



**OPCW**

**Executive Council**

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**REPORT OF THE EXECUTIVE COUNCIL  
ON THE PERFORMANCE OF ITS ACTIVITIES  
IN THE PERIOD FROM 3 JULY 2010 TO 15 JULY 2011**



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## 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 2010 to 11 May 2011, and from 12 May 2011 to 11 May 2012.

**TABLE 1: COMPOSITION OF THE COUNCIL FROM 12 MAY 2010 TO 11 MAY 2011**

<b>Regional Group</b>	<b>States Parties</b>
Africa	Algeria, Cameroon, Kenya, Libyan Arab Jamahiriya, Morocco, Mozambique, South Africa, Sudan, and Tunisia
Asia	China, India, Iran (Islamic Republic of), Iraq, Japan, Pakistan, Republic of Korea, Saudi Arabia, and Sri Lanka
Eastern Europe	Albania, Poland, Romania, Russian Federation, and Ukraine
Latin America and the Caribbean	Argentina, Brazil, Colombia, Costa Rica, Cuba, Ecuador, Mexico, and Uruguay
Western European and Other States	Canada, Denmark, France, Germany, Italy, Luxembourg, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, and United States of America

**TABLE 2: COMPOSITION OF THE COUNCIL FROM 12 MAY 2011 TO 11 MAY 2012**

<b>Regional Group</b>	<b>States Parties</b>
Africa	Algeria, Cameroon, Kenya, Libyan Arab Jamahiriya, Morocco, Namibia, Nigeria, Rwanda, and South Africa
Asia	China, India, Iran (Islamic Republic of), Iraq, Japan, Malaysia, Pakistan, Republic of Korea, Saudi Arabia, and Sri Lanka
Eastern Europe	Albania, Croatia, Hungary, Romania, and Russian Federation
Latin America and the Caribbean	Argentina, Brazil, Colombia, Costa Rica, Cuba, Ecuador, and Mexico
Western European and Other States	Canada, Denmark, France, Germany, Italy, Luxembourg, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, and United States of America

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

### **Election of the Chairperson and Vice-Chairpersons of the Executive Council**

- 1.4 At its Sixty-Fourth Session, the Council elected Ambassador Peter Goosen of South Africa as its Chairperson, and Ambassador Santos Goñi Marengo of Argentina, Ambassador Gregor Koebel of Germany, Ambassador Bhaswati Mukherjee of India, and Ambassador Roman Kolodkin of the Russian Federation as its Vice-Chairpersons, for the period from 12 May 2011 to 11 May 2012.
- 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**

<b>Session</b>	<b>Dates</b>
Sixty-Second	5 – 8 October 2010
Sixty-Third	15 – 17 February 2011
Sixty-Fourth	3 – 6 May 2011
Sixty-Fifth	12 – 15 July 2011

- 1.6 The Council held two meetings during the reporting period, its Twenty-Ninth (on 2 December 2010) and its Thirtieth (on 13, 20, and 30 May 2011).

### **Accreditation of representatives to the Executive Council**

- 1.7 The most recent examination of credentials (EC-65/DG.4/Rev.1, dated 13 July 2011), which the Director-General conducted and reported on to the Council at its Sixty-Fifth Session, in accordance with Rule 4 of its Rules of Procedure, established that the credentials of the representatives of all members of the Council met the requirements of Rule 3.

### **Application of the Rules of Procedure of the Executive Council**

- 1.8 During the period under review, observer States Parties participated actively in all sessions of the Council, with an average of 39 present at each session. Each request by observers to present their views was granted under Rule 22 of the aforementioned Rules of Procedure.

### **Working methods of the Executive Council**

- 1.9 The Chairperson of the Council, working in consultation with its Vice-Chairpersons and its members, reviewed and published a report on the status of outstanding issues on the agenda of the Council (EC-64/2/Rev.1, dated 27 April 2011).
- 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 a list of issues under regular consultation and outstanding issues on the agenda of the Council (EC-65/INF.1, dated 8 June 2011).

- 1.11 The Chairperson of the Council acted as coordinator for the Open-Ended Working Group on Terrorism. 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.
- 1.12 The Council at its Sixty-Second Session noted the “Report of the Vice-Chairman of the Cluster on Chemical Industry and Other Article VI Issues on the Status of Outstanding Industry Issues on the Agenda of the Executive Council since the Second Review Conference, Prepared on the Basis of the Background Information Provided by the Technical Secretariat” (EC-62/4, dated 5 October 2010); the Council concurred with the proposals contained therein, with the exception of the proposals contained in paragraphs II.4, II.8, and II.13, in regard to which the Vice-Chairperson of the cluster will continue to conduct consultations on the listed items, with a view to addressing these issues substantively in the Industry Cluster.
- 1.13 A report by the Vice-Chairperson of the cluster on chemical industry and other Article VI issues on the status of outstanding industry issues was circulated to the Council at its Sixty-Fourth Session (EC-64/WP.1, dated 3 May 2011). The Council at its Sixty-Fifth Session approved a recommendation by the Vice-Chairperson that the study of the issue of a *de minimis* rule for the notification of transfers of Schedule 1 chemicals be considered closed and not requiring any further action (paragraph 6.34 of EC-65/4, dated 15 July 2011).

## **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 2010**

- 2.2 The Council at its Sixty-Fifth Session considered the “Draft Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, in 2010” (EC-65/3 C-16/CRP.1, dated 13 July 2011) and referred it to the Conference for its consideration at its Sixteenth Session.

### **Agreements on the privileges and immunities of the OPCW**

- 2.3 The Council at its Sixty-Second Session considered and concluded an agreement between the OPCW and the Government of the Republic of South Africa, represented by the Department of Trade and Industry, on the privileges and immunities of the OPCW (EC-62/DEC.6, dated 6 October 2010).

- 2.4 The Council at its Sixty-Second Session also considered and concluded an agreement between the OPCW and the Union of the Comoros on the privileges and immunities of the OPCW (EC-62/DEC.7, dated 6 October 2010).
- 2.5 The Council at its Sixty-Third Session considered and concluded an agreement between the OPCW and the Republic of Bulgaria on the privileges and immunities of the OPCW (EC-63/DEC.4, dated 16 February 2011).
- 2.6 The Council at its Sixty-Third Session also considered and concluded an agreement between the OPCW and the Government of the Dominican Republic on the privileges and immunities of the OPCW (EC-63/DEC.5, dated 16 February 2011).
- 2.7 The Council at its Sixty-Fourth Session considered and concluded an agreement between the OPCW and the Czech Republic on the privileges and immunities of the OPCW (EC-64/DEC.2, dated 4 May 2011).
- 2.8 The Council at its Sixty-Fourth Session also considered and concluded an agreement between the OPCW and the Republic of Albania on the privileges and immunities of the OPCW (EC-64/DEC.3, dated 4 May 2011).
- 2.9 The Council at its Sixty-Fifth Session considered and concluded an agreement between the OPCW and the Republic of Estonia on the privileges and immunities of the OPCW (EC-65/DEC.3, dated 13 July 2011).

#### **Universality-related activities**

- 2.10 At its Twenty-Third Meeting, the Council adopted an action plan for the universality of the Convention (EC-M-23/DEC.3, dated 24 October 2003). The plan, inter alia, requested the Director-General 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 Sixty-Second Session noted a report on this plan for the period from 14 September 2009 to 15 September 2010, which was submitted to the Conference at its Fifteenth Session (EC-62/DG.11 C-15/DG.8, dated 23 September 2010).

#### **Verification Implementation Reports**

- 2.11 The Council at its Sixty-Second Session considered and noted the supplement to the 2009 Verification Implementation Report (VIR) (EC-62/HP/DG.1, dated 25 August 2010).
- 2.12 The Council at its Sixty-Third Session noted a corrigendum to the supplement to the VIR (EC-62/HP/DG.1/Corr.1, dated 31 December 2010).
- 2.13 The Council at its Sixty-Fifth Session considered and noted the 2010 VIR (EC-65/HP/DG.1, dated 2 May 2010 and Corr.1, dated 7 July 2011). The Council also noted the comments and views received on the 2010 VIR (EC-65/HP/DG.2, dated 21 June 2011; and EC-65/DG.7, dated 23 June 2011), as well as the Chairperson's summary of the consultations on it (EC-65/2, dated 6 July 2011).



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

- 2.14 The Council at its Sixty-Third 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 2010 (EC-63/DG.7 C-16/DG.1, dated 26 January 2011).

**Timely submission of declarations under Article VI of the Convention**

- 2.15 Further to a decision by the Council at its Fifty-First Session (EC-51/DEC.1, dated 27 November 2007) and in accordance with the recommendation of the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter “the Second Review Conference”) (paragraph 9.60 of RC-2/4, dated 18 April 2008), the Council at its Sixty-Third and Sixty-Fifth Sessions noted the status reports by the Director-General on the timely submission by States Parties of declarations under Article VI of the Convention (EC-63/DG.5, dated 18 January 2011; and EC-65/DG.8\*, dated 27 June 2011).

**Captive use of Schedule 1 chemicals under Article VI of the Convention**

- 2.16 A Note by the Legal Adviser entitled “Legal Opinion Related to the Production of Schedule 1 Chemicals in a Captive-Use Situation” was circulated to the members of the Council at its Sixty-Third Session (S/881/2010, dated 1 November 2010).

**OCPF site-selection methodology and the number of Article VI inspections**

- 2.17 The Council at its Sixty-Fifth Session considered and noted the report of the co-facilitators for the consultation on the site-selection methodology for other chemical production facilities (OCPFs) (EC-65/WP.1, dated 10 June 2011). The Council at this session reaffirmed that the Secretariat will report annually to States Parties on the performance of the interim OCPF site-selection methodology, as indicated in the report by the co-facilitators (EC-65/WP.1). If, at the end of one full year of implementation, the report (to be issued by the Secretariat) indicates that the projected levels of relevance and geographical distribution of inspections have not been achieved, the Council will request that the Director-General, in consultation with all interested States Parties, change to a demonstrably better methodology, possibly a proven direct methodology based on relevance, during the subsequent calendar year, if technically feasible. The Council at this same session requested that the informal consultations on the interim site-selection methodology continue.
- 2.18 The facilitator for the informal consultations on the number of Article VI inspections, Ambassador Allan Wagner Tizón of Peru, circulated a report to the Council at its Sixty-Fifth Session on progress made since the last session of the Council (EC-65/WP.2, dated 4 July 2011). The Council at this same session considered a draft decision on the policy guidelines for determining the number of Article VI inspections (EC-65/DEC/CRP.3/Rev.1, dated 14 July 2011), and decided to consider the matter further at its next regular session. The Council encouraged the Secretariat to draw upon the draft policy guidelines on an interim basis in the preparatory process

and negotiations leading up to the adoption of the 2012 Programme and Budget, pending a decision on this issue by the Council.

### **Progress made in the implementation of Article VII obligations**

- 2.19 Further to a decision by the Conference at its Fourteenth Session regarding the implementation of Article VII obligations (C-14/DEC.12, dated 4 December 2009), the Council at its Sixty-Second Session noted a Note by the Director-General on the “Status of Implementation of Article VII of the Chemical Weapons Convention as at 30 July 2010: Article VII(1)(a) to (c) and Other Obligations” (EC-62/DG.3, dated 30 August 2010 and Corr.1, dated 6 October 2010) and the Note by the Director-General on the “Status of Implementation of Article VII of the Chemical Weapons Convention as at 30 July 2010: Further Obligations Pursuant to Article VII” (EC-62/DG.4, dated 30 August 2010 and Corr.1, dated 6 October 2010), and forwarded the reports to the Conference for consideration at its Fifteenth Session.

### **Progress made in meeting the revised deadlines for the destruction of chemical weapons and other destruction-related issues**

- 2.20 The Council at its Sixty-Second and Sixty-Fifth 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-62/DG.7, dated 21 September 2010 and Corr.1, dated 7 October 2010; and EC-65/DG.1, dated 23 May 2011, respectively).
- 2.21 The Council at each session 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, and to that end emphasised the timely commencement of destruction activities at all chemical weapons destruction facilities (CWDFs).
- 2.22 Further to the relevant decisions by the Conference at its Eleventh and Fourteenth Sessions, reports by the possessor States Parties on the progress made in meeting the revised deadlines for the destruction of chemical weapons were circulated to the members of the Council at its Sixty-Second, Sixty-Third, Sixty-Fourth, and Sixty-Fifth Sessions:
- (a) the Libyan Arab Jamahiriya (EC-62/NAT.4, dated 23 July 2010; EC-63/NAT.3, dated 12 October 2010; EC-63/NAT.5, dated 3 January 2011; and EC-64/NAT.1, dated 12 April 2011);
  - (b) the Russian Federation (EC-62/P/NAT.1, dated 19 July 2010; EC-63/P/NAT.1\*, dated 6 October 2010; EC-63/P/NAT.2, dated 21 January 2011; and EC-65/P/NAT.1, dated 14 April 2011); and
  - (c) the United States of America (EC-62/NAT.1, dated 20 July 2010; EC-63/NAT.2, dated 20 October 2010; EC-63/NAT.6, dated 20 January 2011; and EC-65/NAT.2, dated 20 April 2011).

- 2.23 The Council at its Sixty-Second Session considered a request by the Libyan Arab Jamahiriya for extension of the intermediate deadlines for the destruction of its Category 1 chemical weapons (EC-62/NAT.5, dated 2 September 2010), and approved a recommendation on this request for consideration by the Conference at its Fifteenth Session (EC-62/DEC.1, dated 6 October 2010).
- 2.24 Notes by the Secretariat on the update on the destruction by the Libyan Arab Jamahiriya of its chemical weapons stockpiles were circulated to the members of the Council at its Sixty-Fourth and Sixty-Fifth Sessions (EC-64/S/2, dated 1 April 2011; and EC-65/S/2, dated 8 June 2011, respectively).
- 2.25 A national paper by the Libyan Arab Jamahiriya entitled “A Paper on Intermediate and Final Deadlines” was circulated to the members of the Council at its Sixty-Fourth Session (EC-64/NAT.2, dated 12 April 2011). A Note by the Secretariat on the national paper was also circulated to the members of the Council at the same session (EC-64/S/3, dated 13 April 2011).
- 2.26 The Council at its Thirtieth Meeting considered a request by the Libyan Arab Jamahiriya concerning the completion of the destruction of its Category 1 and Category 2 chemical weapons (EC-M-30/NAT.1, dated 12 May 2011), and approved a recommendation on this request for consideration by the Conference at its Sixteenth Session (EC-M-30/DEC.1, dated 30 May 2011).
- 2.27 Further to a decision that the Council had taken at its Forty-Sixth Session (EC-46/DEC.4, dated 5 July 2006) in regard to a “Request by China and Japan for an Extension of the Deadline for Completing the Destruction of the Chemical Weapons Abandoned by Japan in China”, national papers by China reporting on the progress made on the issue of chemical weapons abandoned by Japan on the territory of China (EC-62/NAT.2, dated 20 July 2010; EC-63/NAT.1, dated 20 October 2010; EC-63/NAT.7, dated 20 January 2011; and EC-65/NAT.3, dated 22 April 2011), and national papers by Japan reporting on the current status of abandoned chemical weapons (ACW) projects in China (EC-62/NAT.3, dated 20 July 2010; EC-63/NAT.4, dated 20 October 2010; EC-63/NAT.8, dated 20 January 2011; and EC-65/NAT.1, dated 20 April 2011), were circulated to the members of the Council at its Sixty-Second, Sixty-Third, and Sixty-Fifth Sessions.
- 2.28 A national paper by Italy entitled “Voluntary Report on the Old and Abandoned Chemical Weapons Destruction Activities” (EC-65/NAT.4, dated 30 June 2011) was circulated to the members of the Council at its Sixty-Fifth Session.
- 2.29 The Council at its Sixty-Second, Sixty-Third, Sixty-Fourth, and Sixty-Fifth Sessions considered and noted the Notes by the Director-General (EC-62/DG.12\*, dated 24 September 2010; EC-63/DG.8, dated 3 February 2011; EC-64/DG.10, dated 28 April 2011 and Corr.1, dated 3 May 2011; and EC-65/DG.11, dated 11 July 2011, respectively) on information provided as per the request of the Council at its Fifty-Ninth Session (paragraph 5.8 of EC-59/4, dated 26 February 2010).
- 2.30 The Council at its Sixty-Fourth Session welcomed the report by the Chairperson of the Council on the informal consultations with interested delegations on how and when to initiate discussion by the Council on issues related to meeting the final

extended deadlines for the destruction of chemical weapons (EC-64/5, dated 3 May 2011), and expressed deep appreciation for his tireless efforts. The Council noted the progress made during the consultations, and requested its Chairperson to conduct further consultations, with a view to finding a solution and submitting recommendations to the Conference for consideration at its Sixteenth Session.

- 2.31 A Note by the Secretariat entitled “Response to a Request for Information on the Implications for the Organisation for the Prohibition of Chemical Weapons in the Event that the Final Extended Deadline for the Destruction of Chemical Weapons Is Not Met” (EC-65/S/1, dated 3 June 2011) was circulated to the members of the Council at its Sixty-Fifth Session.

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

- 2.32 The Council at its Sixty-Second Session considered and noted the report on the visit by the Chairperson of the Council and representatives of the Council to the Pochep CWDF, the Russian Federation, from 6 to 9 September 2010 (EC-62/3, dated 29 September 2010).
- 2.33 The Council at its Sixty-Fourth Session noted the report on the visit by the Chairperson of the Council and representatives of the Council to the Pueblo Chemical Agent Destruction Pilot Plant, Colorado, and to the Tooele Chemical Agent Disposal Facility, Utah, the United States of America, from 26 February to 4 March 2011 (EC-64/4, dated 14 April 2011).

#### **Detailed plans for verification of the destruction of chemical weapons**

- 2.34 The Council at its Sixty-Third Session considered and approved amendments to the agreed detailed plan for verification of the destruction of chemical weapons at the Anniston Chemical Agent Disposal Facility, Anniston Army Depot, the United States of America (EC-63/DEC.1, dated 16 February 2011).

#### **Conversion of chemical weapons production facilities**

- 2.35 The Council at its Sixty-Third and Sixty-Fifth Sessions considered and noted the Notes by the Secretariat on the update on progress in converting a former chemical weapons production facility (CWPF) for purposes not prohibited under the Convention (EC-63/R/S/1, dated 17 January 2011 and EC-65/R/S/1, dated 10 June 2011).
- 2.36 A report by the Secretariat on the outcome of inspections of converted CWPFs in the years after the Director-General’s certification of their conversion (EC-65/S/5, dated 20 June 2011) was circulated to the members of the Council at its Sixty-Fifth Session.

#### **Facility agreements**

- 2.37 The Council at its Sixty-Second Session considered and noted a Note by the Director-General concerning an update on Schedule 2 facility agreements (EC-61/DG.10/Rev.1, dated 30 August 2010).

- 2.38 The Secretariat submitted to the Council at its Sixty-Third Session a Note on amendments, modifications, and updates to the facility agreement regarding on-site inspections at the Anniston Chemical Agent Disposal Facility, Anniston Army Depot, Alabama, the United States of America, and amendments to the agreed detailed plan for verification for that facility (EC-63/S/1, dated 14 December 2010 and Corr.1, dated 17 February 2011). A version of the facility agreement with amendments and modifications reflected in red-lining (for ease of reference) was annexed to the Note. The amendments were submitted separately to the Council at its Sixty-Third Session, which considered and approved them (EC-63/DEC.7, dated 16 February 2011).
- 2.39 The Council at its Sixty-Fourth Session considered and approved a facility agreement with the Czech Republic regarding on-site inspections at a Schedule 1 protective purposes facility (EC-64/DEC.1, dated 3 May 2011).

#### **Revisions to the specifications for items of approved inspection equipment**

- 2.40 The Council at its Sixty-Second Session considered a Note by the Secretariat on the proposed update of the list of approved inspection equipment with operational requirements and technical specifications (EC-61/S/1, dated 29 March 2010 and Corr.1, dated 17 September 2010) and forwarded its recommendations to the Conference for consideration at its Fifteenth Session (EC-62/DEC.2, dated 6 October 2010).

#### **Readiness of the Technical Secretariat to conduct a challenge inspection and an investigation of alleged use**

- 2.41 The Council at its Sixty-Second Session considered and noted a report by the Director-General on the readiness of the Secretariat to conduct a challenge inspection and an investigation of alleged use (EC-62/DG.8, dated 22 September 2010).

#### **OPCW Central Analytical Database**

- 2.42 The Council at its Sixty-Second Session considered a Note by the Director-General on the authentication and certification procedure for the OPCW Central Analytical Database (OCAD) and on-site databases (EC-62/DG.1, dated 24 June 2010), and approved the corresponding decision (EC-62/DEC.3, dated 6 October 2010).
- 2.43 Further to considering this issue at its previous sessions, the Council at its Sixty-Third Session considered a Note by the Director-General on the lists of new validated data for approval by the Council for inclusion in the OCAD (EC-61/DG.4, dated 14 May 2010) and approved a decision on the inclusion (EC-63/DEC.2, dated 16 February 2011).
- 2.44 The Council at its Sixty-Third Session also considered a Note by the Director-General on the lists of new validated data of scheduled chemicals for approval by the Council for inclusion in the OCAD (EC-63/DG.2, dated 2 November 2010) and approved a decision on the inclusion (EC-63/DEC.3, dated 16 February 2011).
- 2.45 Further to considering this issue at its previous sessions, the Council at its Sixty-Fifth Session considered a Note by the Director-General on the lists of validated data for

approval by the Council for inclusion in the OCAD (EC-63/DG.1/Rev.1, dated 15 June 2011) and approved a decision on the inclusion (EC-65/DEC.1, dated 13 July 2011).

- 2.46 The Council at its Sixty-Fifth Session also considered a Note by the Director-General on the lists of new validated data of scheduled chemicals for approval by the Council for inclusion in the OCAD (EC-65/DG.3, dated 3 June 2011) and approved a decision on the inclusion (EC-65/DEC.2, dated 13 July 2011).

#### **Status of implementation of Article X**

- 2.47 The Council at its Sixty-Fourth Session considered and noted a report by the Director-General on the status of implementation of Article X of the Convention as at 31 December 2010 (EC-64/DG.3, dated 28 March 2011).
- 2.48 Further to a recommendation by the Second Review Conference (paragraph 9.98 of RC-2/4), the Council at its Sixty-Fifth Session considered and noted a Note by the Secretariat on the content of the assistance-and-protection data bank and its use (EC-65/S/4, dated 16 June 2011).

#### **Status of implementation of Article XI**

- 2.49 The Notes by the Secretariat entitled “Call for Papers and Nominations for a Workshop on Article XI of the Chemical Weapons Convention, The Hague, the Netherlands, 24 and 25 November 2010” (S/865/2010, dated 16 September 2010) and “Status of Implementation of Article XI: Workshop on Article XI of the Chemical Weapons Convention, The Hague, the Netherlands, 24 and 25 November 2010” (S/873/2010, dated 5 October 2010) were circulated to the members of the Council at its Sixty-Second Session.
- 2.50 The Council at its Sixty-Fourth 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 2010 (EC-64/DG.6, dated 11 April 2011).

#### **The OPCW’s contribution to global anti-terrorism efforts**

- 2.51 The Council at its Sixty-Fourth Session noted with appreciation the Note by the Director-General on the status of the OPCW’s contribution to global anti-terrorism efforts (EC-64/DG.8, dated 27 April 2011).

#### **The OPCW’s Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention**

- 2.52 The Council at its Sixty-Second Session considered and noted with appreciation a Note on the OPCW’s Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention (hereinafter “the Africa Programme”) (EC-62/DG.15, dated 30 September 2010).
- 2.53 The Council at its Sixty-Fourth Session noted a Note by the Director-General on the second phase of the Africa Programme (EC-64/DG.5, dated 6 April 2011).

## **Administrative and financial matters**

### Programme and Budget of the OPCW for 2011, and all items pertaining to this Budget

- 2.54 The Council at its Sixty-First Session received the Medium-Term Plan for the period from 2011 to 2013 (EC-61/S/5 C-15/S/1, dated 7 June 2010 and Corr.1, dated 6 September 2010).
- 2.55 Having received at its Sixty-First Session the Draft Programme and Budget of the OPCW for 2011 (EC-61/CRP.2, dated 24 June 2010), which the Director-General had submitted to it in accordance with Financial Regulation 3.4, and having considered it at its Sixty-Second Session, the Council at its Twenty-Ninth Meeting further considered this document and submitted it to the Conference for its consideration at its Fifteenth Session, together with its comments and recommendations (EC-M-29/DEC.1, dated 2 December 2010).

### OPCW income and expenditure

- 2.56 At its Sixty-Second Session, the Council considered a report by the Director-General on OPCW income and expenditure for the financial year to 30 June 2010 (EC-62/DG.2 C-15/DG.5, dated 21 July 2010), and forwarded it to the Conference for consideration at its Fifteenth Session.
- 2.57 The Council at its Sixty-Second Session also considered a report by the Director-General on the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2010 (EC-62/DG.6 C-15/DG.7, dated 17 September 2010), and forwarded it to the Conference for consideration at its Fifteenth Session.
- 2.58 The Council at its Sixty-Third Session noted a report by the Director-General on OPCW income and expenditure for the financial year to 30 September 2010 (EC-63/DG.3, dated 17 November 2010).
- 2.59 The Council at this same session also noted a report by the Director-General on OPCW income and expenditure for the financial year to 31 December 2010 (EC-63/DG.10, dated 4 February 2011).
- 2.60 The Council at its Sixty-Fourth Session noted a report by the Director-General on OPCW income and expenditure for the financial year to 31 March 2011 (EC-64/DG.7, dated 18 April 2011).

### Programme performance

- 2.61 The Note by the Secretariat on the programme performance for the year 2009 (S/851/2010, dated 22 June 2010) was circulated to the members of the Council at its Sixty-Second Session.

Status of implementation by States Parties of agreed multi-year payment plans to regularise the payment of their outstanding annual contributions

- 2.62 Further to a decision of the Conference at its Eleventh Session (C-11/DEC.5, dated 7 December 2006), the Council at its Sixty-Second Session considered a Note by the Director-General on the status of implementation by States Parties of agreed multi-year payment plans (EC-62/DG.5 C-15/DG.6, dated 2 September 2010) and forwarded it to the Conference for consideration at its Fifteenth Session.

Transfer of funds between programmes

- 2.63 The Council at its Sixty-Third Session noted a Note by the Director-General on transfers of funds during 2010 (EC-63/DG.9 C-16/DG.2, dated 4 February 2011).

Financial Regulations and Rules of the OPCW

- 2.64 The Council at its Sixty-Second Session considered a Note by the Secretariat on the correction to the Financial Regulations and Rules of the OPCW and approved said correction (EC-62/S/2, dated 8 September 2010).

Implementation of the International Public Sector Accounting Standards

- 2.65 The Council at its Sixty-Second Session considered and noted the Note by the Secretariat on the status of implementation of the International Public Sector Accounting Standards (EC-62/S/3, dated 17 September 2010).

Report of the Executive Council on the performance of its activities

- 2.66 The Council at its Sixty-Second Session considered and approved its report on the performance of its activities in the period from 18 July 2009 to 2 July 2010 (EC-62/5 C-15/2, dated 6 October 2010) and submitted it to the Conference for consideration at its Fifteenth Session.

**Personnel matters**

Adjustment to the Director-General's gross salary

- 2.67 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 the terms in line with those of other executive heads within the United Nations system, the Council at its Sixty-Third Session approved a decision adjusting the Director-General's gross salary (EC-63/DEC.6, dated 16 February 2011).

Composition of the Technical Secretariat

- 2.68 Further to considering this issue at its previous session, the Council at its Sixty-Second Session considered and adopted a decision regarding the provision of information on the composition of the Secretariat (EC-62/DEC.4, dated 6 October 2010).



- 2.69 The Council at its Sixty-Fifth Session noted the report by the Director-General on the composition of the Secretariat (EC-65/DG.6, dated 22 June 2011 and Corr.1, dated 13 July 2011).

Implementation of the policy on tenure

- 2.70 The Council at its Sixty-Fourth Session considered and noted a report by the Director-General on the implementation of the tenure policy in 2010 (EC-64/DG.2, dated 14 March 2011).

Reclassification of posts

- 2.71 The Council at its Sixty-Second Session considered and approved the Note by the Director-General on the reclassification of existing posts (EC-62/DG.9, dated 23 September 2010). The Council noted in this regard that a thorough assessment of the structure and functions of Secretariat posts would commence towards the end of 2010.

Amendments to Interim Staff Rules 9.4.02 and 5.1.01(c)

- 2.72 Further to considering this issue at its previous session, the Council at its Sixty-Second Session considered the proposed amendments to Interim Staff Rules 9.4.02 and 5.1.01(c) (EC-62/DG.10, dated 23 September 2010) and approved a decision on this matter (EC-62/DEC.5, dated 6 October 2010).

Availability of official-series documents on the OPCW website

- 2.73 The Council at its Sixty-Second Session noted the Note by the Director-General on the availability of official-series documents on the OPCW website (EC-XVII/DG.1/Rev.1, dated 5 October 2010).

Sale of the OPCW Headquarters building

- 2.74 The Council at its Sixty-Second Session noted a Note by the Director-General on the sale of the OPCW Headquarters building (EC-62/DG.17, dated 7 October 2010).

**3. OTHER DECISIONS AND ACTIONS OF THE EXECUTIVE COUNCIL**

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

- 3.1 The Council at its Sixty-Second, Sixty-Third, and Sixty-Fifth Sessions noted the Notes by the Secretariat on the status of implementation of the recommendations of the External Auditor (EC-62/S/1, dated 25 August 2010 and Corr.1, dated 29 September 2010; EC-62/S/4, dated 29 September 2010; EC-63/S/5, dated 27 January 2011; and EC-65/S/3, dated 15 June 2011 and Corr.1, dated 6 July 2011).
- 3.2 The Council at its Sixty-Fourth Session noted a report by the Director-General on the implementation in 2010 of the recommendations contained in the 2009 annual report of the Office of Internal Oversight (OIO) (EC-64/DG.1, dated 8 March 2011).

- 3.3 The Council at its Sixty-Fifth Session considered and noted a Note by the Director-General on the replenishment of special funds, and approved the mechanism described therein (EC-65/DG.9, dated 28 June 2011).

#### **Status report on the Verification Information System**

- 3.4 The Council at its Sixty-Third Session noted the Note by the Secretariat on the status report on the Verification Information System (EC-63/S/4, dated 20 January 2011).

#### **Adoption of an OPCW motto**

- 3.5 The Council at its Sixty-Fifth Session endorsed the adoption by the OPCW of the motto “Working Together for a World Free of Chemical Weapons” (paragraph 18 of EC-65/4).

### **4. MATTERS REFERRED TO THE EXECUTIVE COUNCIL BY THE CONFERENCE OF THE STATES PARTIES AT ITS FIFTEENTH SESSION**

#### **Implementation of Article X**

The Conference at its Fifteenth Session requested the Council to continue its deliberations in regard to the implementation of Article X of the Convention, taking into account all proposals relevant to this issue that are being brought forward to the Conference at its Fifteenth Session and/or the Council. In this regard, the Conference noted the “Proposal of the Islamic Republic of Iran on the Establishment of an ‘International Support Network for the Victims of Chemical Weapons’” (C-15/NAT.2, dated 29 November 2010). The Conference requested the Council to report back to the Conference at its Sixteenth Session, along with any appropriate recommendations.

### **5. MATTERS FOR CONSIDERATION OR ACTION BY THE CONFERENCE OF THE STATES PARTIES AT ITS SIXTEENTH SESSION<sup>1</sup>**

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

#### **Issues related to meeting the final extended deadlines for the destruction of chemical weapons**

- 5.2 The Council at its Thirtieth Meeting considered a request by the Libyan Arab Jamahiriya concerning the completion of the destruction of its Category 1 and Category 2 chemical weapons (EC-M-30/NAT.1), and approved a recommendation on this request for consideration by the Conference at its Sixteenth Session (EC-M-30/DEC.1).

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<sup>1</sup>

This section includes only those matters that were forwarded by the Council to the Conference within the period covered by this report, that is, from 3 July 2010 to 15 July 2011.

**Draft report of the OPCW for 2010**

- 5.3 The Council at its Sixty-Fifth Session considered the draft report of the OPCW for 2010 (EC-65/3 C-16/CRP.1), and forwarded it to the Conference for consideration at its Sixteenth Session.

**6. MATTERS UNDER CONSIDERATION BY THE EXECUTIVE COUNCIL**

- 6.1 The Council's Open-Ended Working Group on Terrorism continued its work.
- 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, 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 Declarations Handbook, "Old Chemical Weapons before 1925";
  - (iv) draft section G of the Declarations 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) assistance and protection against chemical weapons;
- (g) guidelines for determining the frequency of systematic on-site inspections of CWPFs;

- (h) criteria for toxicity and corrosiveness and, if applicable, other technical factors to be taken into account in regard to the conversion of CWPFs;
- (i) 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;
- (j) optimisation of verification activities in relation to chemical weapons stockpiles, as well as of their destruction and its effectiveness;
- (k) the status of conversion of former CWPFs for purposes not prohibited under the Convention, and a plan for verification measures for such converted facilities; and
- (l) guidelines on 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

- (m) recommendations of the Scientific Advisory Board (SAB):
  - (i) declaration of salts of scheduled chemicals;
  - (ii) scope of the definition of “production by synthesis” under Part IX of the Verification Annex of the Chemical Weapons Convention (hereinafter “the Verification Annex”) with respect to biochemical and biologically mediated processes; and
  - (iii) 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;
- (n) 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 metric tonne per year for purposes not prohibited under the Convention;
  - (iii) transfer discrepancies;
  - (iv) the implementation of section B of Part IX 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) the frequency of inspections at Schedule 1 facilities and Schedule 2 plant sites;
- (viii) consideration of the need to establish other measures regarding transfers of Schedule 3 chemicals to States not Party under paragraph 27 of Part VIII of the Verification Annex;
- (ix) guidelines for the number, intensity, duration, timing, and mode of inspections of single small-scale Schedule 1 facilities;
- (x) guidelines for the number, intensity, duration, timing, and mode of inspections for other Schedule 1 facilities;
- (xi) 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;
- (xii) improvements in the submission and handling of industry declarations;
- (xiii) refinements in the conduct of inspections to improve the consistency, effectiveness, and efficiency of industry inspections;
- (xiv) 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
- (xv) late submission of declarations;
- (o) Article VI inspections;

Administrative and financial issues

- (p) confidentiality issues:
  - (i) possible national jurisdiction after national immunity is waived;
  - (ii) the application of national jurisdiction; and
  - (iii) compensation for losses caused by breaches of confidentiality;
- (q) the Draft OPCW Programme and Budget for 2012;
- (r) the Draft Medium-Term Plan;
- (s) the OPCW Interim Staff Rules and amendments to Staff Regulation 3.3;
- (t) classification of posts;
- (u) reports on the implementation of the recommendations of the OIO and of the External Auditor;

- (v) guidelines regarding the long-term handling of confidential information;
  - (w) the tenure policy; and
  - (x) the provision of information on the composition of the Secretariat;
- Legal, organisational, and other issues
- (y) the full implementation of Article XI of the Convention;
  - (z) 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;
  - (aa) sampling procedures;
  - (bb) memorandum of understanding between the OPCW and the World Customs Organization (WCO);
  - (cc) the report of the Council on the performance of its activities;
  - (dd) verification-implementation reports;
  - (ee) guidelines for on-site monitoring instruments;
  - (ff) progress reports on the implementation of the plan of action regarding the implementation of Article VII obligations;
  - (gg) further development of international-cooperation programmes after an evaluation of their effectiveness and with a view to maximising resource use; and
  - (hh) the progress report on the implementation of the action plan for the universality of the Convention.

## **7. REPORTS TO THE EXECUTIVE COUNCIL**

### **Reports of the Advisory Body on Administrative and Financial Matters**

- 7.1 Further to the request by the Council at its previous session (paragraph 11.1 of EC-61/5), the Council at its Sixty-Second Session considered and noted a Note by the Director-General on the implementation of the recommendations contained in the report of the Twenty-Eighth Session of the Advisory Body on Administrative and Financial Matters (ABAF) (EC-62/DG.13, dated 27 September 2010).

- 7.2 The Council at its Sixty-Second Session considered and noted the report of the Twenty-Ninth Session of the ABAF, which took place from 6 to 9 September 2010 (ABAF-29/1, dated 9 September 2010), and the Note by the Director-General containing comments on the report of the ABAF at that session (EC-62/DG.14, dated 30 September 2010). The Council endorsed the recommendations contained in the report of the ABAF and requested the Director-General to implement them, and to report to the Council at its Sixty-Third Session on the steps being taken to that end.
- 7.3 The Council at its Sixty-Third Session noted the report by the Director-General on the implementation of the recommendations contained in the report of the ABAF at its Twenty-Ninth Session (EC-63/DG.6, dated 20 January 2011).
- 7.4 The Council at its Sixty-Fifth Session considered the report of the Thirtieth Session of the ABAF, which took place from 6 to 9 June 2011 (ABAF-30/1, dated 9 June 2011), and a Note by the Director-General containing comments on the report of the ABAF at that session (EC-65/DG.10, dated 30 June 2011), and endorsed the recommendations contained therein.

#### **Appointments to the Advisory Body on Administrative and Financial Matters**

- 7.5 The Council at its Sixty-Third Session noted the Notes by the Secretariat on additional nominations for membership of the ABAF (EC-63/S/3, dated 17 January 2011 and EC-63/S/6, dated 9 February 2011), and approved the appointments of Mr Hervé-Adrien Metzger and Ms Jiang Ning, respectively.
- 7.6 The Council at its Sixty-Fourth Session noted a Note by the Secretariat on an additional nomination for membership of the ABAF (EC-64/S/1, dated 8 March 2011), and approved the appointment of Mr Teddy B. Ceke.
- 7.7 The Council at its Sixty-Fourth Session also noted a Note by the Secretariat on another additional nomination for membership of the ABAF (EC-64/S/4, dated 2 May 2011), and approved the appointment of Mr Artur Brunner.

#### **Report of the Scientific Advisory Board**

- 7.8 The report of the Sixteenth Session of the SAB (SAB-16/1, dated 6 April 2011) was circulated to the members of the Council at its Sixty-Fifth Session, as was a Note by the Director-General in response to the report of the Sixteenth Session of the SAB (EC-65/DG.2, dated 23 May 2011).

#### **Report of the Office of Internal Oversight for 2010**

- 7.9 Further to its consideration of this issue at its previous session, the Council at its Sixty-Fifth Session considered and noted the annual report of the OIO for the period from 1 January to 31 December 2010 and accompanying Note by the Director-General (EC-64/DG.4 C-16/DG.3, dated 30 March 2011 and Corr.1, dated 11 April 2011) that the Director-General had submitted to the Council in accordance with Regulation 12.5 of the OPCW Financial Regulations. The Council transmitted this report, and the Director-General's covering Note, to the Conference for consideration at its Sixteenth Session.

**Report of the Security Assessment and Audit Team**

- 7.10 The Council at its Sixty-Third Session noted a Note by the Director-General on the report of the Security Assessment and Audit Team (EC-63/DG.4, dated 17 January 2011).

**Report by the Committee on Relations with the Host Country**

- 7.11 At its Eleventh Session, the Conference adopted a decision establishing a Committee on Relations with the Host Country (C-11/DEC.9, dated 7 December 2006). The Council at its Sixty-Second Session noted a report by the Committee on Relations with the Host Country on the performance of its activities from November 2009 to September 2010, and submitted it to the Conference for consideration at its Fifteenth Session (EC-62/HCC/1 C-15/HCC/1, dated 30 September 2010).

**Annex:**

Actions Taken by the Conference of the States Parties at its Fifteenth Session in Response to Recommendations Made by the Executive Council at its Sixty-Second Session and Twenty-Ninth Meeting



**Annex**

**ACTIONS TAKEN BY THE CONFERENCE OF THE STATES PARTIES AT ITS  
FIFTEENTH SESSION IN RESPONSE TO RECOMMENDATIONS  
MADE BY THE EXECUTIVE COUNCIL  
AT ITS SIXTY-SECOND SESSION AND TWENTY-NINTH MEETING**

**Extension of deadlines for the destruction of Category 1 chemical weapons  
stockpiles**

1. Pursuant to the recommendation by the Council at its Sixty-Second Session (EC-62/DEC.1), the Conference at its Fifteenth Session considered and adopted a decision on the extension of the intermediate deadlines for the destruction by the Libyan Arab Jamahiriya of its Category 1 chemical weapons (C-15/DEC.3, dated 30 November 2010).

**Progress report on the implementation of the plan of action regarding the  
implementation of Article VII obligations**

2. Further to a decision by the Conference at its Fourteenth Session regarding the implementation of Article VII obligations (C-14/DEC.12, dated 4 December 2009), the Conference at its Fifteenth Session considered and noted the Note by the Director-General entitled "Report to the Conference of the States Parties at its Fifteenth Session on the Status of Implementation of Article VII of the Chemical Weapons Convention as at 30 July 2010: Article VII(1)(a) to (c) and Other Obligations" (C-15/DG.9, dated 27 October 2010); the Note by the Director-General entitled "Report to the Conference of the States Parties at its Fifteenth Session on the Status of Implementation of Article VII of the Chemical Weapons Convention as at 30 July 2010: Further Obligations Pursuant to Article VII" (C-15/DG.10, dated 27 October 2010); and the Note by the Director-General entitled "Report to the Conference of the States Parties at its Fifteenth Session on the Status and Progress Regarding Legislative and Regulatory Implementation of Article VII of the Chemical Weapons Convention (Including Assistance Provided) as at 30 July 2010" (C-15/DG.11, dated 27 October 2010), which the Council at its Sixty-Second Session had submitted to the Conference.

**Revision to the specifications of the approved inspection equipment**

3. Pursuant to the recommendations by the Council at its Sixty-Second Session (EC-62/DEC.2, dated 6 October 2010), the Conference at its Fifteenth Session considered the Note by the Secretariat on the proposed update of list of approved inspection equipment with operational requirements and technical specifications and approved the updated list contained therein (C-15/S/2, dated 4 November 2010).

**Report of the Executive Council on the performance of its activities**

4. At its Fifteenth Session, the Conference noted the report of the Council on the performance of its activities in the period from 18 July 2009 to 2 July 2010

(EC-62/5 C-15/2), which the Council at its Sixty-Second Session had submitted to it. The report was introduced by the Chairperson of the Council, Ambassador Jean-François Blarel of France, who also briefed the Conference on the developments that had taken place since the cut-off date for the report.

**OPCW Programme and Budget for 2011 and all items pertaining to this Budget**

5. In accordance with subparagraph 21(a) of Article VIII of the Convention and with Financial Regulation 3.6(a), the Conference at its Fifteenth Session considered and adopted the OPCW Programme and Budget for 2011, which the Council at its Twenty-Ninth Meeting had submitted to it (C-15/DEC.6, dated 2 December 2010).

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