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**REPORT OF THE EXECUTIVE COUNCIL
ON THE PERFORMANCE OF ITS ACTIVITIES
(17 July 2002 – 27 June 2003)**

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1. ORGANISATIONAL MATTERS

1.1 The Executive Council (hereinafter “the Council”) is the executive organ of the 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 composition of the Council for the twelve-month period commencing on 12 May 2002 and concluding on 11 May 2003 was as follows:

Africa: Algeria, Benin, Botswana, Cameroon, Morocco, Nigeria, South Africa, Sudan, Tunisia;

Asia: Bangladesh, China, India, Iran (Islamic Republic of), Japan, Pakistan, Republic of Korea, Saudi Arabia, Sri Lanka;

Eastern Europe: Belarus, Bulgaria, Croatia, Hungary, Russian Federation;

Latin America and the Caribbean: Argentina, Brazil, Chile, Colombia, Mexico, Panama, Peru, Uruguay; and

WEOG: Belgium, Canada, Denmark, France, Germany, Italy, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

1.3 The composition of the Council for the twelve-month period commencing on 12 May 2003 and concluding on 11 May 2004 was as follows:

Africa: Algeria, Benin, Cameroon, Morocco, Nigeria, South Africa, Sudan, Tunisia, Zambia;

Asia: Bangladesh, China, India, Iran (Islamic Republic of), Japan, Kuwait, Pakistan, Republic of Korea, Saudi Arabia, Sri Lanka;

Eastern Europe: Belarus, Czech Republic, Hungary, Russian Federation, Slovakia;

Latin America and the Caribbean: Argentina, Brazil, Chile, Colombia, Mexico, Panama, Peru; and

WEOG: Belgium, Canada, Denmark, France, Germany, Italy, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

1.4 At its Seventh Session, the Conference of the States Parties (hereinafter the “Conference”) adopted decisions or took action on a total of 21 matters referred to it by the Council, and referred to the Council 5 matters or issues requiring monitoring or action on its part, including recommendations to the Conference at its Eighth Session.

Election of Chairman and Vice-Chairpersons of the Council

- 1.5 The Council at its Twenty-Eighth Session elected Ambassador Lionel Fernando of Sri Lanka as its Chairman for the twelve-month term of office commencing on 12 May 2002 and ending on 11 May 2003, and representatives of Germany, Mexico, Nigeria, and the Russian Federation as its Vice-Chairpersons, for the same period.
- 1.6 The Council at its Thirty-Second Session elected Ambassador Petr Kubernát of the Czech Republic as its Chairman for the twelve-month term of office commencing on 12 May 2003 and ending on 11 May 2004, and representatives of Germany, Islamic Republic of Iran, Peru, and South Africa as its Vice-Chairpersons, for the same period.
- 1.7 The Council held four regular sessions during the period under review, on the following dates: EC-30: 10 - 13 September 2002; EC-31: 10 - 12 December 2002; EC-32: 18 - 21 March 2003; and EC-33: 24 - 26 June 2003; as well as two meetings: EC-M-21, on 3 October 2002, and EC-M-22, on 28 March 2003.
- 1.8 The Council at its Thirtieth Session considered and approved the following dates for its regular sessions in 2003: EC-32: 18 - 21 March; EC-33: 24 - 27 June; EC-34: 23 - 26 September; and EC-35: 2 - 5 December.

Accreditation of representatives to the Council

- 1.9 In accordance with Rule 4 of the Rules of Procedure of the Council, the credentials of representatives to the Council were examined by the Director-General and reported to the Council for approval as appropriate. The most recent examination of credentials established that the credentials of the representatives of all members of the Council were in conformity with its Rules of Procedure (EC-29/DG.11, dated 26 June 2002).

Application of the Rules of Procedure of the Council

- 1.10 During the period under review, observer States played an active role in all sessions and meetings of the Council, with an average number of about twenty observer States present at each session or meeting. Each request of observers to present their views in accordance with Rule 22 of the Rules of Procedure of the Council was granted.
- 1.11 Action taken by the Conference of the States Parties in sessions prior to its Eighth Session in response to recommendations from the Council in the period under review is recorded in the Annex to this report.

Working methods of the Council

- 1.12 The Chairman of the Council, in consultation with the Vice-Chairpersons and members of the Council, continued to review and publish a plan of activities of the Council. The first annex to this plan of activities lists clusters under consideration by the Council.

- 1.13 The Vice-Chairpersons of the Council were designated as coordinators for the following clusters of issues: chemical weapons issues; chemical industry and other Article VI issues; administrative and financial issues; and legal, organisational, and other issues. Facilitators were also identified for many of the issues requiring resolution. The second annex to the plan of activities lists all key meetings and consultations during the period in question.
- 1.14 By authorisation of the Council at its Twenty-Sixth Session, the Chairman of the Council, in consultation with the members, nominated Ambassador Alberto Davèrède of Argentina as Chairman of the open-ended working group on preparations for the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter, “the First Review Conference”). The open-ended working group held 28 meetings, and the Chairman of the Group reported on its work to the Council at its Thirtieth, Thirty-First and Thirty-Second Session.
- 1.15 The Council at its Twenty-Seventh Session adopted the decision on the OPCW’s contribution to global anti-terrorist efforts (EC-XXVII/DEC.5, dated 7 December 2001), which established an open-ended working group, chaired by the Chairman of the Council, to examine further the OPCW’s contribution to global anti-terrorist efforts. The open-ended working group held two informal meetings, and the Chairman of the Group reported on its work to the Council.

Official visits

Minister of Foreign Affairs of the Republic of El Salvador

- 1.16 On the occasion of her official visit to the OPCW headquarters, on 10 September 2002, the Minister for Foreign Affairs of the Republic of El Salvador, H.E. Ms Maria Eugenia Brizuela de Ávila, addressed the Council.

2. THE 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 the Director-General elaborated, *inter alia*, on aspects of the compliance by States Parties with the requirements of the Convention, in addition to submitting numerous reports, either in fulfilment of the requirements of the Convention or in order to satisfy requests of the Council or the Conference in this regard.

National implementation measures

- 2.2 The Council at its Thirtieth Session noted the report on national implementation measures (EC-30/DG.3, dated 5 September 2002, and Add.1, dated 11 September 2002). The Council expressed concern that, as at 9 September 2002, only 69, or 47%, of States Parties had fulfilled their obligation under paragraph 5 of Article VII of the Convention to provide the Organisation with information on their national implementation measures. The Council urged those States Parties which

have not yet done so to fulfil that obligation. In addition, the Council requested the Secretariat within existing resources, to continue contacting, as a matter of urgency, all States Parties which have not yet fulfilled that obligation.

- 2.3 The Council at its Thirty-First Session took note of the addendum to the report on national implementation measures (EC-30/DG.3/Add.2, dated 5 December 2002). The Council expressed its disappointment that, despite the request of the Conference at its Seventh Session (paragraph 9 of C-7/5, dated 11 October 2002), only 65 (44%) of States Parties have responded to the second legislation questionnaire, on penal enforcement of the Convention. The Council stressed the importance of all States Parties fulfilling the requirement to take the legislative and administrative measures necessary to implement their obligations under the Convention. The Council recalled that the Conference at its Seventh Session had requested States Parties to respond promptly to the legislation questionnaires (S/194/2000, dated 8 June 2000, and S/317/2002, dated 18 September 2002), and urged States Parties that have not yet done so to respond, so that the Council might have a detailed analysis of the complete situation for consideration at its next session in March. The Council requested the Secretariat to continue pursuing the outstanding responses and to assist States Parties, when needed.
- 2.4 The Council at its Thirty-Second Session received the Report by the Director-General on national implementation measures (EC-32/DG.17, dated 13 March 2003, and Add.1, dated 21 March 2003) and decided to consider it further at its next Session.
- 2.5 The Council at its Thirty-Third Session noted the Report by the Director-General on national implementation measures (EC-32/DG.17, dated 13 March 2003; Add.1, dated 21 March 2003; Corr.1, dated 31 March 2003, and Add.2, dated 5 June 2003).

Verification implementation report

- 2.6 The Council at its Thirty-First Session took note of the 2001 verification implementation report (EC-30/HP/DG.1, dated 4 July 2002, and EC-31/DG.7, dated 12 December 2002), and of the Chairman's summary of the results of the intersessional consultations on this issue (EC-31/3, dated 10 December 2002).
- 2.7 The Council at its Thirty-Third Session considered and noted the 2002 verification implementation report (EC-33/HP/DG.1, dated 14 March 2003; EC-33/HP/DG.1/Corr.1, dated 14 June 2003; EC-33/HP/DG.2, dated 24 June 2003; and EC-33/DG.13 dated 24 June 2003), and the Chairman's summary of the informal consultations on this issue (EC-33/2, dated 23 June 2003, and Corr.1, dated 25 June 2003).

Optimisation of verification activities

- 2.8 The Council at its Thirty-Second Session took note of the report by the Director-General on the optimisation and efficiency of verification activities (EC-32/DG.12, dated 6 March 2003), submitted in accordance with the request of the Conference at its Seventh Session (paragraphs 13.7 to 13.9 of C-7/5, dated 11 October 2002), and decided to consider it further at its next Session.

- 2.9 The Council at its Thirty-Third Session considered and noted the Report by the Director-General on the optimisation and efficiency of verification activities (EC-32/DG.12, dated 6 March 2003).
- 2.10 The Council was also briefed by the Secretariat on the progress made on the optimisation of verification activities through more substantial use of monitoring equipment for cost-savings purposes.
- 2.11 The Council received the Report by the Director-General on the status of resource savings in verification activities as of 29 April 2003 (EC-33/DG.11, dated 20 June 2003).

Status of requests for clarification of declaration-related information from 1 January to 31 December 2002

- 2.12 The Council at its Thirty-Second Session took note of the Note by the Secretariat on the status of requests for clarification of declaration-related information from 1 January to 31 December 2002 (EC-32/S/1, dated 18 March 2003).

Status of implementation of Articles X and XI

- 2.13 The Council at its Thirty-First Session considered the report by the Director-General on the status of implementation of Articles X and XI of the Convention, as at 31 July 2002 (EC-31/DG.2, dated 14 November 2002, Corr.1, dated 9 December 2002, and Corr.2, dated 18 February 2003). The Council requested the Secretariat to issue an updated version of annex 1 of this report, representing the situation as of 31 December 2002 (this addendum was subsequently issued as EC-31/DG.2/Add.1, dated 18 March 2003).
- 2.14 The Council at its Thirty-Second Session received the Report by the Director-General on the status of implementation of Articles X and XI of the Chemical Weapons Convention as of 31 December 2002 (EC-32/DG.22, dated 18 March 2003), and decided to consider it further at its next session.
- 2.15 The Council at its Thirty-Third Session considered and noted the Report by the Director-General on the status of implementation of Articles X and XI of the Convention as at 31 December 2002 (EC-32/DG.22, dated 18 March 2003, and Corr.1, dated 19 June 2003).

Extension of deadlines for destruction of Category 1 chemical weapons stockpiles

- 2.16 The Council at its Thirtieth Session considered the request of the Russian Federation for extension of the intermediate and final deadlines for destruction of its chemical weapons stockpiles, as follows: one percent – 29 April 2003; 20 percent – 29 April 2007; 45 percent – 29 April 2009; 100 percent – 29 April 2012. In consultations, other options were also discussed, i.e. to recommend to the Conference that it decide in principle either to extend the one percent deadline, or to extend both the one percent and the 20 percent deadlines and to delegate the decision on the specific date(s) to the Council, with a view to taking a decision at its Thirty-First Session (see paragraphs 2.22, and 2.25 below). The Council requested its Chairman

to report to the Thirty-First Session on the status of the Russian destruction facility at Gorny, based on a visit by experts from Member States.

- 2.17 Council members expressed the view that the Conference should call upon the Russian Federation to continue to take all possible steps to ensure the implementation of the new schedule for destruction of chemical weapons that it proposed, and to keep Member States fully informed on the status of its programme, and that the Conference should call upon the States Parties which are in a position to do so to provide assistance to support the efforts of the Russian Federation for implementation of the programme of chemical weapons destruction.
- 2.18 The Council decided to consider this item further at its meeting on 3 October 2002.
- 2.19 The Council at its Twenty-First Meeting considered the request of the Russian Federation for extension of the intermediate and final deadlines for the destruction of its Category 1 chemical weapons and recommended that the Conference at its Seventh Session grant, in principle, an extension to the Russian Federation's obligation to meet the intermediate deadlines for the destruction of one percent and twenty percent of its Category 1 chemical weapons as specified in EC-M-21/DEC.5, dated 10 October 2002 (see paragraph 1.3(a) of the Annex to this report).
- 2.20 The Chairman of the Council reported to the Thirty-First Session of the Council on a visit to the Gorny chemical weapons destruction facility by experts from States Parties (EC-31/2, dated 9 December 2002), conducted in accordance with the decision of the Conference at its Seventh Session (C-7/DEC.19, dated 11 October 2002).
- 2.21 In accordance with the same decision, the Russian Federation updated the Council on the status of the Gorny facility, and on the status of the programme of destruction of its Category 1 chemical weapons stockpiles (EC-31/NAT.1, dated 11 December 2002, and Corr.1, dated 12 December 2002).
- 2.22 As mandated by the Conference at its Seventh Session, the Council addressed the Russian Federation's request for an extension of the deadline for destruction of one percent of its Category 1 chemical weapons stockpile. The Council welcomed the commissioning of the first Russian chemical weapons destruction facility in Gorny on 10 December 2002. The Council noted that the monitoring of chemical weapons destruction operations by OPCW Secretariat inspectors would commence on 16 December 2002. The Council expressed its appreciation and support for the intensive efforts the government of the Russian Federation had made to accelerate completion of its first chemical weapons destruction facility.
- 2.23 The Council members also thanked the Council Chairman for leading a visit to Gorny by experts from States Parties in November 2002, and for his very comprehensive and useful report to the Council regarding the visit. The Council members believed that a further update would be required to set a date for the extended deadline for one percent destruction of the Russian Federation stockpile. It would be appropriate, in the view of the Council, to review the matter once the Gorny facility had commenced destruction operations, and achieved a level of destruction activity which would be sustainable for sufficient time to demonstrate the capacity to destroy one percent of

the stockpile. The Russian Federation and the Secretariat agreed, at the Council's request, to provide an update on the situation at Gorny by the end of February 2003, and to advise Member States without delay when the facility had reached a full, sustainable level of destruction activity.

- 2.24 The Council, taking into account the paramount importance of safety considerations involved in the operation of the Gorny facility, expressed the desire to establish a specific date for the extended one percent destruction deadline as soon as possible. The Council expressed its willingness, once the necessary information was available, to convene a special meeting, with an eye towards taking a decision on a specific extended deadline date but, in any event, to review the matter at its Thirty-Second Session.
- 2.25 The Council at its Thirty-Second Session, in accordance with the desire it expressed at its Thirty-First Session to set, as soon as possible, the extended deadline for the destruction of one percent of the Russian Federation's Category 1 chemical weapons stockpiles, and in any event to review the matter at its Thirty-Second Session, considered an update submitted by the Russian Federation (EC-32/NAT.1, dated 11 March 2003) on the situation at the chemical weapons destruction facility in Gorny, and noted the Report by the Director-General on progress made by the Russian Federation in the destruction of its Category 1 chemical weapons (EC-32/DG.11, dated 28 February 2003, and Add.1, dated 18 March 2003). The Council adopted a decision on the request of the Russian Federation for an extension of the one percent intermediate deadline for the destruction of its Category 1 chemical weapons stockpiles (EC-32/DEC.2, dated 20 March 2003).
- 2.26 The Council at the same session approved the report by the Director-General on the destruction of 20 percent of Category 1 chemical weapons stockpiles by a State Party (EC-32/DG.4, dated 17 February 2003) and expressed its satisfaction that the State Party concerned had met its extended deadline ahead of time.
- 2.27 The Council at its Thirty-Third Session noted the Report by the Director-General on the completion of the destruction of one percent of the Russian Federation's Category 1 chemical weapons stockpiles, as well as on the progress made by the Russian Federation in the destruction of its chemical weapons stockpiles (EC-33/DG.8, dated 18 June 2003).
- 2.28 The Russian Federation at the same session provided an update on the progress made in the destruction of its chemical weapons (EC-33/NAT.1, dated 24 June 2003).

Destruction of chemical weapons

- 2.29 The Council at its Thirtieth Session considered and approved the amendments to the agreed detailed plan for the verification of the destruction of the Category 1 chemical weapons at the Gorny Destruction Facility, the Russian Federation, unit 1 - lewisite (EC-30/DEC.9, dated 13 September 2002) in the context of the Note by the Secretariat on the same subject (EC-30/S/3, dated 23 August 2002).

- 2.30 The Council at its Thirtieth Session and Twenty-First Meeting considered and at its Twenty-First Meeting approved, the decision on the agreed detailed plan for the verification of the destruction of chemical weapons at Anniston chemical agent disposal facility, located at Anniston Army Depot, United States of America (EC-M-21/DEC.4, dated 10 October 2002). The United States of America submitted to the Council an explanatory note on the dates of destruction at the Anniston Chemical Agent Disposal Facility (EC-M-21/NAT.1, dated 10 October 2002). The United States of America will provide information annually regarding scheduled changes in its overall chemical weapons destruction programme, including information regarding changes involving activity at the Anniston facility.
- 2.31 The Council at its Thirty-Second and Thirty-Third Sessions considered, and at its Thirty-Third Session approved, the agreed detailed plan for the verification of the destruction of chemical weapons at Umatilla Chemical Agent Disposal Facility, located at Umatilla Chemical Depot, the United States of America (EC-33/DEC.3, dated 26 June 2003).
- 2.32 The Council at its Thirty-Second and Thirty-Third Sessions considered the agreed detailed plan for the verification of destruction of chemical weapons at the Aberdeen Chemical Agent Disposal Facility, located at Aberdeen Proving Ground-Edgewood Area, the United States of America (EC-32/DEC/CRP.2, dated 14 February 2003), and decided to return to this plan at its next session.

Combined plans for destruction or conversion and verification of chemical weapons production facilities

- 2.33 The Council at its Thirtieth Session considered the draft decision on the combined plan for the destruction and verification of the chemical weapons production facility (GB production and fill facility), Rocky Mountain Arsenal, Commerce City, United States of America (EC-XXVII/DEC/CRP.14, dated 3 December 2001), in the context of the Note by the Director-General on the same subject (EC-XXVII/DG.9, dated 3 December 2001), and decided to return to this item at its next session. This combined plan was subsequently approved by the Council at its Twenty-First Meeting (EC-M-21/DEC.1, dated 3 October 2002).
- 2.34 The Council at its Thirtieth Session considered and adopted the decision (EC-30/DEC.10, dated 13 September 2002) on the combined plan for the destruction and verification of the chemical weapons production facility (filling of mustard gas and lewisite mixture into munitions), OJSC “Kaprolaktam-Dzerzhinsk”, Dzerzhinsk, Russian Federation, in the context of the Note by the Director-General on the same subject (EC-29/DG.1, dated 12 April 2002, and Corr.1, dated 28 June 2002).
- 2.35 The Council at the same session considered and adopted the decision (EC-30/DEC.11, dated 13 September 2002) on the combined plan for the destruction and verification (Phase 1) of the chemical weapons production facility (lewisite production), OJSC “Kaprolaktam-Dzerzhinsk”, Dzerzhinsk, Russian Federation, in the context of the Note by the Director-General on the same subject (EC-29/DG.2, dated 12 April 2002, and Corr.1, dated 28 June 2002).

- 2.36 The Council also considered at this session the draft decision (EC-30/DEC/CRP.1, dated 13 August 2002) on the combined plan for the destruction and verification of a chemical weapons production facility (storage of chemical weapons production equipment) in the Federal Republic of Yugoslavia^{*}, in the context of the Note by the Director-General on the same subject (EC-30/DG.2, dated 13 August 2002), and decided to return to this item at its next session. This combined plan was subsequently approved by the Council at its Thirty-First Session (EC-31/DEC.6, dated 11 December 2002).
- 2.37 The Council at its Thirty-Second Session noted that no objection had been raised by any member of the Council within 30 days of receipt of the Note by the Director-General on the notification by the Russian Federation on changes at the former chemical weapons production facility (DF production) OJSC “Khimprom,” Volgograd (EC-32/DG.6, dated 17 February 2003, and Corr.1, dated 26 March 2003). The Secretariat subsequently informed the Council that a new notification on changes at this facility had just been received and would soon be circulated to members of the Council, together with an evaluation by the Secretariat.
- 2.38 The Council at its Thirty-Second Session also noted that no objection had been raised by any member of the Council within 30 days of receipt of the Note by the Director-General on the notification by the Russian Federation of changes at the former chemical weapons production facility (chloroether production), Open Joint Stock Company “Khimprom”, Novocheboksarsk (EC-32/DG.7, dated 17 February 2003).
- 2.39 The Council at its Thirty-Second Session considered and adopted the decision on the combined plan for the conversion and verification of the chemical weapons production facility (chloroether production), Open Joint Stock Company (OJSC) “Khimprom”, Novocheboksarsk, the Russian Federation (EC-32/DEC.3, dated 20 March 2003), in the context of the Note by the Director-General on the same subject (EC-32/DG.9, dated 19 February 2003).
- 2.40 The Council at its Thirty-Second Session considered and adopted the decision on the combined plan for conversion and verification of the chemical weapons production facility (aminomercaptan production), Open Joint Stock Company (OJSC) “Khimprom”, Novocheboksarsk, Russian Federation (EC-32/DEC.4, dated 20 March 2003), in the context of the Note by the Director-General on the same subject (EC-32/DG.5, dated 17 February 2003).
- 2.41 The Council at its Thirty-Second Session considered the combined plan for the destruction and verification of a chemical weapons production facility in Bosnia and Herzegovina (EC-32/DG.3, dated 14 February 2003, and Corr.1, dated 20 June 2003; and EC-33/DG.14, dated 26 June 2003), and decided to return to this item at its next Session. This combined plan was subsequently approved by the Council at its Thirty-Third Session (EC-33/DEC.1, dated 24 June 2003).

* As of 4 February 2003, the Federal Republic of Yugoslavia has changed its name to “Serbia and Montenegro”

- 2.42 The Council at its Thirty-Second Session considered the combined plan for conversion and verification of the chemical weapons production facility (lewisite production, second train), Open Joint Stock Company “Sibur-Neftekhim”, “Kaprolaktam” plant, Dzerzhinsk, the Russian Federation (EC-32/DG.10, dated 5 February 2003, and Corr.1, dated 26 June 2003), and decided to return to this item at its next Session. This combined plan was subsequently approved by the Council at its Thirty-Third Session (EC-33/DEC.8, dated 26 June 2003).
- 2.43 The Council at its Thirty-Second Session considered the combined plan for conversion and verification of the chemical weapons production facility (filling munitions with sarin, soman, and viscous soman, phase II: conversion of buildings 600, 603, 605, and 605a), the Open Joint Stock Company “Khimprom”, Volgograd, the Russian Federation (EC-32/DG.21, dated 14 March 2003), and decided to return to this item at its next Session. This combined plan was subsequently approved by the Council at its Thirty-Third Session (EC-33/DEC.6, dated 26 June 2003).
- 2.44 The Council at its Thirty-Second and Thirty-Third Sessions considered the combined plan for conversion and verification of the chemical weapons production facility (production of a VX-type substance and filling it into munitions: auxiliary buildings 352 and 353 and ventilation stack 366B) at Open Joint Stock Company “Khimprom”, in Novocheboksarsk, the Russian Federation (EC-32/DG.8, dated 19 February 2003), and the draft decision approving this plan (EC-32/DEC/CRP.8, dated 11 March 2003), and decided to return to this item at its next Session.
- 2.45 The Council at its Thirty-Second Session considered the combined plan for conversion and verification of the chemical weapons production facility (soman production) at Open Joint Stock Company Khimprom, Volgograd, the Russian Federation (EC-32/DG.20, dated 14 March 2003, and Corr.1, dated 21 March 2003), and decided to return to this item at its next Session. This combined plan was subsequently approved by the Council at its Thirty-Third Session (EC-33/DEC.5, dated 26 June 2003).
- 2.46 The Council at its Thirty-Second Session also considered the combined plan for conversion and verification of the chemical weapons production facility (sarin production) at Open Joint Stock Company Khimprom, Volgograd, the Russian Federation (EC-32/DG.19, dated 14 March 2003), and decided to return to this item at its next Session. This combined plan was subsequently approved by the Council at its Thirty-Third Session (EC-33/DEC.4, dated 26 June 2003).
- 2.47 The Council at its Thirty-Third Session considered the combined plan for destruction and verification of the chemical weapons production facility (Step III in the VX production and fill facility) at Newport Chemical Depot, the United States of America (EC-33/DG.3, dated 26 May 2003; Corr.1, dated 6 June 2003; and Corr.2, dated 26 June 2003), and approved this plan (EC-33/DEC.7, dated 26 June 2003).
- 2.48 The Council at its Thirty-Third Session noted the Report by the Director-General on the status of the conversion of former chemical weapons production facilities (EC-33/S/3, dated 19 June 2003, and Corr.1, dated 24 June 2003; and EC-33/R/S/1, dated 20 June 2003).

It was the view of the Council that during its last regular session each year, it should be fully informed by relevant States Parties about the status of conversion at those Chemical Weapons Production Facilities (CWPFs) located on their territories where conversion is still in progress.

It was also the view of the Council that the Director-General should inform the Council at its first regular session following the conduct of an annual usual inspection by the Secretariat at those CWPFs where conversion is still in progress, of the progress made at such facilities.

- 2.49 The Council understood that if a change in the schedule of conversion activities at a CWPF occurs, an appropriate amendment to the Detailed Plan for Conversion of that facility will be submitted to the Secretariat as soon as possible.

Facility agreements

- 2.50 The Council at its Thirtieth Session considered and adopted the decision (EC-30/DEC.12, dated 13 September 2002) approving the facility agreement between the OPCW and the Government of the United States of America regarding on-site inspections at the prototype detonation test and destruction facility at Aberdeen Proving Ground, Maryland (EC-XXVII/CRP.1, dated 17 September 2001).
- 2.51 The Council at its Thirtieth Session considered and adopted the decision (EC-30/DEC.6, dated 11 September 2002) approving the facility agreement between the OPCW and the Government of the United States of America regarding on-site inspections at the chemical transfer facility at Aberdeen Proving Ground, Maryland (EC-XXVII/CRP.2, dated 17 September 2001).
- 2.52 The Council at its Thirtieth Session considered and adopted the decision (EC-30/DEC.7, dated 11 September 2002) approving the facility agreement between the OPCW and the Government of the United States of America regarding on-site inspections at the chemical agent munitions disposal system at Deseret Chemical Depot, Utah (EC-XXVII/CRP.3, dated 17 September 2001).
- 2.53 The Council at its Thirtieth Session considered and adopted the decision approving the facility agreement between the OPCW and the Government of the United States of America regarding on-site inspections at Tooele chemical agent disposal facility, Deseret Chemical Depot, Utah (EC-30/DEC.15, dated 13 September 2002) in the light of the Note by the Director-General on the same subject (EC-30/DG.5, dated 13 September 2002).
- 2.54 The Council at its Thirtieth Session considered and adopted the decision approving the draft facility agreement between the OPCW and the Government of the United States of America regarding on-site inspections at the Anniston chemical agent disposal facility at Anniston, Alabama (EC-30/DEC.16, dated 13 September 2002), in the light of the Note by the Director-General on the same subject (EC-30/DG.5, dated 13 September 2002).

- 2.55 The Council at its Thirtieth Session considered and adopted the decision approving the facility agreement with Yugoslavia for a Schedule 1 protective purposes facility (EC-30/DEC.8, dated 11 September 2002).
- 2.56 The Council at its Thirtieth Session considered and adopted the decision approving the facility agreement with South Africa for a Schedule 1 single small-scale facility (EC-30/DEC.13, dated 13 September 2002).
- 2.57 The Council at its Thirty-First Session considered the draft decision approving the facility agreement with Belgium for a Schedule 1 protective purposes facility (EC-31/DEC/CRP.1, dated 11 November 2002) and decided to return to this item at its next regular session. This facility agreement remains under consideration.
- 2.58 The Council at its Thirty-First Session considered and adopted the decision approving the facility agreement with Sweden for a Schedule 2 plant site (EC-31/DEC.1, dated 10 December 2002).
- 2.59 The Council at its Thirty-Second Session took note of the Note by the Director-General informing the Council about agreed modifications to one attachment of the facility arrangement with a State Party for a chemical weapons destruction facility (EC-32/DG.13, dated 6 March 2003).
- 2.60 The Council at its Thirty-Second Session considered the facility agreement with the United States of America regarding on-site inspections at the Umatilla Chemical Agent Disposal Facility at Umatilla Chemical Depot, Oregon (EC-32/DEC/CRP.5, dated 10 March 2003), and decided to return to this item at its next Session. This facility agreement was approved by the Council at its Thirty-Third Session (EC-33/DEC.9, dated 26 June 2003)
- 2.61 The Council at its Thirty-Second and Thirty-Third Sessions considered the draft decision on the Facility Agreement with the United States of America regarding on-site inspections at the Aberdeen Chemical Agent Disposal Facility at Aberdeen Proving Ground, Edgewood Area, Maryland (EC-32/DEC/CRP.6, dated 10 March 2003), and decided to return to this item at its next Session. This facility agreement remains under consideration.

Guidelines regarding declarations of aggregate national data for Schedule 2 chemical production, processing, consumption, import and export, and import and export of Schedule 3 chemicals

- 2.62 The Council at its Thirtieth Session considered and adopted the decision on guidelines regarding declarations of aggregate national data for Schedule 2 chemical production, processing, consumption, import and export, and Schedule 3 import and export (EC-30/DEC.14, dated 13 September 2002).

Understandings regarding declarations under Article VI and Part VII and Part VIII of the Verification Annex

- 2.63 The Council at its Thirty-First Session considered and adopted the decision on understandings regarding declarations under Article VI and Part VII and Part VIII of the Verification Annex (EC-31/DEC.7, dated 11 December 2002).

Understanding of the term “captive use” in connection with declarations under Parts VII and VIII of the Verification Annex to the Convention

- 2.64 The Council at its Thirty-Third Session received a verbal report by the facilitator on the current progress of consultations on the issues of captive use and of Schedule 2A and 2A* chemicals.
- 2.65 The Council received the facilitator’s proposal for a draft decision on the understanding of the term “captive use” in connection with declarations under Parts VII and VIII of the Verification Annex to the Convention (EC-33/DEC/CRP.4, dated 26 June 2003), and decided to defer its consideration to its next session.

List of approved equipment and technical specifications of approved equipment

- 2.66 The Council at its Thirtieth Session and Twenty-First Meeting considered both the draft decision on procedures for revising technical specifications for on-site inspection equipment (EC-28/DEC/CRP.4, dated 15 February 2002) and the draft decision on procedures for revising the approved list of inspection equipment (EC-28/DEC/CRP.6, dated 18 February 2002), in the light of background information on these draft decisions provided by the Secretariat (EC-29/S/1 and EC-29/S/2, both dated 7 May 2002), and referred them to the Conference at its Seventh Session for consideration and approval. The Conference adopted the decision on procedures for updating the approved list of equipment (C-7/DEC.20, dated 11 October 2002), and referred the draft decision on procedures for revising technical specifications for on-site inspection equipment back to the Council, with a view to having it approved and provisionally applied.
- 2.67 The Council at its Thirty-First Session considered and adopted the decision on procedures for revising technical specifications of approved equipment (EC-31/DEC.8, dated 12 December 2002).

Report on the implementation of the confidentiality regime in 2002

- 2.68 The Council at its Thirty-Second Session noted the Report on the implementation of the regime governing the handling of confidential information by the Technical Secretariat in 2002 (EC-32/DG.16, dated 12 March 2003).

List of new validated data for inclusion in the OPCW Central Analytical Database

- 2.69 The Council at its Thirty-First, Thirty-Second and Thirty-Third Sessions considered and approved the decisions on the list of new validated data for inclusion in the OPCW Central Analytical Database (EC-31/DEC.2, dated 10 December 2002; EC-32/DEC.1, dated 18 March 2003; and EC-33/DEC.2, dated 24 June 2003 respectively).
- 2.70 The Council noted at its Thirty-First Session the report by the Director-General on cost-effective means for including Chemical Abstracts Service Registry numbers for the new validated data, if those numbers have already been allocated (EC-31/DG.3, dated 18 November 2002), and received at its Thirty-Third Session an update on the situation in this regard (EC-33/DG.12, dated 20 June 2003).

Financial matters

- 2.71 In accordance with the request of the Council at its Twenty-Seventh Session the Director-General kept the Council informed at each regular session through monthly updates on the financial and budgetary situation and the use of the Working Capital Fund (EC-30/S/1, dated 16 July 2002; EC-30/S/2, dated 13 August 2002; EC-30/S/4, dated 12 September 2002; EC-31/S/1, dated 28 October 2002; EC-31/S/2, dated 11 November 2002, EC-32/DG.14, dated 11 March 2003; EC-32/DG.15, dated 11 March 2003; EC-32/DG.18, dated 14 March 2003; EC-32/DG.24, dated 19 March 2003, and Corr.1, dated 21 March 2003; EC-33/DG.1, dated 23 April, and Corr.1, dated 10 June 2003, EC-33/DG.6, dated 10 June 2003, and EC-33/DG.9, dated 20 June 2003).

Article IV and V costs

- 2.72 The Council at its Thirtieth Session recognised the need, in the financial situation existing at that time, to try to ensure that all available contributions are used to carry out the approved programme of work. The Council noted that invoices issued late in 2001 in respect of the costs of verification under Articles IV and V were paid in 2002. The same was likely to occur to some extent in 2002/2003. Under the accounting practice in force at the time, these payments would add to any cash surplus arising in the year in which invoices are issued, and would thus be subject to reimbursement to States Parties. The Council decided urgently to consider, in the period before the Seventh Session of the Conference, what measures might be possible which would enable the Director-General in 2003 to maximise the effective use of cash resources, with a view to making a recommendation, as necessary, to the Conference at its Seventh Session.
- 2.73 The Council at its Thirty-First Session noted the assurances of the relevant States Parties that each would strive to make prompt payment for expenses incurred under Articles IV and V, so as to maximise the level of payments made within the same year as issue of invoices; and payment of any residue as soon as possible in the following year. With this in mind, the Council urged the Secretariat and the States Parties concerned to maintain close contact to ensure appropriately-documented invoices could be rapidly and accurately compiled and submitted throughout the year, keeping prospective discrepancies, and thus delays, to a minimum.
- 2.74 The Council noted that the Conference at its Seventh Session, in adopting a decision on the programme and budget for 2003, decided to allow transfers of funds from the Working Capital Fund in 2002 and 2003 to be reimbursed to the Fund in the year following the transfer. The Council recognised that this decision increased the likelihood that more Article IV and V income would be devoted in 2002 and 2003 to carrying out the programme of work.
- 2.75 The Council also noted the continuing need to minimise the risk of “fictitious income”, and encouraged the Director-General, when drafting future programme and budget documents, to continue to include projections in respect of income under Articles IV and V based on a realistic estimate of the amounts likely to be invoiced during the year in question.

- 2.76 The Council further decided to review progress in improving the flow of Article IV and V payments, such review to be undertaken before the Eighth Session of the Conference.
- 2.77 The Council at its Thirty-Third Session reviewed the situation regarding payment of invoices under Articles IV and V issued for 2002, and payments to date in respect of invoices for 2003 (EC-33/DG.9, dated 20 June 2003). Taking this review into account, and in view of the understanding recorded in paragraph 12.2 of the report of its Thirty-First Session (EC-31/4, dated 12 December 2002), the Council urged the relevant States Parties and the Secretariat to enhance efforts to achieve prompt issue and payment of invoices, as far as possible in the same year as the respective inspection activity. The Council also renewed its request (paragraph 14.1 of the report of the Twenty-Eighth Session (EC-28/3, dated 22 March 2003)) to the relevant States Parties that were able and willing to do so, to consider making payment, at the beginning of each financial year, of an appropriate proportion of the relevant verification costs under Articles IV and V likely to be incurred during the year in question.
- 2.78 The Council at its Thirty-Third Session also decided to recommend to the Eighth Session of the Conference that, when adopting the 2004 programme and budget, it should also decide that all transfers of funds from the Working Capital Fund for the purpose of financing budgetary appropriations in 2004 should, as an exceptional measure, be reimbursed to the Fund as soon as feasible, but no later than the end of 2005.

Transfers of funds

- 2.79 The Council at its Thirty-Third Session was notified by the Director-General in accordance with OPCW Financial Regulations 4.5 and 4.6 on transfers made between or within programmes in 2002 (EC-33/DG.10, dated 20 June 2003).

Draft OPCW programme and budget for 2003

- 2.80 The Council at its Thirtieth Session considered the draft OPCW programme and budget for 2003 (EC-30/DG.1, dated 31 May 2002), as well as the draft OPCW medium-term plan for the period 2004 - 2006 (EC-29/CRP.2, dated 18 June 2002). The Council considered them further at its Twenty-First Meeting and forwarded the drafts to the Conference for further consideration and appropriate decision at its Seventh Session.

Draft OPCW programme and budget for 2004

- 2.81 The Council at its Thirty-Third Session received the draft OPCW programme and budget for 2004 (EC-33/DG.4, dated 2 June 2003), and decided to consider it further at its next session.

OPCW Financial Rules and proposed amendments to the OPCW Financial Regulations

- 2.82 Following consideration of this item at previous sessions, the Council at its Thirtieth Session decided to return to this item at its next session.
- 2.83 The Council at its Twenty-First Meeting considered proposed amendments to OPCW Financial Regulation 6.6 and forwarded them to the Conference at its Seventh Session for further consideration and an appropriate decision.
- 2.84 The Council at its Thirty-Second Session took note of the Note by the Director-General on proposed amendments to draft Financial Rule 9.1.02 (EC-32/DG.1, dated 29 January 2003) and requested the Advisory Body on Administrative and Financial Matters to address this note with a view to making an appropriate recommendation to the Council at its next Session.
- 2.85 The Council at its Thirty-Third Session noted that ABAF had addressed at the Council's request the Note by the Director-General on proposed amendments to draft Financial Rule 9.1.02 (EC-32/DG.1, dated 29 January 2003) and recommended its approval.

3. MATTERS REFERRED TO THE COUNCIL BY THE CONFERENCE AT ITS SEVENTH SESSION

Technical specifications of approved equipment

- 3.1 The Conference considered the draft decision on procedures for revising technical specifications for approved equipment as contained in EC-28/DEC/CRP.4, dated 15 February 2002, and sent the draft back to the Council, with a view to having it approved and provisionally applied. The decision to be adopted by the Council should be submitted to the Conference for final consideration and approval at its Eighth Session (see paragraph 4.2 of this report).

Issues referred to the Council by the previous session of the Conference

- 3.2 The Conference noted that several matters referred by it at its Sixth Session for the Council to make recommendations to the Conference at its Seventh Session still remained under consideration by the Council. The Conference urged the Council to report on these issues as soon as appropriate recommendations had been drawn up.

Proposals on more substantial use of monitoring equipment at chemical weapons storage and destruction facilities and on optimisation of verification activities under Articles IV and V of the Convention

- 3.3 The Conference requested the Director-General to present to the Council, at its Thirty-Second Session, proposals on more substantial use of monitoring equipment at chemical weapons storage and destruction facilities and on optimisation of verification activities under Articles IV and V of the Convention.

Fostering of international cooperation for peaceful purposes in the field of chemical activities

- 3.4 The Conference at its Seventh Session referred this matter to the Council for further consideration, and for the Council to submit a proposal to the Conference for consideration and approval at its Eighth Session.

Agreements on the privileges and immunities of the OPCW

- 3.5 The Conference considered and approved the decisions on three draft agreements on privileges and immunities between the OPCW and Finland, Argentina, and Spain (C-7/DEC.21, C-7/DEC.22, and C-7/DEC.23*, respectively, all dated 11 October 2002), and requested the Council to conclude them.

4. MATTERS REQUIRING CONSIDERATION/ACTION BY THE CONFERENCE

Extension of deadlines for destruction of Category 1 chemical weapons stockpiles

- 4.1 The Council at its Thirty-Fourth Session will consider a recommendation to the Conference on a specific and practical date for the extended deadline for the destruction of twenty percent of the Russian Federation's Category 1 chemical weapons stockpiles, so that the Conference at its Eighth Session might take a decision establishing a revised deadline.

List of approved equipment and technical specifications of approved equipment

- 4.2 The Council at its Thirty-First Session considered and adopted the decision on procedures for revising technical specifications of approved equipment (EC-31/DEC.8, dated 12 December 2002). In accordance with the request of the Conference at its Seventh Session, this decision will be submitted to the Conference for final consideration and approval at its Eighth Session.

Understandings regarding declarations under Article VI and Part VII and Part VIII of the Verification Annex to the Convention

- 4.3 The Council at its Thirty-First Session considered and adopted a decision on understandings regarding declarations under Article VI and Part VII and Part VIII of the Verification Annex to the Convention (EC-31/DEC.7, dated 11 December 2002), recommending to the Conference that it approve it at its Eighth Session.

Tenure policy of the OPCW

- 4.4 The Council at its Twenty-Second Meeting considered and adopted the decision on the tenure policy of the OPCW (EC-M-22/DEC.1, dated 28 March 2003). The decision contained several recommendations requiring action by the Conference. Some of the urgent recommendations were acted upon by the Conference at its Second Special Session. The Council also recommended to the Conference that, in the event that projected costs for turnover in 2003 arising from this decision exceed regular budget provisions for turnover, it consider at its Eighth Session authorising the Director-General to use any cash surplus arising from the year 2001 for this purpose.

5. OTHER DECISIONS OR ACTIONS OF THE COUNCIL

Situation of the OPCW Provident Fund

- 5.1 The Council at its Thirty-First Session received an oral report from the facilitator on an informal consultation during which the situation of the Provident Fund had been discussed on the basis of information provided by the Provident Fund Management Board (PFMB) on developments in relation to the Provident Fund since July 2002. The Council requested to be informed of the final outcome of the discussions between the PFMB and the former administrator of the Fund, which are reported to be nearing completion. The Council would then consider such outcome, together with any evaluations or recommendations thereon which might be made by the OIO or the External Auditor.

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

- 5.2 The Council at its Thirty-First Session received and noted the Secretariat's Note on the implementation of the recommendations of the External Auditor (EC-31/S/3*, dated 15 November 2002). This item was discussed during informal consultations, and the Council received an oral report indicating that no substantive issues relating to this item had been raised.
- 5.3 The Council received the Secretariat's report on the implementation of the recommendations of the Office of Internal Oversight (OIO) (EC-31/DG.5, dated 9 December 2002), and decided that this report, together with the OIO's report for 2002, should be discussed during future informal consultations.

Memorandum of understanding between the OPCW and the World Customs Organization (WCO)

- 5.4 Following consideration of this item at previous sessions, the Council at its Twenty-Eighth Session considered the memorandum of understanding on cooperation between the OPCW and the World Customs Organization (EC-XXVI/DEC/CRP.5, dated 30 August 2001) in the context of the Note by the Director-General on the same subject (EC-XXVI/DG.5, dated 3 September 2001), and decided to focus its attention at this stage on the annex to the draft decision.
- 5.5 After a preliminary exchange of views, the Council decided that the draft memorandum needed further study by the customs experts in the WCO, in particular Articles 2 and 4 of the draft memorandum, and possibly in the field of training.

Participation of designated laboratories in preparing or evaluating samples for official OPCW proficiency tests

- 5.6 The Council at its Thirtieth Session considered the draft decision on the participation of designated laboratories in preparation or evaluation of samples on a rotational basis for the official OPCW proficiency tests, including appropriate financial arrangements (EC-30/DEC/CRP.3, dated 28 August 2002), and decided to return to this item at its next session.

Provisional agendas of the Sessions of the Conference of the States Parties

- 5.7 The Council at its Thirty-Second Session considered and drew up the provisional agenda of the First Review Conference (EC-32/DEC.5, dated 21 March 2003).
- 5.8 The Council at its Twenty-Second Meeting considered and drew up the provisional agenda of the Second Special Session of the Conference (EC-M-22/1, dated 28 March 2003).
- 5.9 The Council at its Thirty-Third Session considered and drew up the provisional agenda of the Eighth Session of the Conference (paragraph 13 of EC-33/3, dated 26 June 2003).

6. MATTERS UNDER CONSIDERATION BY THE COUNCIL

- 6.1 The following is a list of some matters still under consideration by the Council at the close of the period under review.
- (a) draft OPCW programme and budget for 2004;
 - (b) draft medium-term plan 2005 – 2007;
 - (c) draft report of the Organisation for 2002;
 - (d) report of the Council on the performance of its activities;
 - (e) general and annual plans for destruction of CWPFs and annual reports on destruction. Detailed and combined plans for conversion of CWPFs;
 - (f) CW-related facility agreements;
 - (g) the meaning of “primarily for the development of CW”; declarations criteria for former CW development facilities (facilities designed, constructed or used since 1 January 1946 primarily for the development of CW)
 - (h) old and abandoned chemical weapons:
 - (i) guidelines for determining the usability of chemical weapons produced between 1925 and 1946;
 - (ii) destruction/verification requirements for OACW;
 - (iii) draft section E of the Declaration Handbook, “OCW before 1925”;
 - (iv) draft section G of the Declaration Handbook, “ACW”;
 - (v) attribution of costs related to inspections of old chemical weapons;
 - (i) extension of the Russian Federation’s obligation to meet deadlines for the destruction of its Category 1 chemical weapons;
 - (j) deadlines for submission of information on CWDFs;

- (k) guidelines for determining the frequency of systematic on-site inspections of CWSFs and CWPFs;
- (l) criteria for toxicity, corrosiveness, and, if applicable, other technical factors to be taken into account when converting CWPFs;
- (m) developments in relation to additional chemicals that may be relevant to the Convention, and assessment, *inter alia*, of whether these compounds should be considered in the context of the Schedules of Chemicals;
- (n) optimisation of verification of CW stockpiles as well as of their destruction and increase of its efficiency;
- (o) status of conversion of former CWPFs for purposes not prohibited under the Convention and concept for verification measures for such converted facilities;
- (p) recommendations of the Scientific Advisory Board;
- (q) industry declaration issues:
 - (i) harmonisation of the reporting of Schedule 3 production aggregate national data;
 - (ii) understandings on captive use regarding declarations under Article VI, Part VII and VIII of the Verification Annex
 - (iii) past Schedule 1 production above 1 tonne per annum for purposes not prohibited under the Convention;
 - (iv) implementation of section B of Part IX of the Verification Annex, including methodology for selecting OCPFs;
 - (v) understandings on access to records during Schedule 2, Schedule 3, and 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) frequency of inspections at Schedule 1 facilities and Schedule 2 plant sites;
 - (viii) verification at Schedule 1 facilities;
 - (ix) consideration of the need to establish other measures regarding transfers of Schedule 3 chemicals under paragraph 27 of Part VIII;
 - (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 Schedule 1 (SSSF) 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 which have been declared as undertaking activities in relation to Schedule 2 or Schedule 3 cease to do so;
 - (xiv) *de minimis* rule for the notification of transfers of Schedule 1 chemicals;
 - (xv) improvement in the submission and handling of industry declarations;
 - (xvi) refinements in inspection conduct to improve consistency, efficiency, and effectiveness of industry inspections; and
 - (xvii) the need for a recommendation about the future treatment of salts of Schedule 1 chemicals that are not explicitly mentioned in Schedule 1.
- (r) confidentiality issues:
- (i) possible national jurisdiction after national immunity is waived;
 - (ii) application of national jurisdiction;
 - (iii) compensation for losses caused by breaches of confidentiality;
 - (iv) guidelines regarding long-term handling of confidential information;
 - (v) situation in relation to the classification of information held by the OPCW; and
 - (vi) recommendation to adopt the ISO-17799 information-security management standard for a Secure Critical Network.
- (s) OPCW Staff Rules and amendments to Staff Regulation 3.3;
- (t) classification of posts;
- (u) OPCW Financial Rules and amendments to the OPCW Financial Regulations;
- (v) issue of the full implementation of Article XI;
- (w) fostering of international cooperation for peaceful purposes in the field of chemical activities;
- (x) challenge inspection:

- (i) further operational requirements for equipment in challenge inspections;
 - (ii) cost aspects of abuse of challenge inspections;
 - (iii) the timing of notifications in challenge inspections;
 - (iv) list of activities and elements of preliminary findings and final inspection reports; and
 - (v) consequences of abuse of the right to a challenge inspection;
- (y) indication of specific types of equipment for specific types of inspection;
- (z) sampling procedures;
- (aa) requirements for reporting information to the Council on verification activities, including inspection results;
- (bb) Article IV and V costs;
- (cc) proposal for amendments to paragraphs 12 and 14 of the Rules of Procedure of the Council;
- (dd) optimisation of the verification activities;
- (ee) guidelines for on-site monitoring instruments;
- (ff) assistance and protection against chemical weapons;
- (gg) verification implementation reports and SIRs;
- (hh) agreements on privileges and immunities and agreements with international organisations; draft MOU between the OPCW and WCO;
- (ii) reports on the implementation of the recommendations of the Office of Internal Oversight, and of the External Auditor;
- (jj) industrial facility agreements;
- (kk) general and annual plans for destruction of chemical weapons, annual reports on destruction; and
- (ll) plan of action regarding the implementation of Article VII obligations, with the objective of fostering the full and effective implementation of the Convention.

7. REPORTS TO THE COUNCIL

Report of the open-ended working group on preparations for the First Review Conference

- 7.1 The Chairman of the open-ended working group on preparations for the review conference, Ambassador Alberto Davèrède of Argentina, regularly reported to the Council on the preparatory work which had been carried out by the open-ended working group on preparations for the First Review Conference (WGRC-1/3, dated 5 September 2002; WGRC-1/4, dated 9 December 2002; and WGRC-1/5, dated 19 March 2003). The Council at its Thirty-Second Session approved the work of the working group, noted its report, and authorised the working group to continue its informal discussions with a view to facilitating the work of the First Review Conference, and requested the Chairman of the Working Group, Ambassador Davèrède of Argentina, to report to the First Review Conference on the results of these discussions.

Reports to the Council on the status of consultations on clusters of issues

- 7.2 The Council Vice-Chairpersons and coordinators for clusters of issues reported to the Council at each regular session on informal consultations during the intersessional periods: on chemical weapons issues; on chemical industry and other Article VI issues; on administrative and financial issues; and on legal, organisational, and other issues.

Report of the Advisory Body on Administrative and Financial Matters (ABAF)

- 7.3 The Council at its Thirtieth Session noted the report of the thirteenth session of the Advisory Body on Administrative and Financial Matters (ABAF-13/1, dated 29 August 2002).
- 7.4 The Council at its Thirty-Third Session received the report of the fourteenth session of the Advisory Body on Administrative and Financial Matters (ABAF-14/1, dated 23 June 2003).

Appointments to ABAF

- 7.5 The Council at its Thirtieth Session approved the appointment of Mr R Poorlnalingam to the Advisory Body with the date of appointment retroactive to the date of the letter of nomination (17 July 2002), and approved the appointment of Mr Bernhard Brasack, to replace Mr Rolf Herden, with the date of appointment retroactive to the date of the letter of nomination (4 September 2002).
- 7.6 The Council at its Thirty-Second Session approved the appointment of Ms Chiho Komuro to replace Ms Keiko Yanai on the Advisory Body on Administrative and Financial Matters, with the date of appointment retroactive to the date of the letter of nomination (27 February 2003).

- 7.7 The Council at its Thirty-Third Session noted the resignation of Mr C.H. Kim from the ABAF, and approved the appointment of Mr S.S. Lee, with the date of appointment retroactive to the date of nomination (23 May 2003).
- 7.8 The Council at its Thirty-Third Session also noted the resignation of Mrs Lauren Flejzor from the ABAF, and approved the appointment of Mr John D. Fox, with the date of appointment retroactive to the date of nomination (4 June 2003).
- 7.9 The Council at its Thirty-Third Session further noted the resignation of Mr Amir A. Shadani from the ABAF, and approved the appointment of Mr Sajjad Kamran, with the date of appointment retroactive to the date of nomination (9 June 2003).

Annex: Actions taken by the Conference of the States Parties in sessions prior to its Eighth Session in relation to recommendations of the Council

Annex

ACTIONS TAKEN BY THE CONFERENCE OF THE STATES PARTIES IN SESSIONS PRIOR TO ITS EIGHTH SESSION IN RELATION TO RECOMMENDATIONS OF THE COUNCIL

1. Action taken by the Conference at its Seventh Session

Report of the Organisation in the year 2001

- 1.1 The Conference at its Seventh Session considered and approved the report of the OPCW on the implementation of the Convention in the year 2001 (C-7/3, dated 10 October 2002).

Report of the Executive Council on the performance of its activities

- 1.2 The Conference noted the report of the Executive Council on the performance of its activities in the period 24 February 2001 - 16 July 2002 (C-7/2, dated 3 October 2002).

Recommendations of the Council to the Conference

- 1.3 The Conference at its Seventh Session took the following actions on the basis of recommendations and decisions of the Council:

(a) Extension of deadlines for destruction of Category 1 chemical weapons stockpiles:

- (i) The Conference, in accordance with the recommendation of the Council at its Twenty-Eighth Session, considered and adopted the decision approving a request by a State Party to grant an extension of its obligation to meet the intermediate Phase 2 deadline for the destruction of its Category 1 chemical weapons (C-7/DEC.4, dated 10 October 2002); and
- (ii) The Conference, in accordance with the recommendation of the Council at its Twenty-First Meeting, considered and adopted the decision on a request from the Russian Federation for an extension of its obligation to meet the intermediate and final deadlines for the destruction of its Category 1 chemical weapons (C-7/DEC.19, dated 11 October 2002).

(b) Requests for conversion of chemical weapons production facilities for purposes not prohibited under the Convention

- (i) The Conference, in accordance with the recommendation of the Council at its Twenty-Fifth Session, considered and adopted the decision on the request by the Russian Federation for approval to use a

chemical weapons production facility (filling of mustard gas and lewisite mixture into munitions) at OJSC “Khimprom” in Volgograd, Russian Federation, for purposes not prohibited under the Convention (C-7/DEC.5, dated 10 October 2002);

- (ii) The Conference, in accordance with the recommendation of the Council at its Twenty-Fifth Session, considered and adopted the decision on the request by the Russian Federation for approval to use a chemical weapons production facility (loading of chemical sub-munitions into munitions) at OJSC “Khimprom” in Novocheboksarsk, Russian Federation, for purposes not prohibited under the Convention (C-7/DEC.6, dated 10 October 2002);
- (iii) The Conference, in accordance with the recommendation of the Council at its Thirtieth Session, considered and adopted the decision on the request by the Russian Federation to use a chemical weapons production facility (aminomercaptan production) at OJSC “Khimprom” in Novocheboksarsk, Russian Federation, for purposes not prohibited under the Convention (C-7/DEC.7, dated 10 October 2002);
- (iv) The Conference, in accordance with the recommendation of the Council at its Thirtieth Session, considered and adopted the decision on the request by the Russian Federation to use a chemical weapons production facility (chloroether production) at OJSC “Khimprom” in Novocheboksarsk, Russian Federation, for purposes not prohibited under the Convention (C-7/DEC.8, dated 10 October 2002);
- (v) The Conference, in accordance with the recommendation of the Council at its Thirtieth Session, considered and adopted the decision on the request by the Russian Federation to use a chemical weapons production facility (sarin production) at OJSC “Khimprom” in Volgograd, Russian Federation, for purposes not prohibited under the Convention (C-7/DEC.9, dated 10 October 2002);
- (vi) The Conference, in accordance with the recommendation of the Council at its Thirtieth Session, considered and adopted the decision on the request by the Russian Federation for approval to use a chemical weapons production facility (production of VX-substance and filling it into munitions, stage II: conversion of part of the auxiliary buildings 352 and 353 and of the ventilation stack 366B) at OJSC “Khimprom” in Novocheboksarsk, Russian Federation, for purposes not prohibited under the Convention (C-7/DEC.10, dated 10 October 2002);
- (vii) The Conference, in accordance with the recommendation of the Council at its Thirtieth Session, considered and adopted the decision on the request by the Russian Federation for approval to use a chemical weapons production facility (filling munitions with sarin, soman and

viscous soman, phase II: conversion of buildings 600, 603, 605 and 605a) at OJSC “Khimprom” in Volgograd, Russian Federation, for purposes not prohibited under the Convention (C-7/DEC.11, dated 10 October 2002);

- (viii) The Conference, in accordance with the recommendation of the Council at its Twenty-Eighth Session, considered and adopted the decision on the request by the Russian Federation for approval to use a chemical weapons production facility (lewisite production, second train) at OJSC “Sibur-Neftekhim”, “Kaprolaktam” Plant at Dzerzhinsk, Russian Federation, for purposes not prohibited under the Convention (C-7/DEC.12, dated 10 October 2002); and
- (ix) The Conference, in accordance with the recommendation of the Council at its Twenty-First Meeting, considered and adopted the decision on the request by the Russian Federation for approval to use a chemical weapons production facility (soman production) at OJSC “Khimprom” in Volgograd, Russian Federation, for purposes not prohibited under the Convention (C-7/DEC.13, dated 10 October 2002). The Conference

(c) Guidelines regarding declarations of aggregate national data for chemical production, processing, consumption, import and export of Schedule 2 chemicals, and import and export of Schedule 3 chemicals

The Conference, in accordance with the recommendation of the Council at its Thirtieth Session, considered and adopted the decision on guidelines regarding declarations of aggregate national data for Schedule 2 chemical production, processing, consumption, import and export, and Schedule 3 import and export (C-7/DEC.14, dated 10 October 2002).

(d) List of approved equipment and technical specification of approved equipment

- (i) The Conference considered and adopted the decision on procedures for updating the list of approved equipment (C-7/DEC.20, dated 11 October 2002).
- (ii) The Conference also considered the draft decision on procedures for revising technical specifications for approved equipment (EC-28/DEC/CRP.4, dated 15 February 2002). Agreement was reached on operative paragraphs 1 and 2 of this draft decision, but not on operative paragraph 3. In respect of operative paragraph 3, there was agreement on fundamental principles: that States Parties should have an opportunity to review and comment on the proposed technical specifications and that the Convention-mandated role of the Council in decision-making process must be fully respected. Efforts should continue to find precise language for operative paragraph 3, which should reflect these principles. The Conference forwarded the draft

decision (EC-28/DEC/CRP.4, dated 15 February 2002) to the Council, with a view to having it approved and provisionally applied. The decision to be adopted by the Council shall be submitted to the Eighth Session of the Conference for final consideration and approval.

(e) Report of the External Auditor on the financial statements of the OPCW for 2001

The Conference at its Seventh Session noted the audited financial statements of the OPCW and the Provident Fund of the OPCW for the period ending 31 December 2001, including the response of the Acting Director-General to the above-mentioned External Auditor's report (C-7/DG.1, dated 14 June 2002, and Corr.1, dated 26 June 2002).

(f) Report of the Office of Internal Oversight for 2001

The Conference at its Seventh Session noted that, in accordance with OPCW Financial Regulation 12.5, the summary report on the internal oversight activities for 2001, prepared by the Office of Internal Oversight (OIO), was transmitted to it through the Council at its Thirtieth Session (EC-29/DG.5, dated 10 June 2002). The Conference also noted the comments of the Council at its Thirtieth Session as to the work carried out by the OIO (paragraph 15 of EC-30/2, dated 13 September 2002).

(g) Dates and duration of the first review conference and of the next regular session of the Conference

- (i) The Conference at its Seventh Session decided, in accordance with the recommendation of the Council (EC-28/DEC.4, dated 20 March 2002), to hold the First Review Conference from 28 April to 9 May 2003.
- (ii) The Conference also decided to hold its future regular sessions on the following dates: 20-24 October 2003; 15-19 November 2004; 7-11 November 2005; 6-10 November 2006; 5-9 November 2007; 7-18 April 2008 (Second Review Conference); 3-7 November 2008; 2-6 November 2009; and 1-5 November 2010. The Conference authorised the Director-General to conclude appropriate agreements with the Netherlands Congress Centre, assuring the availability of conference facilities on these dates, while maintaining flexibility to make any necessary adjustments.

Programme and budget of the Organisation for 2003, and all items pertaining to this budget

- 1.4 The Council at its Twenty-First Meeting considered the draft OPCW programme and budget for 2003 (EC-30/DG.1, dated 31 May 2002), as well as the draft OPCW medium-term plan for the period 2004 - 2006 (EC-29/CRP.2, dated 18 June 2002), and forwarded them to the Conference at its Seventh Session for further consideration

and an appropriate decision. The Conference considered and adopted the OPCW programme and budget for 2003, as contained in C-7/DEC.16, dated 11 October 2002.

- 1.5 The Council at its Twenty-First Meeting considered a draft decision on withholding the distribution of the prospective cash surplus for 2001, and forwarded it to the Conference at its Seventh Session for further consideration and, if appropriate, adoption. The Conference considered and adopted a decision on withholding the distribution of the prospective cash surplus for 2001 (C-7/DEC.17, dated 11 October 2002).

2. Action taken by the Conference at its First Special Session

Any further action regarding the Technical Secretariat

The Conference at its resumed First Special Session, in accordance with Article VIII, paragraphs 21(d) and 43 of the Convention, and acting upon the recommendation of the Council (EC-M-19/DEC.1, dated 16 July 2002), appointed Mr Rogelio Pflirter by acclamation as the Director-General of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons, for a term of office beginning on 25 July 2002 and ending on 24 July 2006 (C-SS-1/DEC.3, dated 25 July 2002).

3. Action taken by the Conference at its Second Special Session

The tenure policy of the OPCW

The Conference at its Second Special Session considered and adopted the decision on the tenure policy of the OPCW (C-SS-2/DEC.1, dated 30 April 2003).

4. Action taken by the Conference at its First Special Session to Review the Operation of the Chemical Weapons Convention (First Review Conference)

The Chairman of the Executive Council, Ambassador Lionel Fernando of Sri Lanka, reported to the First Review Conference on the work of the Council in preparation for the First Review Conference. At his request, the Chairman of the open-ended working group on preparations for the First Review Conference, Ambassador Alberto Davérède of Argentina, reported to the First Review Conference on the results of the informal consultations he had held after the Thirty-Second Session of the Council prior to the First Review Conference, and submitted to the First Review Conference the consolidated Chairman's text for agenda item seven of the Provisional Agenda of the First Review Conference (RC-1/CRP.1, dated 17 April 2003), and the Chairman's text of the draft political declaration of the First Review Conference (RC-1/CRP.2, dated 25 April 2003). The First Review Conference considered these texts, adopted the Political Declaration of the First Review Conference (RC-1/3, dated 9 May 2003), and incorporated the consolidated Chairman's Text into paragraph 7 of its Report (RC-1/5, dated 9 May 2003).