND ALL ITEMS PERTAINING TO IT.....	12
	OPCW INCOME AND EXPENDITURE	12
	MECHANISM FOR STATES PARTIES TO REGULARISE THE PAYMENT OF THEIR DUES TO THE OPCW	12
	TRANSFER OF FUNDS BETWEEN PROGRAMMES	13
	ADJUSTMENT TO THE DIRECTOR-GENERAL'S GROSS SALARY.....	13
	IMPLEMENTATION OF THE OPCW POLICY ON TENURE	13
	ALIGNMENT OF TRAVEL-RELATED ENTITLEMENTS WITH THOSE IN THE UNITED NATIONS	13
	ALIGNMENT OF OPCW STAFF REGULATION 3.2(A) WITH THE CORRESPONDING UNITED NATIONS STAFF REGULATION	13

REPORT OF SECURITY AUDIT TEAM IV	13
REPORT OF THE EXECUTIVE COUNCIL ON THE PERFORMANCE OF ITS ACTIVITIES	14
REQUEST TO RECLASSIFY POSTS.....	14
ESTABLISHMENT OF AN OPCW OFFICE IN AFRICA	14
3. OTHER DECISIONS AND ACTIONS OF THE COUNCIL	15
REPORTS ON THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE OFFICE OF INTERNAL OVERSIGHT AND OF THE EXTERNAL AUDITOR	15
REPORT OF THE EXTERNAL AUDITOR AND THE AUDITED FINANCIAL STATEMENTS OF THE OPCW FOR 2006	15
RESPONSE TO EXTERNAL AUDITOR OPINION IN REGARD TO THE CONTINGENCY MARGIN.....	15
REPORT OF THE EXTERNAL AUDITOR AND THE AUDITED FINANCIAL STATEMENTS OF THE OPCW FOR 2007	15
IMPLEMENTATION OF THE RECOMMENDATIONS OF THE EXTERNAL AUDITOR.....	15
STATUS REPORT ON THE VERIFICATION INFORMATION SYSTEM	16
CONVENING OF THE THIRD SPECIAL SESSION OF THE CONFERENCE OF THE STATES PARTIES TO AMEND RULE 8 OF THE RULES OF PROCEDURE OF THE CONFERENCE	16
4. MATTERS REFERRED TO THE COUNCIL BY THE CONFERENCE AT ITS TWELFTH SESSION	16
IMPLEMENTATION OF ARTICLE X.....	16
5. MATTERS FOR CONSIDERATION OR ACTION BY THE CONFERENCE AT ITS THIRTEENTH SESSION.....	16
DRAFT REPORT OF THE OPCW FOR 2007	16
6. MATTERS UNDER CONSIDERATION BY THE COUNCIL	16
CHEMICAL WEAPONS ISSUES	17
CHEMICAL INDUSTRY AND OTHER ARTICLE VI ISSUES.....	18
ADMINISTRATIVE AND FINANCIAL ISSUES	19
LEGAL, ORGANISATIONAL, AND OTHER ISSUES	20
7. REPORTS TO THE COUNCIL	21
REPORTS OF THE ADVISORY BODY ON ADMINISTRATIVE AND FINANCIAL MATTERS ...	21
APPOINTMENTS TO THE ADVISORY BODY ON ADMINISTRATIVE AND FINANCIAL MATTERS	21
REPORTS OF THE SCIENTIFIC ADVISORY BOARD.....	21
REPORT OF THE OFFICE OF INTERNAL OVERSIGHT FOR 2006	21
REPORT BY THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY	21
Annex: ACTIONS TAKEN BY THE CONFERENCE OF THE STATES PARTIES AT ITS TWELFTH SESSION IN RESPONSETO RECOMMENDATIONS MADE BY THE EXECUTIVE COUNCIL AT ITS FIFTIETH SESSION AND ITS TWENTY-SEVENTH MEETING	23

1. ORGANISATIONAL MATTERS

1.1 The Executive Council (hereinafter “the Council”) is the executive organ of the Organisation for the Prohibition of Chemical Weapons (OPCW). The Council promotes the effective implementation of, and compliance with, the Chemical Weapons Convention (hereinafter “the Convention”). It also supervises the activities of the Technical Secretariat (hereinafter “the Secretariat”), cooperates with the National Authority of each State Party, and facilitates consultations and cooperation amongst States Parties at their request.

1.2 The following tables show, by regional grouping, the composition of the Council for the period from 12 May 2007 to 11 May 2008, and from 12 May 2008 to 11 May 2009.

TABLE 1: COMPOSITION OF THE COUNCIL FROM 12 MAY 2007 TO 11 MAY 2008

Regional Group	States Parties
Africa	Algeria, Cameroon, Ghana, Kenya, Lesotho, Morocco, South Africa, Sudan, and Tunisia
Asia	China, India, Iran (Islamic Republic of), Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Saudi Arabia, and Thailand
Eastern Europe	Belarus, Bosnia and Herzegovina, Bulgaria, Czech Republic, and Russian Federation
Latin America and the Caribbean	Argentina, Brazil, Chile, Cuba, Guatemala, Mexico, and Peru
Western European and Other States	Australia, Belgium, Finland, France, Germany, Ireland, Italy, Switzerland, United Kingdom of Great Britain and Northern Ireland, and United States of America

TABLE 2: COMPOSITION OF THE COUNCIL FROM 12 MAY 2008 TO 11 MAY 2009

Regional Group	States Parties
Africa	Algeria, Cameroon, Ghana, Lesotho, Libyan Arab Jamahiriya, Nigeria, South Africa, Sudan, and Tunisia
Asia	China, India, Iran (Islamic Republic of), Japan, Kuwait, Malaysia, Pakistan, Republic of Korea, Saudi Arabia, and Sri Lanka
Eastern Europe	Bulgaria, Czech Republic, Russian Federation, Slovakia, and the former Yugoslav Republic of Macedonia
Latin America and the Caribbean	Argentina, Brazil, Chile, Costa Rica, Cuba, Mexico, and Peru
Western European and Other States	Australia, Austria, France, Germany, Italy, Netherlands, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, and United States of America

- 1.3 At its Twelfth Session, the Conference of the States Parties (hereinafter “the Conference”) adopted decisions on three matters the Council had referred to it, and referred one matter to the Council for consideration.

Election of the Chairperson and Vice-Chairpersons of the Council

- 1.4 The Council at its Fifty-Second Session elected Ambassador Oksana Tomová of Slovakia as its Chairperson, and the representatives to the Council of Algeria, Costa Rica, Germany, and the Islamic Republic of Iran as its Vice-Chairpersons, for the period from 12 May 2008 to 11 May 2009.
- 1.5 The following table lists the dates on which the Council held its regular sessions during the period under review.

TABLE 3: DATES OF REGULAR SESSIONS OF THE COUNCIL

Session	Dates
Fiftieth	25 – 28 September 2007
Fifty-First	27 – 28 November 2007
Fifty-Second	4 – 7 March 2008
Fifty-Third	24 – 27 June 2008

- 1.6 The Council held one meeting, its Twenty-Seventh, during the reporting period. The Meeting took place on 8 and 9 November 2007.

Accreditation of representatives to the Council

- 1.7 The most recent examination of credentials, which the Director-General conducted and reported on to the Council at its Fifty-Third Session in accordance with Rule 4 of its Rules of Procedure (EC-53/DG.12, dated 20 June 2008), established that the credentials of the representatives of 38 members of the Council met the requirements of Rule 3. In accordance with Rule 5 of those Rules, representatives whose credentials had not yet been presented by the date of the aforementioned report were seated provisionally with the same rights as other representatives.

Application of the Rules of Procedure of the Council

- 1.8 During the period under review, observer States Parties participated actively in all sessions of the Council and in its Twenty-Seventh Meeting, with an average of 28 present at each session or meeting. Each request by observers to present their views was granted under Rule 22 of the aforementioned Rules of Procedure.
- 1.9 The Council at its Fifty-Second and Fifty-Third Sessions, bearing in mind the provisions of Rules 50 and 22 of those Rules, considered requests from Iraq, a State not Party, and, accordingly, invited it to participate in those Sessions as an observer.

Working methods of the Council

- 1.10 During the period under review, the Chairperson of the Council, working in consultation with its Vice-Chairpersons and its members, reviewed and published plans for Council activities (EC-52/INF.3, dated 4 March 2008; and EC-53/INF.3, dated 24 June 2008). The first annex to each plan lists clusters of issues under consideration by the Council.
- 1.11 The Chairpersons of the Council acted as coordinators for the Open-Ended Working Group on Terrorism and the Open-Ended Working Group on the Establishment of an OPCW Office in Africa. The Vice-Chairpersons of the Council were designated as coordinators for chemical weapons issues, chemical-industry and other Article VI issues, administrative and financial issues, and legal, organisational, and other issues. Facilitators were also appointed for many of the issues requiring resolution.

2. STATUS OF IMPLEMENTATION OF THE CONVENTION

Statements and reports by the Director-General

- 2.1 In his opening statement to each session of the Council during the period under review, the Director-General elaborated, *inter alia*, on aspects of compliance by States Parties with the requirements of the Convention, and on related activities undertaken by the Secretariat. He also submitted numerous reports to the Council, either in fulfilment of various requirements of the Convention or in response to requests by the Council or the Conference.

Draft report of the OPCW for 2007

- 2.2 The Council at its Fifty-Third Session considered the draft report of the OPCW for 2007 (EC-53/3 C-13/CRP.1, dated 26 June 2008) and referred it to the Conference for its consideration at its Thirteenth Session. Following a decision by the Conference at its Tenth Session and by the Council at its Forty-Ninth, the Secretariat posted this draft report on the OPCW website, clearly indicating that the draft had yet to be considered and approved by the Conference.

Agreements on the privileges and immunities of the OPCW

- 2.3 The Council at its Fifty-Second Session considered and concluded agreements between the OPCW and two States Parties on the privileges and immunities of the OPCW: the Republic of El Salvador (EC-52/DEC.1, dated 4 March 2008); and the Republic of Serbia (EC-52/DEC.2, dated 4 March 2008).
- 2.4 The Council at its Fifty-Third Session considered and concluded an agreement between the OPCW and the Republic of Ecuador on the privileges and immunities of the OPCW (EC-53/DEC.15, dated 25 June 2008).

Universality-related activities

- 2.5 The Council at its Twenty-Third Meeting adopted an action plan for the universality of the Convention (EC-M-23/DEC.3, dated 24 October 2003). The plan requested the

Director-General, *inter alia*, to submit to the Conference at its regular sessions an annual report on the implementation of the plan, and to keep the Council regularly informed, so that the Conference and the Council might review progress and monitor its implementation effectively. The Council at its Fiftieth Session noted a report in this regard for the period 30 September 2006 to 31 August 2007, which was then submitted to the Conference at its Twelfth Session (EC-50/DG.14 C-12/DG.4, dated 14 September 2007).

Verification Implementation Report

- 2.6 Further to its consideration of this issue at its Forty-Ninth Session, the Council at its Fiftieth Session considered and noted the 2006 Verification Implementation Report (VIR) (EC-49/HP/DG.1, dated 7 May 2007 and Corr.1, dated 22 June 2007) together with the comments and views received on the 2006 VIR (EC-49/HP/DG.2, dated 12 June 2007; Add.1, dated 22 June 2007; and Add.2, dated 23 August 2007), as well as the Chairperson's summary of the consultations on it (EC-49/3, dated 18 June 2007).
- 2.7 The Council at its Fifty-First Session considered and noted a supplement to the 2006 Verification Implementation Report (EC-51/HP/DG.1, dated 9 October 2007).
- 2.8 The Secretariat submitted to the Council at its Fifty-Third Session the 2007 Verification Implementation Report (EC-53/HP/DG.1, dated 25 April 2008 and Corr.1, dated 19 June 2008). The Council considered and noted it, as well as both the comments and views received on it (EC-53/DG.9, dated 6 June 2008), and the Chairperson's summary of the consultations on it (EC-53/2, dated 20 June 2008).

The OCPF site selection methodology

- 2.9 The Council at its Fiftieth Session took note of the modifications announced by the Director-General to the Secretariat's methodology for the selection of other chemical production facilities (OCPFs) for inspection, as reflected in the Note by the Director-General (S/641/2007, dated 25 May 2007 and Corr.1, dated 4 June 2007). While appreciating the initiative of the Director-General, the Council acknowledged that it will be an interim measure that will take effect on 1 January 2008.
- 2.10 The Council at this session requested the early resumption of consultations on the matter with a view to reaching a decision by the States Parties, in accordance with Part IX, paragraph 11, of the Verification Annex to the Convention (hereinafter "the Verification Annex"). The Council also asked the Director-General to report to the Council on the performance of the modified methodology at the end of the first year of its implementation.

Implementation of the regime governing the handling of confidential information by the Technical Secretariat

- 2.11 The Council at its Fifty-Second Session considered and noted a report by the Director-General on the implementation of the regime governing the handling of confidential information by the Secretariat in 2007 (EC-52/DG.5 C-13/DG.1, dated 7 February 2008).

Progress made in the implementation of Article VII obligations

- 2.12 The Council at its Fiftieth Session took note of the report the Director-General had submitted to it on the status of implementation of Article VII of the Convention as at 22 August 2007 (EC-50/DG.10, dated 7 September 2007 and Corr.1, dated 24 September 2007), and welcomed the considerable progress that had been made in the implementation of Article VII since the adoption of the plan of action, while also noting that further efforts are needed in this regard.

Reports on the progress made in meeting the revised deadlines for the destruction of chemical weapons

- 2.13 The Council at its Fiftieth and Fifty-Second Sessions noted the Notes by the Director-General on the progress made by those States Parties that have been granted extensions of deadlines for the destruction of their Category 1 chemical weapons (EC-50/DG.12, dated 11 September 2007; and EC-52/DG.9*, dated 19 February 2008).
- 2.14 The Council at its Fiftieth, Fifty-First, Fifty-Second, and Fifty-Third Sessions reaffirmed the obligation of possessor States Parties to destroy their chemical weapons within the extended deadlines, in accordance with the relevant decisions by the Conference at its Eleventh Session.
- 2.15 Further to its consideration of this issue at its Forty-Ninth Session, the Council at its Fiftieth Session noted a Note by the Director-General on the destruction by Albania of its Category 1 chemical weapons stockpiles (EC-50/DG.1, dated 4 July 2007), and another such Note on the completion by Albania of the destruction of its chemical weapons stockpiles (EC-50/DG.2, dated 11 July 2007). It also noted the information Albania had provided in this regard (EC-50/NAT.6/Rev.1, dated 26 September 2007).
- 2.16 Further to the relevant decisions by the Conference at its Eleventh Session, the Council at each session during the reporting period considered and noted reports by the possessor States Parties on the progress made in meeting the revised deadlines for the destruction of chemical weapons:
- (a) A State Party (EC-50/HP/NAT.2, dated 23 July 2007; EC-51/HP/NAT.2, dated 26 October 2007; EC-52/HP/NAT.2, dated 24 January 2008; and EC-53/HP/NAT.2, dated 23 April 2008);
 - (b) India (EC-50/HP/NAT.3, dated 25 July 2007; EC-51/HP/NAT.1, dated 25 October 2007; EC-52/HP/NAT.1, dated 17 January 2008; and EC-53/HP/NAT.3, dated 23 April 2008);
 - (c) the Libyan Arab Jamahiriya (EC-50/NAT.4, dated 23 July 2007 and Corr.1, dated 13 August 2007; EC-51/NAT.3, dated 25 October 2007; EC-52/NAT.1, dated 25 January 2008; and EC-53/NAT.4, dated 25 April 2008);
 - (d) the Russian Federation (EC-50/P/NAT.1, dated 24 July 2007; EC-51/P/NAT.3, dated 24 October 2007; EC-52/P/NAT.3, dated 23 January 2008; and EC-53/P/NAT.1, dated 8 April 2008); and

- (e) the United States of America (EC-50/NAT.3, dated 27 July 2007; EC-51/NAT.4, dated 22 October 2007; EC-52/NAT.4, dated 24 January 2008; and EC-53/NAT.1/Rev.1, dated 23 April 2008).

- 2.17 Further to a decision it had taken at its Forty-Sixth Session (EC-46/DEC.4, dated 5 July 2006), the Council at its Fiftieth, Fifty-First, Fifty-Second, and Fifty-Third Sessions considered and noted national papers by China reporting on the progress made on the issue of Japanese abandoned chemical weapons (ACWs) in China (EC-50/NAT.1, dated 28 July 2007; EC-51/NAT.1, dated 25 October 2007; EC-52/NAT.3, dated 23 January 2008; and EC-53/NAT.3, dated 23 April 2008), and national papers by Japan reporting on the current status of ACW projects in China (EC-50/NAT.2*, dated 24 July 2007; EC-51/NAT.2, dated 24 October 2007; EC-52/NAT.2, dated 23 January 2008; and EC-53/NAT.2, dated 22 April 2008).

Visits by representatives of the Executive Council to chemical weapons destruction facilities

- 2.18 Further to receiving at its Fifty-First Session the report by the Chairperson of the Council on the visit to Anniston Chemical Agent Disposal Facility, the United States of America (EC-51/2, dated 23 November 2007), the Council at its Fifty-Second Session considered the report. The Council noted that there was a divergence of views on the report and that both appreciation and concerns were expressed. The Council also recalled decision C-11/DEC.20, dated 8 December 2006, and emphasised that these visits shall take place as a means of addressing questions or concerns about a State Party's programme for fulfilling its obligations on chemical weapons destruction within its extended deadline. The Council requested that reports on visits adequately reflect the questions and concerns raised.
- 2.19 The Council at its Fifty-Second Session also reaffirmed that nothing in visit reports shall in any way affect the obligation of possessor States Parties to destroy all of their Category 1 chemical weapons by the extended deadlines under the terms of the Convention.

Detailed plans for verification of the destruction of chemical weapons

- 2.20 Further to its consideration of this issue at previous sessions, the Council at its Fifty-Third Session considered and approved amendments to the agreed detailed plan for verification of the destruction of chemical weapons at the Newport Chemical Agent Disposal Facility, Newport, Indiana, the United States of America (EC-53/DEC.4, dated 25 June 2008).
- 2.21 Further to its consideration of this issue at previous sessions, the Council at its Fifty-Third Session considered and approved the agreed detailed plan for verification of the destruction of the Category 1 chemical weapons at the Maradykovsky chemical weapons destruction facility (CWDF), Kirovskaya oblast, the Russian Federation (EC-53/DEC.6, dated 25 June 2008).
- 2.22 Further to its consideration of this issue at previous sessions, the Council at its Fifty-Third Session considered and approved amendments to the agreed detailed plan for verification of the destruction of chemical weapons at the Pine Bluff Binary

Destruction Facility, located in Pine Bluff Arsenal, Arkansas, the United States of America (EC-53/DEC.8, dated 25 June 2008).

- 2.23 The Council at its Fifty-Third Session also considered and approved the agreed detailed plan for verification of the destruction of the Category 1 chemical weapons at Leonidovka CWDF, Penzenskaya oblast, the Russian Federation (EC-53/DEC.9, dated 25 June 2008).
- 2.24 The Council at its Fifty-Third Session also considered and approved a decision (EC-53/DEC.11, dated 25 June 2008) on the amendments to the detailed plan for verification of the destruction of chemical weapons at a CWDF in India, which had been submitted separately to the Council (EC-53/HP/DEC/CRP.2, dated 27 May 2008).

Conversion of chemical weapons production facilities

- 2.25 Further to its consideration of this issue at its Forty-Ninth Session, the Council at its Fiftieth Session noted a national paper by the Russian Federation entitled “Information on the Measures Being Undertaken to Complete Conversion of the Former Facility for Production of VX-Type Substance and Filling It into Munitions, Located at OJSC ‘Khimprom’, Novocheboksarsk” (EC-49/NAT.3, dated 13 June 2007).
- 2.26 The Council at its Fiftieth Session also noted a national paper by the Libyan Arab Jamahiriya entitled “Information on the Measures Being Undertaken to Complete Conversion of the Former Chemical Weapons Production Facilities Rabta Pharmaceutical Factory 1 and Rabta Pharmaceutical Factory 2, Rabta, the Libyan Arab Jamahiriya” (EC-50/NAT.5, dated 10 September 2007).
- 2.27 The Council at its Fifty-First Session noted a Note by the Director-General on notification by the Russian Federation of changes at the former chemical weapons production facility (CWPF) (chloroether production) at Open Joint Stock Company “Khimprom”, Novocheboksarsk, the Russian Federation (EC-51/DG.2, dated 31 October 2007).
- 2.28 The Council at its Fifty-First Session also noted a Note by the Director-General on notification by the Russian Federation of changes at the former facility for filling of mustard gas and lewisite mixture into munitions, Volgograd, the Russian Federation (EC-51/DG.1, dated 26 October 2007).
- 2.29 The Council at this same Session also noted a Note by the Director-General on notification by the Russian Federation of changes at the former CWPF (aminomercaptan production), Open Joint Stock Company “Khimprom”, Novocheboksarsk, the Russian Federation (EC-51/DG.3, dated 31 October 2007).
- 2.30 The Council at this same Session also noted a Note by the Secretariat on an update on progress in converting a former CWPF for purposes not prohibited under the Convention (EC-51/R/S/1, dated 16 November 2007).

- 2.31 The Council at its Fifty-Second Session noted a Note by the Director-General on notification by the Russian Federation of changes at the former CWPF (lewisite production, second train), Open Joint Stock Company “Sibur-Neftekhim” “Kaprolyaktam” Plant, Dzerzhinsk, the Russian Federation (EC-52/DG.3, dated 1 February 2008).
- 2.32 The Council at its Fifty-Third Session noted a Note by the Secretariat on the update on progress in converting a former CWPF for purposes not prohibited under the Convention (EC-53/R/S/1, dated 9 May 2008).
- 2.33 The Council at its Fifty-Third Session noted a Note by the Secretariat on the corrections to the general and detailed plans for conversion of the CWPFs Rabta Pharmaceutical Factory 1 and Rabta Pharmaceutical Factory 2, Rabta, the Libyan Arab Jamahiriya (EC-53/S/2, dated 11 April 2008).

Facility agreements

- 2.34 Further to its consideration of this issue at previous sessions, the Council at its Fiftieth Session considered and approved a facility arrangement with the United Kingdom of Great Britain and Northern Ireland regarding on-site inspections at the converted CWPF located at Randle Island Landfill Site (formerly ICI Randle), Astmoor, Runcorn Cheshire (EC-50/DEC.4, dated 27 September 2007).
- 2.35 Further to its consideration of this issue at previous sessions, the Council at its Fiftieth Session also considered and approved a facility arrangement with the United Kingdom of Great Britain and Northern Ireland regarding on-site inspections at the former CWPF located at Valley Site (formerly ICI Valley), Rhydymwyn, Mold, North Wales (EC-50/DEC.5, dated 27 September 2007).
- 2.36 Further to its consideration of this issue at previous sessions, the Council at its Fiftieth Session also considered and approved a facility arrangement with the United Kingdom of Great Britain and Northern Ireland regarding on-site inspections at the converted CWPF located at CRP Portreath (formerly Chemical Defence Establishment, Nancekuke), Portreath Redruth, Cornwall (EC-50/DEC.6, dated 27 September 2007).
- 2.37 Further to its consideration of this issue at its Forty-Ninth Session, the Council at its Fiftieth Session also considered and approved a facility agreement between the OPCW and the Government of the United States of America regarding on-site inspections at the Schedule 2 plant site Ciba Specialty Chemicals Corporation-Mcintosh-A, Mcintosh, Alabama (EC-50/DEC.1, dated 26 September 2007).
- 2.38 Further to its consideration of this issue at its Fifty-First Session, the Council at its Fifty-Second Session considered and approved a facility arrangement between the OPCW and the United Kingdom of Great Britain and Northern Ireland regarding on-site inspections at the Schedule 2 Plant Site, Ellesmere Port Incineration Plant, Cleanaway Limited, located at Ellesmere Port, Cheshire (EC-52/DEC.3, dated 4 March 2008).

- 2.39 Further to its consideration of this issue at previous sessions, the Council at its Fifty-Third Session considered and approved the facility agreement with the Russian Federation regarding on-site inspections at the CWDF located at Maradykovsky, Kirovskaya oblast (EC-53/DEC.7, dated 25 June 2008).
- 2.40 Further to its consideration of this issue at its Fifty-Second Session, the Council at its Fifty-Third Session also considered and approved a facility agreement with the Russian Federation regarding on-site inspections at the CWDF located at Leonidovka, Penzenskaya oblast (EC-53/DEC.10, dated 25 June 2008).
- 2.41 The Council at its Fiftieth and Fifty-Second Sessions noted Notes by the Director-General updating it on Schedule 2 facility agreements (EC-50/DG.9, dated 5 September 2007; and EC-52/DG.10, dated 20 February 2008).

Amendments to facility agreements

- 2.42 Further to its consideration of this issue at previous sessions, the Council at its Fifty-First Session considered and noted modifications to the facility agreement between the OPCW and the United States of America regarding on-site inspections at the Pine Bluff Chemical Agent Disposal Facility, Pine Bluff Arsenal, Arkansas (EC-49/S/2, dated 14 May 2007).
- 2.43 The Council at its Fifty-Second Session received a Note by the Secretariat on amendments to the facility arrangement with Canada regarding on-site inspections at a single small-scale facility (SSSF) (EC-52/S/1, dated 30 January 2008). A version of the facility arrangement with amendments and modifications (shown in red-lining for ease of reference) is annexed to the Note. Further to its consideration of this issue at its Fifty-Second Session, the Council at its Fifty-Third Session considered and approved the amendments (EC-53/DEC.1, dated 24 June 2008).
- 2.44 The Council at its Fifty-Second Session also received a Note by the Secretariat on amendments to the facility agreement with the Kingdom of Sweden regarding on-site inspections at a Schedule 1 facility (EC-52/S/3, dated 7 February 2008). A version of the facility agreement with amendments and modifications (shown in red-lining for ease of reference) is annexed to the Note. Further to its consideration of this issue at its Fifty-Second Session, the Council at its Fifty-Third Session considered and approved the amendments (EC-53/DEC.2, dated 24 June 2008).
- 2.45 The Council at its Forty-Ninth Session received a Note by the Secretariat on amendments to the facility agreement regarding on-site inspections at the Newport Chemical Agent Disposal Facility, Newport, Indiana, the United States of America, and to the agreed detailed plan for verification for that facility (EC-49/S/1, dated 12 April 2007). A revised version of the facility agreement showing the amendments and modifications in red-lining was provided in EC-49/S/1/Rev.1*, dated 5 June 2008 and Corr.1, dated 25 June 2008. Further to its consideration of this issue at its previous sessions, the Council at its Fifty-Third Session considered and approved the amendments (EC-53/DEC.5, dated 25 June 2008).
- 2.46 Further to its consideration of this issue at previous sessions, the Council at its Fifty-Third Session also considered and noted modifications to the facility agreement

between the OPCW and the United States of America regarding on-site inspections at the Pine Bluff Binary Destruction Facility, Pine Bluff Arsenal, Arkansas (EC-49/S/4, dated 18 May 2007).

- 2.47 The Council at its Fifty-Third Session considered and approved a decision (EC-53/DEC.12, dated 25 June 2008) on the amendments to the facility agreement between the OPCW and the Government of the Republic of India regarding on-site inspections at a CWDF, which had been submitted separately to the Council (EC-53/HP/DEC/CRP.1, dated 27 May 2008).
- 2.48 The Council at its Fifty-Third Session also considered and noted a Note from the Secretariat on amendments and modifications to the facility agreement between the OPCW and the Government of the Republic of India regarding on-site inspections at a CWDF (EC-53/HP/S/2, dated 27 May 2008). A revised version of the facility agreement showing the amendments and modifications in red-lining is annexed to the Note.
- 2.49 The Council at its Fifty-Third Session also considered and noted modifications to a facility arrangement with A State Party regarding on-site inspections at a Schedule 1 facility (EC-53/S/3, dated 6 June 2008).

Discrepancies regarding declaration of import and export data for Schedule 2 and 3 chemicals

- 2.50 The Council at its Fifty-Third Session considered and approved a decision on the guidelines regarding declaration of import and export data for Schedule 2 and 3 chemicals (EC-53/DEC.16*, dated 27 June 2008).

Timely submission of declarations under Article VI of the Convention

- 2.51 Further to its consideration of this matter at its Twenty-Seventh Meeting, the Council at its Fifty-First Session considered and approved a decision on the timely submission by States Parties of declarations under Article VI of the Convention (EC-51/DEC.1, dated 27 November 2007).
- 2.52 Further to the decision by the Council at its Fifty-First Session (EC-51/DEC.1), the Council at its Fifty-Third Session noted a status report by the Director-General on timely submission by States Parties of declarations under Article VI of the Convention for the period from 27 November 2007 to 30 April 2008 (EC-53/DG.8, dated 5 June 2008).

OPCW Central Analytical Database

- 2.53 Further to its consideration of this issue at its previous sessions, the Council at its Fifty-First Session considered a Note by the Director-General containing lists of new validated data for inclusion in the OPCW Central Analytical Database (OCAD) (EC-49/DG.7, dated 7 May 2007) and approved said lists (EC-51/DEC.2, dated 27 November 2007).
- 2.54 The Council at its Fifty-First Session also considered a Note by the Director-General on the list of approved data recommended for removal from the OCAD

(EC-50/DG.6/Rev.1, dated 6 November 2007) and approved the removal (EC-51/DEC.3, dated 27 November 2007).

- 2.55 The Council at its Fifty-Second Session considered a Note by the Director-General containing lists of new validated data for inclusion in the OCAD (EC-52/DG.1, dated 21 January 2008). The Council at its Fifty-Third Session further considered and approved said lists (EC-53/DEC.13, dated 25 June 2008).
- 2.56 The Council at its Fifty-Third Session noted a Note containing lists of new validated data for inclusion in the OCAD (EC-53/DG.5, dated 5 May 2008), and considered and approved said lists (EC-53/DEC.14, dated 25 June 2008).

Revisions to the specifications for items of approved inspection equipment

- 2.57 The Council at its Fifty-Third Session considered a Note by the Director-General on revisions to the specifications for three items of approved inspection equipment (EC-53/DG.1, dated 6 March 2008), and approved the revisions proposed (EC-53/DEC.3, dated 24 June 2008).

Status of implementation of Article X

- 2.58 The Council at its Fifty-Third Session noted a report by the Director-General on the status of implementation of Article X of the Convention as at 31 December 2007 (EC-52/DG.6, dated 12 February 2008).

Status of implementation of Article XI

- 2.59 The Council at its Fiftieth Session recalled the decision on full implementation of Article XI adopted by the Conference at its Tenth Session (C-10/DEC.14, dated 11 November 2005) and, further to the Council's consideration of this issue at its Forty-Ninth Session, considered and noted a report by the Director-General on the status of implementation of Article XI of the Convention as at 31 December 2006 (EC-48/DG.12, dated 5 March 2007 and Corr.1, dated 8 March 2007).
- 2.60 Further to its consideration of this issue at its Fifty-Second Session, the Council at its Fifty-Third Session noted a report by the Director-General on the status of implementation of Article XI of the Convention as at 31 December 2007 (EC-52/DG.4, dated 7 February 2008 and Corr.1, dated 19 February 2008).

Administrative and financial matters

Programme and Budget of the OPCW for 2008, and all items pertaining to it

- 2.61 Further to its consideration of this issue at its Forty-Ninth Session, the Council at its Fiftieth Session considered the Draft Programme and Budget for 2008, which the Director-General had submitted to it in accordance with Financial Regulation 3.4; it transmitted it, with comments, to the Conference at its Twelfth Session, together with its recommendation (EC-50/DEC.7, dated 28 September 2007); and, having received at its Forty-Ninth Session the Medium-Term Plan for the period from 2008 to 2010, it considered and noted it (EC-49/S/6 C-12/S/1, dated 25 June 2007).

Draft Programme and Budget of the OPCW for 2009, and all items pertaining to it

- 2.62 At its Fifty-Third Session, the Council received the Draft Programme and Budget of the OPCW for 2009 (EC-53/CRP.2, dated 23 June 2008), and decided to hold consultations on it with a view to considering it further at its Fifty-Fourth Session and transmitting it, with any amendments it deems appropriate, to the Conference at its Thirteenth Session. It also received the Medium-Term Plan for the period from 2009 to 2011 (EC-53/S/4 C-13/S/1, dated 23 June 2008).

OPCW income and expenditure

- 2.63 The Council at its Fiftieth Session considered a report by the Director-General on OPCW income and expenditure for the financial year to 30 June 2007 (EC-50/DG.3, dated 16 July 2007), and forwarded it to the Conference for consideration at its Twelfth Session.
- 2.64 The Council at this same Session also noted a Note by the Director-General on the cash situation and the use of the Working Capital Fund for the financial year to 21 August 2007 (EC-50/DG.11, dated 7 September 2007).
- 2.65 The Council at its Fifty-First Session noted the report by the Director-General on OPCW income and expenditure for the financial year to 30 September 2007 (EC-51/DG.4, dated 1 November 2007).
- 2.66 The Council at its Fifty-Second Session noted a report by the Director-General on OPCW income and expenditure for the financial year to 31 December 2007 (EC-52/DG.2, dated 30 January 2008).
- 2.67 The Council at its Fifty-Third Session noted a report by the Director-General on OPCW income and expenditure for the financial year to 31 March 2008 (EC-53/DG.4, dated 5 May 2008).

Mechanism for States Parties to regularise the payment of their dues to the OPCW

- 2.68 At its Eleventh Session the Conference adopted a decision on a mechanism to encourage States Parties that are in arrears to regularise the payment of their outstanding annual contributions (C-11/DEC.5, dated 7 December 2006). In light of this decision, the Council at its Fiftieth Session considered a proposal from the Republic of Guatemala for a multi-year payment plan to regularise the payment of its outstanding annual contributions (EC-50/DG.5, dated 17 August 2007), and approved the plan (EC-50/DEC.2, dated 26 September 2007).
- 2.69 In C-11/DEC.5, the Conference requested the Secretariat to submit a report to it each year, through the Council, on the status of the implementation of agreed multi-year payment plans as at the end of the quarter that falls immediately before the session of the Council that precedes the session of the Conference. Pursuant to this decision, the Council at its Fiftieth Session considered a report on the status of implementation by States Parties of agreed multi-year payment plans (EC-50/DG.13 C-12/DG.3, dated 11 September 2007), and forwarded it to the Conference for consideration at its Twelfth Session.

Transfer of funds between programmes

- 2.70 The Council at its Fifty-Second Session noted a Note by the Director-General on transfers of funds during 2007 (EC-52/DG.7 C-13/DG.2, dated 12 February 2008).

Adjustment to the Director-General's gross salary

- 2.71 In accordance with a decision of the Conference at its First Special Session (C-SS-1/DEC.4, dated 25 July 2002) stipulating that the terms of appointment of the Director-General shall be subject to adjustments by the Council to keep them in line with those of other executive heads within the United Nations (UN) system, the Council at its Fifty-Second Session approved a decision adjusting the Director-General's gross salary (EC-52/DEC.4, dated 5 March 2008).

Implementation of the OPCW policy on tenure

- 2.72 The Council at its Fifty-Third Session considered and noted a report by the Director-General on the implementation of the tenure policy in 2007 (EC-53/DG.6, dated 20 May 2008). The Council welcomed the intention of the Director-General to include in future annual reports on the implementation of the tenure policy detailed information on the composition of the staff of the Secretariat of the OPCW.

Alignment of travel-related entitlements with those in the United Nations

- 2.73 The Council at its Fiftieth Session noted a Note by the Director-General on the alignment of travel-related entitlements with those in the United Nations (EC-50/DG.8*, dated 21 August 2007). It requested the Secretariat to reintroduce the entitlement as a temporary measure for the financial years 2008 and 2009, and, no later than 30 June 2009, to present it with an assessment of the results for 2008, so that the Council can consider this matter further when the Draft Programme and Budget for 2010 comes before it.

Alignment of OPCW Staff Regulation 3.2(a) with the corresponding United Nations Staff Regulation

- 2.74 Following its consideration of this issue at previous sessions, the Council at its Fiftieth Session further considered the proposed alignment of OPCW Staff Regulation 3.2(a) with the corresponding UN Staff Regulation (EC-48/DG.4, dated 14 February 2007 and Add.1, dated 16 May 2007), and recommended it to the Conference for consideration at its Twelfth Session (EC-50/DEC.3, dated 26 September 2007).

Report of Security Audit Team IV

- 2.75 The Council at its Fiftieth Session noted a Note by the Director-General on a report by Security Audit Team IV (EC-50/DG.4, dated 16 August 2007).

Report of the Executive Council on the performance of its activities

- 2.76 The Council at its Fiftieth Session considered and approved its draft report on the performance of its activities in the period from 8 July 2006 to 29 June 2007 (EC-50/3 C-12/3, dated 26 September 2007), and submitted it to the Conference for consideration at its Twelfth Session.

Request to reclassify posts

- 2.77 The Council at its Fifty-First Session considered and approved a Note by the Director-General on a request to reclassify the posts of Database Administrator and Head, Entitlements and Benefits (EC-51/DG.5, dated 23 November 2007).

Establishment of an OPCW Office in Africa

- 2.78 In accordance with a recommendation of the Council at its Twenty-Sixth Meeting, the Conference at its Eleventh Session adopted a decision on the follow-up on the establishment of an OPCW Office in Africa (C-11/DEC.10, dated 8 December 2006), in which it extended to its Twelfth Session the provisions of C-10/DEC.13, dated 10 November 2005, and requested the Secretariat to continue its efforts to assist the Council in implementing it.
- 2.79 The Council at its Fiftieth Session welcomed the Director-General's initiative on the OPCW Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention (EC-50/DG.17, dated 26 September 2007), and requested further information in this regard, including budgetary implications, if any, for additional activities in future years. The Council noted the African States Parties' support for the Programme as well as their call that it continue to take into account inputs by the African Group, and also emphasised the importance of close involvement of the key donors and other interested parties.
- 2.80 The Council at its Fifty-Second Session recalled that, at its Fiftieth Session, the Director-General had indicated that the Programme to Strengthen Cooperation with Africa consisted in part of activities already included in the approved OPCW Programme and Budget, and that, to the extent that this was not the case, such activities would be financed through voluntary contributions.
- 2.81 The Council at its Fifty-Second Session requested the Director-General to implement the Programme to Strengthen Cooperation with Africa as soon as possible, as well as to provide feedback on a regular basis on the activities and progress made in this regard.
- 2.82 The Council at its Fifty-Second Session also noted that further consideration would be given during its Fifty-Fourth Session to the establishment of an OPCW Office in Africa, taking into account the progress achieved in the implementation of the Programme to Strengthen Cooperation with Africa.

3. OTHER DECISIONS AND ACTIONS OF THE COUNCIL

Reports on the implementation of the recommendations of the Office of Internal Oversight and of the External Auditor

- 3.1 Further to its consideration of this issue at previous sessions, the Council at its Fiftieth Session noted a report by the Director-General on the implementation in 2006 of the recommendations made in the 2005 annual report of the Office of Internal Oversight (OIO) (EC-48/DG.8, dated 22 February 2007).
- 3.2 Further to its consideration of this issue at previous sessions, the Council at this same session also noted a Note by the Secretariat on the status of implementation of the recommendations of the External Auditor (EC-48/S/5, dated 22 February 2007).
- 3.3 The Council at its Fifty-Third Session considered and noted a Note by the Director-General on the implementation in 2007 of the recommendations contained in the 2006 annual report of the Office of Internal Oversight (EC-53/DG.2, dated 25 March 2008).

Report of the External Auditor and the audited financial statements of the OPCW for 2006

- 3.4 Further to its consideration of this matter at its Forty-Ninth Session, the Council at its Fiftieth Session noted the financial statements of the OPCW and the report of the External Auditor for the year ending 31 December 2006 (EC-49/DG.10 C-12/DG.2, dated 1 June 2007). The Council requested the Secretariat to provide its note entitled "Expanded Management Response to the External Auditor Opinion in Regard to the Contingency Margin", dated 28 August 2007, and a document containing a legal opinion on the contingency margin.

Response to External Auditor opinion in regard to the contingency margin

- 3.5 The Council at its Fifty-First Session received a Note by the Secretariat on the "Response to the External Auditor Opinion in Regard to the Contingency Margin" (EC-51/S/1, dated 6 November 2007).

Report of the External Auditor and the audited financial statements of the OPCW for 2007

- 3.6 The Council at its Fifty-Third Session considered the financial statements of the OPCW for the year ending 31 December 2007, and the report of the External Auditor for the same period, and decided to consider them further at its next regular session with a view to forwarding both, together with its comments, to the Conference at its Thirteenth Session.

Implementation of the recommendations of the External Auditor

- 3.7 The Council at its Fiftieth Session noted a Note by the Secretariat on the status of implementation of the recommendations of the External Auditor (EC-50/S/1, dated 29 August 2007).

- 3.8 Further to its consideration of a further Note by the Secretariat on the status of implementation of the recommendations of the External Auditor at its Fifty-Second Session, the Council at its Fifty-Third Session considered and noted the Note (EC-52/S/2, dated 7 February 2008).

Status report on the Verification Information System

- 3.9 The Council at its Fifty-First Session noted the Note by the Secretariat on the status report on the Verification Information System (EC-51/S/2, dated 20 November 2007).

Convening of the Third Special Session of the Conference of the States Parties to amend Rule 8 of the Rules of Procedure of the Conference

- 3.10 The Council at its Fifty-Second Session requested the Conference to convene a Special Session on 7 April 2008 to amend Rule 8 of the Rules of Procedure of the Conference, and with regard to Rules 17 and 93 of the Rules of Procedure of the Conference and pursuant to Rule 16 of its Rules of Procedure, drew up the provisional agenda for the Third Special Session of the Conference (EC-52/DEC.5, dated 5 March 2008).

4. MATTERS REFERRED TO THE COUNCIL BY THE CONFERENCE AT ITS TWELFTH SESSION

Implementation of Article X

The Conference at its Twelfth Session requested the Council to conduct intensive deliberations to develop measures for emergency assistance to Member States, including with regard to the victims of chemical weapons, as provided in Article X of the Convention, and to report to the Conference at its Thirteenth Session, along with any appropriate recommendations.

5. MATTERS FOR CONSIDERATION OR ACTION BY THE CONFERENCE AT ITS THIRTEENTH SESSION¹

- 5.1 For ease of reference, this section presents material that also appears elsewhere in the present report.

Draft report of the OPCW for 2007

- 5.2 The Council at its Fifty-Third Session considered the draft report of the OPCW for 2007 (EC-53/3 C-13/CRP.1), and forwarded it to the Conference for consideration at its Thirteenth Session.

6. MATTERS UNDER CONSIDERATION BY THE COUNCIL

- 6.1 The Council's Open-ended Working Group on Terrorism continued its work.

¹ This section includes only those matters that were forwarded by the Council to the Conference within the period covered by this report: 30 June 2007 to 27 June 2008.

6.2 The following is a list of other matters that were under consideration by the Council at the end of the reporting period:

Chemical weapons issues

- (a) general and annual plans for the destruction of CWPFs and annual reports on destruction, and detailed and combined plans for the conversion of CWPFs;
- (b) the meaning of “primarily for the development of chemical weapons”; declaration criteria for former chemical weapons development facilities (facilities designed, constructed, or used since 1 January 1946 primarily for the development of chemical weapons);
- (c) old and abandoned chemical weapons (OACWs):
 - (i) guidelines for determining the usability of chemical weapons produced between 1925 and 1946;
 - (ii) destruction and verification requirements for OACWs;
 - (iii) draft section E of the Declaration Handbook, “Old Chemical Weapons before 1925”;
 - (iv) draft section G of the Declaration Handbook, “Abandoned Chemical Weapons”;
 - (v) new discoveries of old chemical weapons (OCWs); and
 - (vi) the attribution of costs related to inspections of OCWs;
- (d) general and annual plans for the destruction of chemical weapons, and annual reports on destruction;
- (e) reports on progress in meeting revised deadlines for the destruction of chemical weapons;
- (f) general and annual plans for the destruction of chemical weapons production facilities (CWPFs), annual reports on destruction, and detailed and combined plans for the conversion of CWPFs;
- (g) chemical weapons-related facility agreements;
- (h) assistance and protection against chemical weapons;
- (i) deadlines for the submission of information on CWDFs;
- (j) guidelines for determining the frequency of systematic on-site inspections of chemical weapons storage facilities and CWPFs;
- (k) criteria for toxicity and corrosiveness, and, if applicable, other technical factors to be taken into account in regard to the conversion of CWPFs;

- (l) consideration of developments in relation to additional chemicals that may be relevant to the Convention, and the assessment, inter alia, of whether these compounds should be considered in the context of the schedules of chemicals;
- (m) optimisation of verification activities at chemical weapons stockpiles, as well as of their destruction and its effectiveness;
- (n) the status of conversion of former CWPFs for purposes not prohibited under the Convention, and a concept for verification measures for such converted facilities; and
- (o) the nature of continued verification activities at converted facilities upon completion of the 10-year period following the completion of conversion;

Chemical-industry and other Article VI issues

- (p) recommendations of the Scientific Advisory Board (SAB);
- (q) developments in science and technology since the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention;
- (r) industry declaration issues:
 - (i) harmonisation of the reporting of aggregate national data (AND) on the production of Schedule 3 chemicals;
 - (ii) past Schedule 1 production above one tonne per year for purposes not prohibited under the Convention;
 - (iii) transfer discrepancies;
 - (iv) the implementation of Part IX, section B, of the Verification Annex;
 - (v) understanding on access to records during Schedule 2, Schedule 3, and discrete organic chemical/phosphorus, sulfur, and fluorine (DOC/PSF) plant-site inspections;
 - (vi) assessment of the risk posed by Schedule 2 plant sites to the object and purpose of the Convention;
 - (vii) verification at Schedule 1 facilities;
 - (viii) the frequency of inspections at Schedule 1 facilities and Schedule 2 plant sites;
 - (ix) consideration of the need to establish other measures regarding transfers of Schedule 3 chemicals to States not Party under Part VIII, paragraph 27, of the Verification Annex;

- (x) applicable concentration limits for mixtures of chemicals containing Schedule 2A and 2A* chemicals;
 - (xi) guidelines for the number, intensity, duration, timing, and mode of inspections of single small-scale Schedule 1 facilities;
 - (xii) guidelines for the number, intensity, duration, timing, and mode of inspections for other Schedule 1 facilities;
 - (xiii) consideration of whether to require submissions of information when plants or plant sites that have been declared as undertaking activities in relation to Schedule 2 or Schedule 3 cease to do so;
 - (xiv) study of the issue of a *de minimis* rule for the notification of transfers of Schedule 1 chemicals;
 - (xv) improvements in the submission and handling of industry declarations;
 - (xvi) refinements in the conduct of inspections to improve the consistency, effectiveness, and efficiency of industry inspections;
 - (xvii) a study of the need for a recommendation about the future treatment of salts of Schedule 1 chemicals that are not explicitly mentioned in Schedule 1; and
 - (xviii) late submission of declarations;
- (s) industrial-facility agreements;

Administrative and financial issues

- (t) confidentiality issues:
- (i) possible national jurisdiction after national immunity is waived;
 - (ii) the application of national jurisdiction;
 - (iii) compensation for losses caused by breaches of confidentiality;
 - (iv) guidelines regarding the long-term handling of confidential information;
- (u) the Draft OPCW Programme and Budget for 2009;
- (v) the OPCW Interim Staff Rules and amendments to Staff Regulation 3.3;
- (w) classification of posts;
- (x) reports on the implementation of the recommendations of the OIO and of the External Auditor;

- (y) study of the situation with regard to the classification of information held by the OPCW;
- (z) amendments to the OPCW Policy on Confidentiality; and
- (aa) development of guidelines for the offers and utilisation of voluntary funds contributed by individual States Parties and regional and other groups;

Legal, organisational, and other issues

- (bb) the full implementation of Article XI of the Convention;
- (cc) challenge inspections:
 - (i) further operational requirements for equipment in challenge inspections;
 - (ii) costs associated with the abuse of challenge inspections;
 - (iii) the timing of notifications in connection with challenge inspections;
 - (iv) lists of activities and elements of preliminary factual findings and final inspection reports; and
 - (v) consequences of abusing the right to a challenge inspection;
- (dd) the indication of specific types of equipment for certain types of inspection;
- (ee) sampling procedures;
- (ff) requirements for reporting information to the Council on verification activities, including inspection results;
- (gg) agreements on privileges and immunities, and agreements with international organisations; a draft memorandum of understanding between the OPCW and the World Customs Organization;
- (hh) the report of the Council on the performance of its activities;
- (ii) verification-implementation reports;
- (jj) guidelines for on-site monitoring instruments;
- (kk) progress reports on the implementation of the plan of action regarding the implementation of Article VII obligations;
- (ll) further development of international-cooperation programmes after an evaluation of their effectiveness and with a view to maximising resource use; and
- (mm) progress report on the implementation of the action plan for the universality of the Convention.

7. REPORTS TO THE COUNCIL

Reports of the Advisory Body on Administrative and Financial Matters

- 7.1 The Council at its Fiftieth Session considered and noted the report of the Twenty-Third Session of the Advisory Body on Administrative and Financial Matters (ABAF), which took place from 3 to 6 September 2007 (ABAF-23/1, dated 6 September 2007), and a Note by the Director-General containing responses to the recommendations made by the ABAF at that Session (EC-50/DG.15, dated 14 September 2007).

Appointments to the Advisory Body on Administrative and Financial Matters

- 7.2 The Council at its Fiftieth Session noted the resignations of Mr Gianpaolo Malpaga and Mr John Fox from the Advisory Body on Administrative and Financial Matters (ABAF). The Council at this same session approved the appointment of Ms Mary B. Rios, retroactive to the date of her letter of nomination (17 August 2007).
- 7.3 The Council at its Fifty-Second Session approved the appointment of Mr Jonathan Wolstenholme to the ABAF, retroactive to the date of his letter of nomination (23 January 2008).

Reports of the Scientific Advisory Board

- 7.4 Further to its consideration at its Forty-Ninth Session, the Council at its Fiftieth Session noted the reports of the Ninth and Tenth Sessions of the Scientific Advisory Board (SAB-9/1, dated 14 February 2007; and SAB-10/1, dated 23 May 2007 and Corr.1, dated 22 June 2007), and a Note by the Director-General on these reports (EC-49/DG.16, dated 21 June 2007).

Report of the Office of Internal Oversight for 2006

- 7.5 Further to its consideration of this matter at its Forty-Ninth Session, the Council at its Fiftieth Session considered and noted the annual report of the Office of Internal Oversight for the period from 1 January to 31 December 2006, and an accompanying Note by the Director-General (EC-49/DG.6, dated 4 May 2007) that he had submitted to it in accordance with Regulation 12.5 of the OPCW Financial Regulations. The Council transmitted this report, and the Director-General's cover Note, to the Conference for consideration at its Twelfth Session.

Report by the Committee on Relations with the Host Country

- 7.6 At its Eleventh Session the Conference adopted a decision establishing a Committee on Relations with the Host Country and requesting it to report to it at its Twelfth Session, through the Council, on the progress it has made (C-11/DEC.9, dated 7 December 2006). Pursuant to this decision, the Council at its Fiftieth Session considered and noted a report by that Committee, and transmitted it to the Conference for consideration at its Twelfth Session (EC-50/HCC/1, dated 14 September 2007).

EC-54/4
C-13/2
page 22

Annex:

Actions Taken by the Conference of the States Parties at its Twelfth Session in Response to Recommendations Made by the Executive Council at its Fiftieth Session and its Twenty-Seventh Meeting

Annex

ACTIONS TAKEN BY THE CONFERENCE OF THE STATES PARTIES AT ITS TWELFTH SESSION IN RESPONSE TO RECOMMENDATIONS MADE BY THE EXECUTIVE COUNCIL AT ITS FIFTIETH SESSION AND ITS TWENTY-SEVENTH MEETING

Report of the Council on the performance of its activities

1. The Conference at its Twelfth Session noted the report of the Council on the performance of its activities in the period from 8 July 2006 to 29 June 2007 (EC-50/3 C-12/3), which the Council at its Fiftieth Session had submitted to it. The report was introduced by the Chairperson of the Council, Ambassador Romeo A. Arguelles of the Philippines, who also introduced the recommendations that the Council had made after the cut-off date for the above report and that required the attention of the Conference.

OPCW Programme and Budget for 2008, and all items pertaining to it

2. In accordance with Article VIII, subparagraph 21(a), of the Convention, and with Financial Regulation 3.6(a), the Conference at its Twelfth Session considered and adopted the OPCW Programme and Budget for 2008, which the Council at its Fiftieth Session had submitted to it (C-12/DEC.4, dated 7 November 2007).
3. The Conference at its Twelfth Session noted the Medium-Term Plan for 2008 to 2010 (EC-49/S/6 C-12/S/1, dated 25 June 2007), which the Council at its Fiftieth Session had forwarded to it.

Proposed alignment of OPCW Staff Regulation 3.2(a) with the corresponding United Nations Staff Regulation

4. Based on a recommendation of the Council at its Fiftieth Session regarding the alignment of OPCW Staff Regulation 3.2(a) with the corresponding UN Staff Regulation (EC-50/DEC.3), the Conference at its Twelfth Session considered and adopted the amendment to OPCW Staff Regulation 3.2(a) (C-12/DEC.8, dated 7 November 2007).