

Sixteenth Session
(9 - 15 April 1997)

Final Report

of the

Preparatory Commission for the

Organisation for the Prohibition of Chemical Weapons

to the

First Session of the

Conference of the States Parties of the

Organisation for the Prohibition of Chemical Weapons

and to the

First Meeting of the

Executive Council of the

Organisation for the Prohibition of Chemical Weapons

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INTRODUCTION

1. In accordance with its mandate of carrying out the necessary preparations for the effective implementation of the Convention and for preparing for the First Session of the Conference of the States Parties the Commission was successful in resolving a number of tasks within its mandate, the results of which are reflected in this Final Report.
2. The Commission, however, despite its considerable efforts was unable to reach agreement on a number of issues deriving from the Paris Resolution and from decisions taken by the Commission itself. These unresolved issues are also reflected in this Final Report.
3. Recognising the importance of these outstanding issues for the future of the Organisation, the Commission therefore **recommends** an early consideration and resolution of those issues for the effective implementation of the Convention and its universality. It **further recommends** that the First Session of the Conference of the States Parties consider and take necessary decisions with a view to resolve these outstanding issues.
4. With regard to these unresolved issues, a list of associated papers, including national papers, which all have the same informal non-binding status, should be prepared in a non-exhaustive manner and made available by the Commission, together with this Final Report, to the First Session of the Conference of the States Parties to facilitate further work towards a resolution of these issues.

Structure

5. This Final Report of the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons (hereafter "the Commission") to the First Session of the Conference of the States Parties of the Organisation for the Prohibition of Chemical Weapons (hereafter "the Conference") is divided into five sections, which are again subdivided into parts. Section One deals with the activities of the Commission, reflecting in a factual way the actions undertaken by it to set itself up and to conduct its business.
6. Section Two deals with organisational matters regarding the First Session of the Conference of the States Parties.
7. Section Three contains all the issues resolved by the Commission, including a description of items which, while noted by the plenary or working groups, did not lead to formal adoption or to recommendations for action by the Conference¹. This section is divided into three parts, with the aim of distinguishing between those matters that are within the specific mandate of the Commission as contained in the

¹ See paragraphs 36.1, 36.3.1, 36.3.2, 36.4.1, 36.4.2, 38.9 to 38.24, 40.6, 44.1, 44.2, 49.1.10, 49.3.6, 50.5 to 50.7, 51.4, 54.10 to 54.17, 57, 58.1, 58.2, 59, 61.4.

"Resolution Establishing the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons" and the "Text on the Establishment of a Preparatory Commission" and the three Annexes attached thereto (hereafter "the Paris Resolution") and other matters deriving from decisions of the Commission.

8. Section Four contains all the unresolved issues. This section is divided into four parts, with the aim of distinguishing between those issues that are within the specific mandate of the Commission as contained in the Paris Resolution and other issues which are unresolved.
9. Section Five consists of the recommendations by the Commission to the First Meeting of the Executive Council for its consideration and action.

SECTION ONE

ACTIVITIES OF THE PREPARATORY COMMISSION

PART 1 ORGANISATIONAL MATTERS

10. The Commission

- 10.1 The Commission was established on 13 January 1993 for the purpose of carrying out the necessary preparations for the effective implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereafter "the Convention"), and for preparing for the Conference. The Commission was established by the Paris Resolution, which sets out its mandate (Paris Resolution, paragraph 1).
- 10.2 The Secretary-General of the United Nations convened the Commission for its First Session at The Hague, Kingdom of the Netherlands on 8 to 12 February 1993 (Paris Resolution, paragraph 2).
- 10.3 The Seat of the Commission was The Hague, Kingdom of the Netherlands. (Paris Resolution, paragraph 3).
- 10.4 The following 162 States were Member States of the Commission: Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland,

United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zaire, Zambia and Zimbabwe. (Paris Resolution, paragraph 4).

- 10.5 The Commission conducted its work by establishing five subsidiary bodies: Working Group A, Working Group B, the Committee on Relations with the Host Country, the Committee on Preparations for the First Session of the Conference of the States Parties and the Credentials Committee. (Paris Resolution, subparagraph 8(a)).
- 10.6 Working Group A (chaired by H.E. Ambassador Alberto Villamizar of Colombia, and successively, H.E. Ambassador Jorge Morales Pedraza of Cuba and H.E. Ambassador Carlos Enrique Nones of Venezuela) established the following subsidiary bodies (listed chronologically based on the date of the Group's first report): Expert Group² on the Rules of Procedure and Privileges and Immunities; Programme of Work, which subsequently changed its title to Programme of Work and Budget; Staff Regulations and Financial Regulations, which subsequently split into two separate expert groups; OPCW Building; Data Systems; OPCW Headquarters Agreement, which subsequently changed its title to OPCW Headquarters Agreement and Other Agreements; Transitional Arrangements; and Administrative, Finance and Personnel Matters. (Paris Resolution, subparagraph 8(a)).
- 10.7 Working Group B (chaired by Mr Sylwin Gizowski of Poland and subsequently by Dr Radoslav Deyanov of Bulgaria) established the following subsidiary bodies (listed chronologically by the date of the Group's first report): Safety Procedures; Chemical Engineers; Inspection Team Composition; Technical Cooperation and Assistance; Analytical Chemists; Industrial Declarations; Equipment; Training, Chemical Weapons Destruction Facilities; Chemical Weapons Storage Facilities; Inspectorate Planning; Single Small-Scale Facilities and other Schedule 1 Production Facilities; Chemical Weapons Production Facilities; Challenge Inspection; Chemical Industry Issues; Old and Abandoned Chemical Weapons; Confidentiality; Declarations and Model Facility Agreements; Inspection Procedures; Chemical Weapons Issues (meeting in two separate Groups). (Paris Resolution, subparagraph 8(a)).
- 10.8 The Committee on Relations with the Host Country, chaired by the Chairman of the Commission and open to all Member States, was established at the Fifth Session (subparagraph 5.2(a) of PC-V/12) to consider and make recommendations on all issues pertaining to the Host Country Bid (Annex 3 of the Paris Resolution) and the associated Understandings between the Host Country and the Commission concerning the implementation of paragraphs 6, 7, 9 and 11 of the Bid. In fulfilling its mandate, the Committee addressed issues under its purview (PC-VI/HC/1) concerning: the accommodation of the OPCW

² The title of these expert groups varied in the earlier reports, for example "Group of Experts" or "Combined Group of Experts", but this Report uses "Expert Group" in all subsequent references to these subsidiary bodies.

(including the new purpose-built OPCW office building, interim accommodation, the OPCW Laboratory and Equipment Store, conference accommodation and parking facilities); accommodation of the Commission and implementation of its Headquarters Agreement; privileges and immunities of representatives and experts to the Commission and representatives to the OPCW; and methodology for consultations with the Host Country. The results of its work are contained in its Reports to the Commission at each Session.

- 10.9 The Committee on Preparations for the First Session of the Conference of the States Parties, chaired by the Chairmen of the Commission and open to all Member States, was established at the Fourteenth Session to deal with issues related to preparations for the First Session of the Conference of the States Parties, including the issues provided for in paragraphs 9, 11(e), 15, 16 and 17 of the Paris Resolution, with the aim of ensuring a smooth beginning of that Session and the timely commencement of the mandated activities of the OPCW. In fulfilling its mandate, the Committee conducted consultations and coordinated on the structure and content of the Final Report of the Commission; the agendas for the First Session of the Conference and the First Meeting of the Executive Council; the allocation of agenda items to the subsidiary organs of the Conference; and the preparation of background documentation. It also conducted consultations and undertook coordination on the following organisational issues: the working structure of the First Session; the provisional rules of procedure of the Conference and the Executive Council; preparations for the election of officers and the timely appointment of the Director-General; the numerical distribution of seats among regional groups in regard to the first election of 20 members of the Executive Council, to be elected for a term of one year; the transfer of the property, functions and recommendations of the Commission; and the necessary sequence of decisions and other actions by the Conference. Within the Committee's purview were practical arrangements for the Conference, including timing, duration, level, participation and attendance.
- 10.10 The following task forces and other subsidiary bodies were established by the Expert Groups: Finance Group (Expert Group on Programme of Work and Budget); Task Force on Data Systems (Expert Group on Data Systems); Task Force on Medical Treatment (Expert Group on Safety Procedures); Task Force on the Accommodation of the Commission/OPCW (Committee on Relations with the Host Country); and three Specialist Task Forces: the OPCW Analytical Database, Inspection Equipment Issues; and Analytical Issues (Expert Group on Inspection Procedures). (Paris Resolution, subparagraph 8(a)).
- 10.11 The Commission held sixteen sessions. (Paris Resolution, subparagraph 8(a)).
- 10.12 The Commission had the following nine chairmen: H.E. Ambassador E. Azikiwe of Nigeria, H.E. Ambassador Sirous Nasserli of the Islamic Republic of Iran, H.E. Ambassador Grigory Berdennikov of the Russian Federation, H.E. Ambassador Miguel Marín Bosch of Mexico, H.E. Ambassador Finn K. Fostervoll of Norway, H.E. Ambassador Zacharias de Beer of South Africa, H.E. Sallehuddin Abdullah of Malaysia, H.E. Ambassador Marin Buhoara of

Romania and H.E. Ambassador Gustavo Eduardo Figueroa of Argentina. (Paris Resolution, subparagraph 8(a)).

10.13 All decisions of the Commission were taken by consensus in accordance with Rule 26 of its Rules of Procedure (PREPCOM/II/8). (Paris Resolution, paragraph 6).

10.14 The Host Country accorded the Commission, its staff, as well as the delegates of signatory States such legal status, privileges and immunities as were set out in the Agreement between the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons and the Kingdom of the Netherlands Concerning the Headquarters of the Commission (PC-VI/6, Add.1 and Add.2). (Paris Resolution, paragraph 18).

PART 2 ADMINISTRATIVE, FINANCIAL AND PERSONNEL MATTERS

11. Provisional Technical Secretariat

11.1 The Commission appointed Mr Ian R. Kenyon, of the United Kingdom of Great Britain and Northern Ireland, as its Executive Secretary. (Paris Resolution, subparagraph 8(b)).

11.2 The Commission established its own Staff Regulations (PC-IV/24), Staff Rules (PC-VI/A/2 and Add.1), Financial Regulations (PC-IV/25) and Financial Rules (PC-VI/A/3.). (Paris Resolution, subparagraph 8(d)).

11.3 The Provisional Technical Secretariat was structured into five divisions: Administration, External Relations, Legal, Technical Cooperation and Assistance and Verification. (Paris Resolution, subparagraph 8(c))

11.4 At its Fourth Session the Commission adopted (subparagraph 5.9.3 of PC-IV/23) the recommendation of the Expert Group on Programme of Work and Budget (paragraph 13 of PC-IV/A/WP.7) that the programme of work should consist of two phases: "Taking into account Article XXI of the Convention, there are two phases in the Commission's activities which could be easily distinguished for 1994. Phase I, comprising activities that are necessary to fulfil ongoing Provisional Technical Secretariat obligations, will begin on 1 January 1994 and some of the activities to be undertaken under this Phase will continue throughout 1994. Phase II, comprising activities concerning the organisation and work of the Technical Secretariat that will require immediate attention after the entry into force of the Convention, will start on the trigger point and will continue for 180 days, concluding on the date the Convention enters into force. It is understood that the trigger point of Phase II is the later of 16 July 1994, or the date of deposit of the sixty-fifth instrument of ratification."

11.5 The divisions were divided into the following seventeen branches during Phase I: Administration Division: Budget and Finance, Conference Services, General Services, Human Resources (formerly "Personnel"), and Information Systems;

External Relations Division: Government Relations and Political Affairs, Industry Relations, and Media and Public Affairs; Technical Cooperation and Assistance Division: Assistance, Technical Cooperation; Verification Division: Chemical Demilitarisation, Declarations and Confidentiality, Health and Safety (Office), Industry Verification (formerly Industry - Operations), and Policy and Review (formerly Industry - Concept Development), Technical Support (including the OPCW Laboratory and the OPCW Equipment Store), and Training. During Phase II, the External Relations Division added the Protocol and Visa Branch and the Verification Division added the Operations and Planning Centre, bringing the total number of branches (or equivalent offices) to 19. (Paris Resolution, subparagraph 8(c)).

- 11.6 During Phase I the authorised strength of the Secretariat was 123 staff (66 Professional and 57 General Service). During Phase II the authorised strength increased by 106 (50 Professional and 56 General Service) to a total of 229 authorised positions. Whereas all Phase I posts were filled, except for temporary vacancies, only 175 Phase II posts were filled by 11 April, 1997. The number of nationalities represented by these fixed-term staff members was approximately 50. Only nationals of signatory States were appointed to the Commission. (Paris Resolution, subparagraph 8(c)). The Secretariat also employed varying numbers of staff on short-term contracts. In addition, a total of 148 inspector trainees commenced training in January 1997. Some Member States provided personnel on a cost-free basis to assist the Secretariat. Two non-governmental organisations—the Harvard-Sussex Programme on CBW Armament and Arms Limitation and the Monterey Institute of International Studies) provided, respectively, one researcher and one intern on a cost-free basis throughout the period. Other interns also assisted the Secretariat on an occasional basis.

12. Accommodation matters

- 12.1 Laan van Meerdervoort 51 served as the Headquarters of the Secretariat almost from its inception. The Host Country provided this 3,300 square metre building, built in 1986, free of charge, including maintenance, energy and turnkey costs. (Paris Resolution, Annex 3, paragraph 5).
- 12.2 Conference facilities for the Commission and its subordinate bodies were located in the Netherlands Congress Centre in the Carel Willink Hall, Karel Appel Hall and Ciné Cafe. The Host Country provided these rooms free of charge, although the Commission shared (in the amount of Dfl. 250,000) the cost of renovating the Carel Willink Hall. (Paris Resolution, Annex 3, paragraph 7). Three General Service staff worked full-time in this facility. In early 1993 subordinate bodies of the Commission met in rented space in hotels. Throughout the period the Host Country occasionally made available when required, on a cost free basis, rooms in the Netherlands Ministry of Foreign Affairs.
- 12.3 The OPCW Laboratory and Equipment Store, located at 28/30 Heulweg in the municipality of Rijswijk, was formally inaugurated on 11 September 1996. The

Commission paid approximately Dfl 1.3 million to fit up this leased facility; an additional Dfl. 200,000, approximately, was paid by the OPCW Foundation and the owner of the facility. The Technical Support Branch of the Verification Division moved to this facility in September. Eleven staff members, including those from the Equipment Store, worked full-time at the facility. The projected number of staff at entry into force is 12.

- 12.4 The Aegon building served as the interim accommodation for the Commission, and will also so serve for the OPCW. The Commission sublet, beginning 15 January 1997, approximately 5,214 square metres of renovated space and 50 parking spaces from the International Criminal Tribunal for the Former Yugoslavia. The Verification Division began to occupy this space in March 1997.
- 12.5 The new purpose-built office building for the OPCW formed part of the Host Country Bid, which provided that for a period of three years during the full implementation phase the Host Country would pay the rent of the office space of 18,000 square metres and 110 parking places as well as the maintenance, energy and turnkey costs (Paris Resolution, Annex 3, paragraph 6). The Expert Group on the OPCW Building formulated the Consolidated Programme of Requirements for the building (Attachment to PC-VI/A/4), which was adopted by the Commission in April, 1994 (subparagraph 5.4 of PC-VI/22). For security reasons, the Commission decided not to locate its headquarters at the site originally envisioned in the Bid (subparagraphs 5.4.1 of PC-IV/23 and 5.3 of PC-V/12). The Host Country offered the Catsheuvel site, adjacent to the Netherlands Congress Centre, as an alternative, which was accepted in December, 1994 (subparagraph 9.2 of PC-X/23). Following the evaluation of three designs, the Commission selected the proposal of Provastgoed Nederland B.V., developer, and Kallmann, McKinnell & Wood Inc., Architects (subparagraphs 9.3(a) of PC-IX/11 and 9.2 of PC-X/23). The Host Country and the Commission agreed on the implementation of the Bid in relation to the accommodation of the OPCW in the Understandings Concerning the Implementation of Paragraphs 6, 7, 9 and 11 of Annex 3 of the Paris Resolution (Annex 1 to PC-IX/11, approved by the Commission in subparagraphs 9.3(b) of PC-IX/11 and 9.3 of PC-X/23) and the Supplementary Understandings Relating to the (Preliminary) Tenancy Agreement (Annex 1 to PC-XI/17, authorised in subparagraph 9.6 of PC-XI/17, and approved in subparagraph 2.1 of PC-XII/HC/7). On 20 March 1996, the OPCW Foundation and the developer, Peace Building Catsheuvel B.V. (a joint venture of Provastgoed Nederland B.V. and Hillen & Roosen, B.V. (PC-XIII/HC/7) signed the Development and Realisation Agreement (Annex to PC-XIV/7) and the annexes specifying the guarantees and the Ground Lease Agreement. At the same time, the Commission and the developer signed the (Preliminary) Tenancy Agreement (Attachment to PC-XIV/6) which will enter into force upon confirmation by the Conference. On 9 May 1996, the ground breaking ceremony took place and on 18 March 1997 the Topping Off ceremony. Completion of the building is projected for January, 1998.

13. Information management

The Secretariat chose as its basic computer system a local area network (LAN) linking personal computers for most staff members. The Commission identified and consecutively refined the requirements for the information management system (IMS) (subparagraph 5.5 of PC-III/11 and subparagraph 5.5(a) of PC-VI/22), and its system design (subparagraph 5.5 of PC-IV/23). At its Sixth Session the Commission approved the principles for the OPCW's computer security policy (subparagraph 5.5 (b) of PC-VI/22). Its consecutive refinement by the Provisional Technical Secretariat took into account the conclusions of a security study (Attachment to PC-XII/A/3) proposing a comprehensive set of measures to be implemented for two separate networks respectively: a security critical (trusted) one providing a sufficient level of physical and computer security to ensure reliable protection of confidential data, specifically that contained in declarations made by States Parties in fulfilling their obligations under the Convention and a security non-critical network for administrative and other uses. The "minimum IMS" concept proposed by the Provisional Technical Secretariat identified the scope of automation of the essential functions that it envisioned to perform with electronic support. On 29 September 1994 the Commission accepted the Finnish offer of stand-alone computer hardware and software of the VERIFY analytical database, a system for the storage and retrieval of reference data on treaty-related compounds (subparagraph 6.2 of PC-VIII/18). On 7 April 1995 the Commission accepted the offer of the United States of America of computer hardware and software for inspection planning as a component of the trusted part of the IMS for the OPCW (subparagraph 6.2 of PC-X/23). In June 1995 the Secretariat established a temporary Secretariat Internet site (PC-XI/B/7) and in May 1996 a permanent one (PC-XIV/B/2), thereby making available documents of the Commission as well as other information.

14. Provision of office furniture and equipment by the Host Country

The undertaking in the Host Country bid to provide the Commission, during five years, and the OPCW, during three years, with office furniture and office equipment free of charge was subject to the undertaking that all office supplies, service contracts and other office materials would be purchased at the normal going rates from a sole supplier designated by The Hague. (Paris Resolution, Annex 3, paragraphs 8 and 9). Upon approval by the Committee on Relations with the Host Country (paragraph 28 of PC-VI/HC/4), the details of that arrangement with respect to the Commission were agreed in the Letter of Understanding on the Scope of the Dutch Bid with Respect to the Supply of Office Furniture and Office Equipment, Free of Charge (PC-VI/HC/WP.1) and an Exchange of Letters between the Executive Secretary and the Director of the OPCW Foundation.

15. Financial matters

15.1 At its Fourth Session the Commission adopted (subparagraph 5.9.3 of PC-IV/23) the recommendation of the Expert Group on Programme of Work and Budget (paragraph 14 of PC-IV/A/WP.7) that the budget should consist of two parts, namely Part I to cover Phase I activities, beginning (retroactively) in January 1993 and Part II, beginning at actual date of the deposit of the 65th instrument of ratification (the trigger point occurred on 31 October 1996) and lasting until entry into force (paragraph 13 of PC-IV/A/WP.7). (Paris Resolution, paragraph 5).

15.2 The Commission adopted five Part I Programmes of Work and Budgets for a total of Dfl. 115.5 million. (Paris Resolution, paragraph 5).

1993	Dfl 15.7 million	PREPCOM/II/9, paragraph 13	(Dfl. 21.6 million for 12 months)
1994	Dfl 34.4 million	PC-V/12, subparagraph 5.7	
1995	Dfl 27.3 million	PC-VIII/18, subparagraph 6.15	
1996	Dfl 24.9 million	PC-XI/17, subparagraph 6.2	
1997	Dfl 13.2 million	PC-XV/25, subparagraph 7.4	EIF plus one month (Dfl 27.3 million for 12 months)

The Commission reviewed the Part II budget each year. The 1996 Part II Budget of Dfl. 30.4 million went into effect on 31 October 1996.

15.3 The Commission received the following voluntary contributions (Paris Resolution, paragraph 5):

<u>Trust Funds</u>			<u>Amount</u>	<u>Member State</u>
VERIFY DATABASE	1994	Dfl	59,837	Finland
NATIONAL AUTHORITIES	1994	Dfl	17,485	Norway
	1995	Dfl	22,615	Canada
		Dfl	39,600	Netherlands
		Dfl	<u>38,027</u>	Participation fees
Total	1995	Dfl	100,242	
	1996	Dfl	200,000	Netherlands
		Dfl	55,612	Ireland
		Dfl	<u>52,296</u>	Participation fees
Total	1996	Dfl	307,908	
	1997	Dfl	10,400	Participation fees

Total, National Authorities		Dfl	436,035	
REGIONAL SEMINARS				
	1994	Dfl	26,035	Norway
	1995	Dfl	17,400	Switzerland
		Dfl	18,185	Sweden
		Dfl	11,550	Denmark
		Dfl	22,255	Canada
		Dfl	12,700	United Kingdom
		Dfl	19,587	France
		Dfl	15,400	Harvard University
Total	1995	Dfl	117,077	
	1996		-0-	
Total, Regional Seminars		Dfl	143,112	
BRUSSELS PROJECT	1996	Dfl	1,500	South Africa
<u>TRAINING</u>	1997	£	60,000	United Kingdom

16. Recruitment and training of technical personnel and support staff

In accordance with subparagraph 10(d) of the Paris Resolution, the Commission undertook the training of the Secretariat's technical personnel and support staff. Training for staff members was organised primarily to enhance their software applications skills. In addition, a total of 148 inspector trainees commenced specialised training in early January, 1997, in accordance with the General Training Scheme developed and approved by the Commission.

17. Purchase and standardisation of equipment

In accordance with paragraph 10(g) of the Paris Resolution, the Commission undertook (Annex to PC-VIII/A/WP.7) to purchase equipment required for training of inspectors and evaluation purposes. At present approximately 15,000 items of equipment have been purchased. Equipment standardisation, as required, was accomplished by ensuring that all equipment items procured were checked prior to the placement of orders against the operational requirements and technical specifications for such equipment developed and approved by the relevant bodies of the Commission (PC-VI/B/WP.4, PC-VII/B/WP.5, PC-VIII/B/WP.2 and Corr.1, PC-VIII/B/WP.12, PC-IX/B/WP.3, PC-X/B/WP.1, PC-XI/B/WP.6, PC-XII/B/WP.6, PC-XIII/B/WP.5, PC-XIV/B/WP.5 and Corr.1, PC-XV/B/WP.9 and Corr.1, PC-XVI/B/WP.6). Major items of equipment were also evaluated for compliance with the approved specifications by a number of Member States which had offered to provide these services to the Secretariat (PC-XV/B/WP.9 and PC-XVI/B/WP.6). Seventy-five per cent of this equipment is currently being used by inspector trainees in the course of the General Training

Scheme. All equipment which is not being used is stored at the OPCW Equipment Store in Rijswijk, a city close to The Hague. The facility in Rijswijk also houses the OPCW Laboratory equipped with the most modern analytical and other laboratory equipment.

18. External Auditor of the Commission

On 17 December 1993, the Commission appointed Mr Muhammed Naseer Ahsan of Pakistan as External Auditor (paragraph 10 of PC-V/12). In January 1996, Mr Syed Khalid Mahmud succeeded Mr Ahsan as External Auditor. In accordance with Financial Regulation 12.2, the External Auditors made three annual reports to the Commission (PC-VIII/4, Parts II and III of PC-XI/6 and Parts I and II of PC-XIV/4). The final report of the External Auditor will be submitted to the Conference at its meeting following the final closure of the Commission's accounts and books.

19. Outstanding financial obligations

As of 15 April 1997³ arrears on assessments were as follows:

<u>Period</u>	<u>Number of Member States</u>	<u>Amount</u>	<u>Currency</u>
1993	51	202,463	USD
1994 Part I	68	1,050,206	DFL
1995 Part I	77	839,574	DFL
1996 Part I	85	1,069,411	DFL
1996 Part II	97	11,251,296	DFL
1997 Part I	116	4,190,496	DFL
Capital Advance	57	19,670	DFL

³ Secretariat to provide updated information as on 5 May 1997 to the Conference.

SECTION TWO

ORGANISATIONAL MATTERS REGARDING THE FIRST SESSION OF THE CONFERENCE OF THE STATES PARTIES

20. **Opening of the Session**

In accordance with Article VIII(10) of the Convention, the Secretary-General of the United Nations, in his capacity as Depositary of the Convention, should convene the Conference no later than 30 days after entry into force of the Convention. The Convention will enter into force on 29 April 1997 and the Secretary-General will convene the Conference on 6 May 1997 at the Netherlands Congress Centre in The Hague.

21. **Election of the Chairman of the Conference (Article VIII(15))**

Article VIII(15) of the Convention provides that the Conference shall elect its Chairman at the beginning of each regular session and that the Chairman shall hold office until a new Chairman is elected at the next regular session.

22. **Provisional Agenda (Paris Resolution, paragraph 9)**

22.1 The Commission considered and approved (PC-XVI/36, subparagraph 8.4) a Provisional Agenda for the Conference (PC-XVI/34), structured with due regard to the recommendations made by the Commission to the Conference and the provisions of the Convention regarding issues that have to be dealt with by the Conference.

22.2 The Commission **recommends** that the Conference **adopt** the said Provisional Agenda.

23. **Draft Provisional Rules of Procedure (Paris Resolution, paragraph 9 as well as Article VIII(15) and (26))**

23.1 In respect of invitations to international organisations, specialised agencies and other international bodies to attend the Conference, the Commission, while recognising that the final decision regarding their participation will be taken by the Conference, authorised the Executive Secretary of the Commission to extend invitations to a number of them, listed in PC-XVI/FS/2, to attend the Conference.

23.2 In respect of invitations to non-governmental organisations, including associations of the chemical industry (hereafter "NGOs"), and while recognising that the Conference will have final responsibility for the modalities governing NGOs, the Commission invited applications from NGOs describing the criteria for applicants and the status of NGOs attending the Conference. The Commission also agreed on the recommended status to be accorded to NGOs at the Conference (PC-XVI/FS/1/Rev.1).

23.3 The Commission **recommends** that the Conference:

- (a) confirm the invitation to attend the Conference extended by the Commission to the international organisations, specialised agencies and other international bodies listed in PC-XVI/FS/2;
- (b) invite those NGOs that applied to attend the Conference; and
- (c) accord to the NGOs invited by it the status as set out in paragraph 3 of PC-XVI/FS/1/Rev.1.

24. Organisation of work and establishment of subsidiary bodies (Article VIII(21)(f) and paragraph 23 of the Confidentiality Annex)

The Conference is empowered, in accordance with Article VIII(21)(f) of the Convention to establish such subsidiary organs as it finds necessary for the exercise of its functions.

25. Election of Vice-Chairmen and other officers (Article VIII(15))

Article VIII(15) of the Convention provides that the Conference shall elect such officers as may be required at the beginning of each regular session and that they shall hold office until new officers are elected at the next regular session.

26. Appointment of the Credentials Committee (Article VIII(21)(f))

A Credentials Committee should be appointed by the Conference at the beginning of each session on the proposal of the Chairman.

27. Appointment of the Director-General (Article VIII(21)(d) and (43))

27.1 The Commission at its First Session reached the understanding that, should the Executive Secretary of the Provisional Technical Secretariat be drawn from a developed country, the first Director-General of the Technical Secretariat of the OPCW, appointed by the Conference of the States Parties convened in accordance with Article VIII of the Convention, should be drawn from the developing countries. (PREPCOM/I/4, paragraph 8).

27.2 In accordance with Articles VIII(21)(d) and VIII(43), the Director-General shall be appointed by the Conference upon the recommendation of the Executive Council.

28. Appointment of the External Auditor

In accordance with Article 13.1 of the Draft OPCW Financial Regulations, submitted to the Conference by the Commission (see paragraph 31 below), the Conference has to appoint an External Auditor, who shall be the Auditor-General (or an officer holding an equivalent title) of a State Party. The appointment shall be in the manner and for the period determined by the Conference and for a single period of not less than two years, but not exceeding six years.

29. Final Report of the Preparatory Commission (Paris Resolution, paragraph 15)

29.1 At its Sixteenth Session, the Commission considered and approved the Final Report of the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons to the First Session of the Conference of the States Parties of the Organisation for the Prohibition of Chemical Weapons and to the First Meeting of the Executive Council of the Organisation for the Prohibition of Chemical Weapons (PC-XVI/36, paragraph 11).

29.2 The Commission **recommends** that the Conference take note of its Final Report and consider and adopt the recommendations made by it to the Conference.

30. General debate

The letter of invitation to attend the Conference sent by the Secretary-General of the United Nations to Ministers of Foreign Affairs stated that the first four days of the Conference will comprise a high level segment which will include a general debate in plenary. (Annex 1 to PC-XV/25).

SECTION THREE

RESOLVED ISSUES

PART 1 TASKS CONTAINED IN PARAGRAPHS 10, 11, 13 AND 16 OF THE PARIS RESOLUTION ON THE ORGANISATION AND WORK OF THE OPCW AND ITS TECHNICAL SECRETARIAT REQUIRING IMMEDIATE ATTENTION AFTER ENTRY INTO FORCE OF THE CONVENTION

31. Financial Regulations (Paris Resolution, subparagraphs 10(f) and 11(d))

31.1 The Commission considered and adopted the Draft OPCW Financial Regulations, as contained in PC-XIII/A/2 and Corr.1, and decided to submit them to the Conference of the States Parties of the OPCW at its First Session.
(PC-XIII/18, subparagraph 6.2)

31.2 The OPCW Financial Regulations have to be adopted by the Conference before the Executive Council can consider the OPCW Financial Rules.

31.3 The Commission **recommends** that the Conference adopt the Draft OPCW Financial Regulations as contained in PC-XIII/A/2 and Corr.1.

32. Scale of assessment (Article VIII(7) and Paris Resolution, subparagraph 11(c))

32.1 The scale of assessment of the OPCW shall be based on the scale of assessment of the United Nations, adjusted to take into account differences in membership, subject to the provisions of Articles IV and V of the Convention. Such scale of assessment of the OPCW is to be revised regularly in the light of new Member States of the OPCW.

32.2 The scale of assessment is to be adopted in conjunction with a special appropriations resolution.

33. All matters related to the transfer of property, functions and recommendations of the Commission to the OPCW (Paris Resolution, paragraph 16)

33.1 The property and functions of the Commission shall be transferred to the OPCW at the First Session of the Conference (Paris Resolution, paragraph 16). The legal instrument drawn up to accomplish this is the Draft Protocol regarding the Transfer of Assets, Liabilities, Records and Functions from the Commission to the OPCW "the Transfer Protocol". All aspects of the dissolution of the Commission are covered in its articles on the transfer of assets and liabilities, succession to contracts, transfer of functions, transfer of accrued benefits of Commission staff members recruited by the Director-General, and the establishment of the office of the Commission Liquidator.

- 33.2 The Host Country's undertaking to provide the Commission, during five years, and the OPCW, during three years, with office furniture and office equipment free of charge was subject to the understanding that all office supplies, service contracts and other office materials would be purchased at the normal going rates from a sole supplier designated by The Hague. (Paris Resolution, Annex 3, paragraphs 8 and 9). The details of that arrangement with respect to the Commission were agreed in the Letter of Understanding on the Scope of the Dutch Bid with Respect to the Supply of Office Furniture and Office Equipment, Free of Charge (PC-VI/HC/WP.1) and an Exchange of Letters between the Executive Secretary and the Director of the OPCW Foundation. The Commission and the Host Country agreed that the arrangement with respect to the OPCW would proceed in the same way (paragraph 16 of the Understandings between the Host Country and the Preparatory Commission for the OPCW Concerning the Implementation of Paragraphs 6, 7, 9 and 11 of Annex 3 to the Paris Resolution (Annex 1 to PC-IX/11). Ownership of the items supplied free of charge remains with the supplier (Paris Resolution, Annex 3, paragraph 17) and the transfer to the OPCW of custody of such items has been covered in the Draft Transfer Protocol (under Articles 1.5 and 1.6).
- 33.3 The Commission delegated (subparagraph 7.2 of PC-XV/25) to Working Group A the authority to finally approve the Draft Transfer Protocol. At its meeting on 28 February 1997, Working Group A finally approved the Draft Transfer Protocol, as amended, on the understanding that all letters referred to its Annexes 2 and 4 be made available to delegations and that no objections be received by the Secretariat within seven days after circulation of those letters (subparagraph 3.1 of PC-XVI/A/4).
- 33.4 The letters were circulated on 17 March 1997 (PC-XVI/8) and no objections were received by the Secretariat within seven days thereafter (on 26 March 1997). (PC-XVI/36, subparagraph 9.2)
- 33.5 In accordance with subparagraph 10(g) of the Paris Resolution, the Commission undertook (Annex to PC-VIII/A/WP.7) to purchase equipment required for training of inspectors and evaluation purposes. At present approximately 15,000 items of equipment have been purchased. Equipment standardisation, as required, was accomplished by ensuring that all equipment items procured were checked prior to the placement of orders against the operational requirements and technical specifications for such equipment developed and approved by the relevant bodies of the Commission (PC-VI/B/WP.4, PC-VII/B/WP.5, PC-VIII/B/WP.2 and Corr.1, PC-VIII/B/WP.12, PC-IX/B/WP.3, PC-X/B/WP.1, PC-XI/B/WP.6, PC-XII/B/WP.6, PC-XIII/B/WP.5, PC-XIV/B/WP.5 and Corr.1, PC-XV/B/WP.9 and Corr.1, PC-XVI/B/WP.6). Major items of equipment were also evaluated for compliance with the approved specifications by a number of Member States which had offered to provide these services to the Secretariat (PC-XV/B/WP.9 and PC-XVI/B/WP.6). Seventy-five per cent of this equipment is currently being used by inspector trainees in the course of the General Training Scheme. All equipment which is not being used is stored at the OPCW

Equipment Store in Rijswijk, a city close to The Hague. The facility in Rijswijk also houses the OPCW Laboratory equipped with the most modern analytical and other laboratory equipment.

33.6 The Commission **recommends** that the Conference:

- (a) note the activities regarding the purchase and standardisation of equipment undertaken by the Commission;
- (b) approve the above-mentioned Draft Transfer Protocol;
- (c) authorise the Director-General to sign the Transfer Protocol on behalf of the OPCW and, upon signature by the Executive Secretary of the Commission, to act as Depositary for the Transfer Protocol.

34. Headquarters Agreement with the Host Country (Article VIII(50) and Paris Resolution, paragraph 13)

34.1 In accordance with Article VIII(50), the legal capacity, privileges and immunities referred to in Article VIII shall be defined in an agreement between the OPCW and the Host Country. With reference to that Article, the Paris Resolution, paragraph 13, provided that the Commission shall develop the Headquarters Agreement with the Host Country, on the basis, *inter alia*, of the privileges, immunities and practical arrangements specified in Annex 2 to the Paris Resolution.

34.2 The Commission, at its Fifteenth Session, provisionally approved the Draft Agreement between the Organisation for the Prohibition of Chemical Weapons (OPCW) and the Kingdom of the Netherlands Concerning the Headquarters of the OPCW including the Separate Arrangement with respect to the Agreement between the Organisation for the Prohibition of Chemical Weapons (OPCW) and the Kingdom of the Netherlands Concerning the Headquarters of the OPCW (Annex to PC-XV/A/WP.10/Rev.1) ("the Headquarters Agreement"), and decided that this approval would become final if no objections from any delegation were received in The Hague by the Secretariat by 10 January 1997 (subparagraph 7.9 of PC-XV/25). As no objection was received in The Hague by the Secretariat by 10 January 1997, the provisional approval became final (subparagraph 9.3 of PC-XVI/36).

34.3 Furthermore, the Commission requested the Host Country to implement the draft Headquarters Agreement on a provisional basis after the Convention enters into force on 29 April 1997, pending the approval by the Conference of the States Parties of the text of the Headquarters Agreement including the Separate Arrangement and the entry into force of the Agreement. (PC-XV/25, subparagraph 7.9(b) and PC-XVI/36, subparagraph 9.4).

- 34.4 The Commission **recommends** that the Conference:
- (a) approve the draft Headquarters Agreement;
 - (b) request the Director-General to sign the Headquarters Agreement on behalf of the OPCW;
 - (c) further request the Director-General, following signature of the Headquarters Agreement, to notify the Host Country in writing that the requirements for entry into force have been met.
- 35. The (Preliminary) Tenancy Agreement of the OPCW Building (Paris Resolution, subparagraph 10(e)) and related Understandings between the Host Country and the Preparatory Commission for the OPCW concerning the Implementation of Paragraphs 6, 7, 9 and 11 of Annex 3 of the Paris Resolution and the Supplementary Understandings between the Preparatory Commission for the OPCW and the Host Country relating to the (Preliminary) Tenancy Agreement for the New Purpose-Built Office Building**
- 35.1 In relation to the Host Country's undertaking to make available a new purpose-built office building (Paris Resolution, Annex 3, paragraph 6), the Commission:
- (a) adopted the Consolidated Programme of Requirements (subparagraph 5.4 of PC-VI/22);
 - (b) selected the developer, Provastgoed Nederland B.V. (Peace Building Catsheuvel B.V. (PC-XIII/HC/7) and the design by Architects Kallmann, McKinnell and Wood Inc. (subparagraph 9.3(a) of PC-IX/11 and subparagraph 9.2 of PC-X/23);
 - (c) concluded with the Host Country the Understandings concerning the Implementation of Paragraphs 6, 7, 9 and 11 of Annex 3 of the Paris Resolution (subparagraph 9.3(b) of PC-IX/11 and subparagraph 9.3 of PC-X/23), setting out, *inter alia*, the legal and financial arrangements for the building; and
 - (d) concluded with the Host Country the Supplementary Understandings relating to the Preliminary Tenancy Agreement for the New Purpose-built Office Building (subparagraph 9.6 of PC-XI/17, subparagraph 2.1 of PC-XII/HC/7 and paragraph 10 of PC-XII/17).
- 35.2 The Commission noted that the Committee on Relations with the Host Country, having considered the Draft (Preliminary) Tenancy Agreement (Attachment to PC-XIII/HC/6) and having reviewed the Draft Development and Realisation Agreement and Associated Draft Exchange of Letters (Attachments 1 and 2 to PC-XIII/HC/5), had decided:

- (a) to approve the Draft (Preliminary) Tenancy Agreement (PC-XIII/18, subparagraph 9.2(a)); and
- (b) to authorise the Executive Secretary to sign the said agreement on behalf of the Commission at the same time that the Development and Realisation Agreement between the Host Country and the developer was signed and the associated side-letters were exchanged (PC-XIII/18, subparagraph 9.2(b)).

35.3 The Commission decided to forward the (Preliminary) Tenancy Agreement to the Conference of the States Parties for confirmation at its First Session. (PC-XIII/18, subparagraph 9.3).

35.4 The final, signed (Preliminary) Tenancy Agreement is contained in the Attachment to PC-XIV/6. In the terms of its Section 3.1, and consistent with the Understandings between the Host Country and the Preparatory Commission for the OPCW concerning the Implementation of Paragraphs 6, 7, 9 and 11 of Annex 3 of the Paris Resolution (paragraph 4 of Annex 1 to PC-IX/11), the Agreement will enter into force as soon as it has been confirmed in full by the Conference at its First Session. After such confirmation has been notified to the Lessor, the (Preliminary) Tenancy Agreement will be known as the "Tenancy Agreement" (Section 17.2) and the OPCW will become the Lessee. The initial term of the Tenancy Agreement expires 15 years from the date on which the OPCW building is available for use (currently estimated to be 20 January 1998) and the Tenancy Agreement is renewable in five-year terms thereafter (Section 3.2). Only the OPCW has the unilateral right to terminate the Tenancy Agreement at the end of a lease period (Section 3.3). The rent (Section 5.2) has been fixed within the ceiling stipulated in the Understandings (paragraphs 7 to 9 of Annex 1 to PC-IX/11), and the amount of indexation has been capped (Section 5.4). At the end of each lease period, the rent can be adjusted to market rates (Section 5.5).

35.5 If the Conference at its First Session does not confirm the (Preliminary) Tenancy Agreement, paragraph 5 of the Supplementary Understandings (Annex 1 to PC-XI/17) becomes operative.

35.6 The Commission decided to recommend to the Conference that the Director-General conclude with Paagman B.V. a contract for the supply of office furniture and related equipment required for the new OPCW building on the basis of the principles and guidelines contained in Attachment 1 to PC-XVI/HC/3. (PC-XVI/36, subparagraph 7.3). The Committee on Relations with the Host Country recommended that the contract should be terminated when the residual value of the furniture is at its lowest, unless the Executive Council decides otherwise (PC-XVI/HC/3, subparagraph 2.4).

35.7 The Commission **recommends** that the Conference:

- (a) confirm the (Preliminary) Tenancy Agreement;

- (b) confirm the Understandings between the Host Country and the Preparatory Commission for the OPCW concerning the Implementation of Paragraphs 6, 7, 9 and 11 of Annex 3 of the Paris Resolution;
- (c) confirm the Supplementary Understandings between the Preparatory Commission for the OPCW and the Host Country relating to the (Preliminary) Tenancy Agreement for the New Purpose-Built Office Building;
- (d) request the Director-General to sign the (Preliminary) Tenancy Agreement, after which time it shall be known as the "Tenancy Agreement"; and
- (e) request the Director-General to conclude with Paagman B.V. a contract for the supply of office furniture and related equipment required for the new OPCW building, on the basis of the principles and guidelines contained in Attachment 1 to PC-XVI/HC/3.

PART 2 DRAFT AGREEMENTS, PROVISIONS AND GUIDELINES DEVELOPED BY THE PREPARATORY COMMISSION PURSUANT TO PARAGRAPH 12 OF THE PARIS RESOLUTION READ IN CONJUNCTION WITH ARTICLE VIII(21)(i) OF THE CONVENTION

36. Guidelines on detailed procedures for verification and for the conduct of inspections, in accordance with, inter alia, Part II, paragraph 42, of the Verification Annex (Paris Resolution, subparagraph 12(a))

36.1 Chemical weapons storage facilities

Actions by Working Group B

Working Group B registered the suggested guidelines for the conduct of initial and subsequent inspections of Chemical Weapons Storage Facilities provided by the Expert Group. (PC-IV/B/12, subparagraph 4.3)

36.2 Chemical weapons destruction facilities

36.2.1 The Commission adopted the following recommendation of Working Group B: the four sets of guidelines for inspection activities, as detailed in Appendix 3 of the Chairman's Paper annexed to PC-VI/B/WP.14. (PC-VI/22, subparagraph 6.8 (g)).

36.2.2 The Commission **recommends** that the Conference adopt the above-mentioned guidelines.

36.3 Schedule 1 facilities

- 36.3.1 The Commission took note of the Report of the Expert Group on Single Small-Scale Facilities and other Schedule 1 Production facilities. (PC-IV/23, subparagraph 6.4.1).

Actions by Working Group B

- 36.3.2 Working Group B took note that the Expert Group had concluded, on a preliminary basis, its work on guidelines for inspection activities. Working Group B endorsed the Report of the Expert Group (PC-IV/B/WP.4) and forwarded it to the Commission for notice (PC-IV/B/12*, subparagraphs 6.2 and 6.6).

36.4 Schedule 2 and Schedule 3 plant sites

Actions by Working Group B

- 36.4.1 Working Group B adopted (PC-IV/B/12*, subparagraph 7.2) the results of the work of the Expert Group as contained in the Report (PC-IV/B/WP.5) and the Chairman's Paper annexed to it, with the understanding that the Expert Group will need to come back to the issues contained in the Chairman's Paper and its Appendices and Attachments at its next meeting. These issues are:
- (a) guidelines for inspection procedures for inspection of Schedule 2 and Schedule 3 plant sites (Appendix A to the Annex to PC-IV/B/WP.5);
 - (b) recommendations for facilitating inspections of Schedule 2 facilities (Appendix C to the Annex to PC-IV/B/WP.5).
- 36.4.2 At its next meeting in regard to Appendix A to the Annex to PC-IV/B/WP.5, the Expert Group mentioned that it "ran through these draft procedures to identify any major problems or omissions which may have come to light during review in capitals, and also discussed the possible requirement for sampling and analysis during inspections at Schedule 2 facilities. Inspectors will check if the Schedule 2 and Schedule 3 chemicals present at the plant site are consistent with the declared activities and with the provisions of the Convention. Sampling and analysis shall be undertaken to check for the absence of undeclared scheduled chemicals. The Group concluded that work and considered that Appendix A of document PC-IV/B/WP.5 could form the basis for the initiation of drafting the Inspection Manual by the Secretariat, to be reviewed by an appropriate Expert Group at a later stage. In that drafting, due account shall be given to the differences in the verification regimes between Parts VII and VIII, in particular to the different inspection aims." (PC-V/B/WP.2, Annex, paragraph 4).

37. Lists of items to be stockpiled for emergency and humanitarian assistance in accordance with Article VIII(39)(b) (Paris Resolution, subparagraph 12(b))

37.1 The Commission adopted the indicative lists of categories of information on assistance that could be made available by States Parties, as contained in Annex B to PC-VII/B/WP.6. (subparagraph 6.5(a) of PC-VII/8).

37.2 The Commission **recommends** that the Conference adopt the above-mentioned lists.

38. A list of approved equipment, in accordance with Part II, paragraph 27, of the Verification Annex (Paris Resolution, subparagraph 12(e))

38.1 Pending resolution of the issue, the following represents the compilation of the decisions and recommendations of the Commission and Working Group B on issues related to the inspection equipment.

38.2 The Commission adopted Appendices 1 and 2 to PC-VII/B/WP.5 concerning the general and specific operational requirements for inspection equipment with the amendment in regard to neutron-induced prompt photon spectroscopy equipment, contained in subparagraph 3.2 of PC-VII/B/WP.10. (PC-VII/8, subparagraph 6.2).

38.3 The Commission adopted the additional specific operational requirements for the sample collection kit for munitions as contained in paragraph 1 of the Annex to PC-X/B/WP.1. (PC-X/23, subparagraph 7.2).

38.4 The Commission decided to include the new item "Team Decontamination Kit" in the Commission's inspection equipment list (PC-VIII/A/WP.7, Annex, Table 3.8) while remaining within the limits set by the Commission for this Budget programme (3 units, unit price US\$ 1,500). (PC-XI/17, subparagraph 7.4).

38.5 The Commission authorised the addition of an inspection equipment item "Non-Destructive Evaluation (NDE) Hydrogen Concentration Measurement (HCM) Equipment" to the list of equipment as specified in Table 3.8 of the Annex to PC-VIII/A/WP.7, for budgetary, training and evaluation purposes. (PC-XIV/29, subparagraph 9.3).

38.6 The Commission approved the contents of the administrative package for the biomedical module of the alleged use sample collection kit as contained in Annex 2 to PC-XV/B/WP.9. (PC-XV/25, subparagraph 8.3(a)).

38.7 The Commission approved the operational requirements and noted the technical specifications of the two items of equipment "individual heat stress monitor" and "portable acetylcholinesterase activity monitor" as set out in Annex 3 to PC-XV/B/WP.9, and added these two items to the list of equipment approved by

the Commission for its budgetary purposes (Table 3.8 of the Annex to PC-VIII/A/WP.7), on the understanding that their future use on-site will be governed, *inter alia*, by the provisions of subparagraph 4.2 of the Draft OPCW Health and Safety Regulations. (PC-XV/25, subparagraph 8.3(f)).

- 38.8 The Commission **recommends** that the Conference adopt the above-mentioned recommendations contained in subparagraphs 38.2 to 38.7 pending resolution of the issue of the list of approved equipment as referred to in paragraph 70 below.

Actions by Working Group B

- 38.9 Working Group B noted (PC-VIII/B/5, subparagraph 2.2(a)) the following recommendations of the Expert Group, arising out of its meeting held from 11-15 July 1994 and recorded in PC-VIII/B/WP.2 as amended: that Appendix 1 of PC-IV/B/WP.7, entitled "Equipment for Inspections and Investigations", and the tables contained therein, address the task of developing "special provisions for the designation of specific types of equipment for specific types of inspections", with the following additions:

- (a) the NDE equipment (equipment for ultrasonic pulse echo, acoustic resonance spectroscopy and neutron interrogation) will be primarily for use in inspections of chemical weapons munitions and chemicals relevant to the Convention in containers when NDE techniques are more suitable for inspection of stored chemicals;
- (b) the portable neutron interrogation equipment may also be used to check for the "presence/absence" in sealed containers of the elements phosphorus, sulphur, arsenic, nitrogen and chlorine, and, to the extent possible, the elements of carbon, hydrogen, fluorine, bromine and iodine and the ratios of all these elements. Special software is required to process and display the prompt photon energies relating to these elements;
- (c) infrared techniques are for use during inspections of, *inter alia*, chemical weapons storage, chemical weapons destruction and old and/or abandoned chemical weapons. Any other use is likely to require software to allow a "present/absent" type of response to meet the confidentiality concerns of the inspected State Party;
- (d) inspection equipment or parts of inspection equipment, listed as approved equipment, and designed to collect information during the course of inspections shall provide the inspected State Party with the capability of taking note of the information that has been collected. This requirement will not apply to system software or other OPCW data storage provided they are located on a ROM or a medium that prevents recording of information, and is sealed and certified by the Technical Secretariat. This requirement shall be interpreted neither as a right of the inspected State Party to prevent the collection and storage of information except in cases duly identified by the Convention or OPCW regulations nor as a right of

the inspected State Party to prevent or otherwise impair the right of the inspection team to report such information. This requirement shall not be interpreted as impairing the inviolability as referred to in subparagraphs 11 (c) and (d) of Part II of the Verification Annex.

- 38.10 Working Group B noted Attachment 1 to PC-VIII/B/WP.2 ("Equipment Specifications For Inspection Equipment Estimated to Cost Over US\$ 50,000"). (PC-VIII/B/5, subparagraph 2.4).
- 38.11 Working Group B, acting on the recommendations arising out of the meeting of the Expert Group held on 20 September 1994 and recorded in PC-VIII/B/WP.12 noted the technical specifications for 13 items of health and safety inspection equipment (Annex 3 to PC-VIII/B/WP.12) (PC-VIII/B/5, subparagraph 2.6(e)).
- 38.12 Working Group B, acting on the recommendations arising out of the meeting of the Expert Group held on 20 September 1994 and recorded in PC-VIII/B/WP.12, noted the list of equipment items and technical specifications for the standard sampling kit (Table 3.8 of the Annex to PC-VIII/A/WP.7 and Annex 4 to PC-VIII/B/WP.12). (PC-VIII/B/5, subparagraph 2.6(h)).
- 38.13 Working Group B requested the Commission to adopt the additional specific operational requirements for the sample collection kit for munitions as contained in paragraph 1 of the Annex to PC-X/B/WP.1. (PC-X/B/5, subparagraph 3.2).
- 38.14 Working Group B noted the technical specifications for the sample collection kit for munitions as contained in paragraph 2 of the Annex to PC-X/B/WP.1. (PC-X/B/5, subparagraph 3.3).
- 38.15 Working Group B noted the "General Requirements for Health and Safety Equipment" (Annex 2 to PC-X/B/WP.9) and the technical specifications for 15 items of health and safety equipment (Annex 3 to PC-X/B/WP.9) as referred to in subparagraph 4.1 of PC-IX/B/WP.3. (PC-X/B/5, subparagraph 3.7).
- 38.16 Working Group B noted the technical specifications for seven items of protective and safety equipment (Annex 4 to PC-X/B/WP.9). (PC-X/B/5, subparagraph 3.8).
- 38.17 Working Group B noted the contents of the sample preparation kit for infrared analysis (Annex 6 to PC-X/B/WP.9). (PC-X/B/5, subparagraph 3.10).
- 38.18 Working Group B noted the equipment for sample splitting for soil samples and/or bulk solid samples, to be added to the standard sampling kit (Annex 8 to PC-X/B/WP.9). (PC-X/B/5, subparagraph 3.12).
- 38.19 Working Group B noted the following document: "Technical Specifications for the Equipment Items Boots (Reusable)/Boots and Flammability/Explosive/Air Quality Monitor" (Annex 5 to PC-XI/B/WP.6). (PC-XI/B/12, subparagraph 3.5 (iv)).

- 38.20 Working Group B noted the document entitled "Operational Requirements and Technical Specifications Relating to Medications and Equipment to be Used in the Chemical Casualty Treatment Kit" as attached to the second report of the Task Force on Medical Treatment. (PC-XI/B/12, subparagraph 4.2).
- 38.21 Working Group B noted Annex 1 to PC-XII/B/WP.6 ("Operational Requirements and Technical Specifications for Two Inspection Equipment Items. Sample Transport Kit (Small Samples) and Sample Transport Kit (Large Samples)"). (PC-XII/B/7, subparagraph 5.2(b)).
- 38.22 Working Group B noted Annex 2 to PC-XII/B/WP.6 ("GC/MS Sample Preparation Kit"). (PC-XII/B/7, subparagraph 5.2(b)).
- 38.23 Working Group B noted the operational requirements and technical specifications of the inspection equipment item "Team Decontamination Kit" as included in Annex 4 to PC-XIII/B/WP.5. (PC-XIII/B/6, subparagraph 5.3(c)).
- 38.24 Working Group B noted the operational requirements and technical specifications of the inspection equipment item "Alleged Use Sample Collection Kit (Module for Collection of Biomedical Samples)" (Annex 5 to PC-XIII/B/WP.5) on the understanding contained in subparagraph 5.1(c) of the same Report. (PC-XIII/B/6, subparagraph 5.3 (d)).
- 39. Procedures for the inspection of equipment, in accordance with Part II, paragraph 29, of the Verification Annex (Paris Resolution, subparagraph 12(f))**
- 39.1 The Commission adopted Attachment 2 to PC-VIII/B/WP.2 ("Procedures for the Inspection by the Inspected State Party at the Point of Entry/Point of Exit (POE) of Approved Equipment Carried by the Inspection Team"). (PC-VIII/18, subparagraph 7.2).
- 39.2 The Commission **recommends** that the Conference adopt the above-mentioned procedures.
- 40. Procedures concerning the implementation of safety requirements for activities of inspectors and inspection assistants, in accordance with Part II, paragraph 43, of the Verification Annex (Paris Resolution, subparagraph 12(g)).**
- 40.1 The Commission developed the above-mentioned procedures in the context of the Draft OPCW Health and Safety Policy and Regulations.
- 40.2 The Commission approved the revised draft OPCW Health and Safety Policy (Appendix 1 to the Chairman's Paper annexed to PC-VI/B/WP.10) with the addition of the following sentence to subparagraph 3.3.3(c): "This is without prejudice to the obligations of a State Party to provide access to an inspected facility for the purpose of carrying out inspection activities, in accordance with the Convention" (PC-VI/22, subparagraph 6.7).

- 40.3 The Commission considered and adopted the Draft OPCW Health and Safety Regulations annexed to PC-XIII/B/WP.2. (PC-XIII/18, subparagraph 7.2).
- 40.4 The Commission applied to itself mutatis mutandis the Draft OPCW Health and Safety Policy (subparagraph 6.7(b) of PC-VI/22) and the Draft OPCW Health and Safety Regulations. (PC-XIII/18, subparagraph 7.2).
- 40.5 The Commission **recommends** that the Conference adopt the Draft OPCW Health and Safety Policy and the Draft OPCW Health and Safety Regulations.

Actions by Working Group B

- 40.6 Working Group B considered the Draft OPCW Health and Safety Regulations annexed to PC-XIII/B/WP.2 and took note of the understanding recorded in subparagraph 3.2 of PC-XIII/B/WP.2. (PC-XIII/B/6, subparagraph 2.2).
- 41. Deadlines for submission of the information specified in Part IV(A), paragraphs 30 to 32 of the Verification Annex, in accordance with paragraph 34 of that Part (Paris Resolution, subparagraph 12(k))**
- 41.1 This deals with the deadlines for the submission of detailed facility information for chemical weapons destruction facilities.
- 41.2 The Commission adopted the following recommendation of Working Group B: the guidelines for the provision of the detailed facility information required in accordance with the Verification Annex, Part IV(A), paragraph 31, contained in Appendix 2 of the Chairman's Paper annexed to PC-VI/B/WP.14. (PC-VI/22, subparagraph 6.8(e)).
- 41.3 The Commission adopted the following recommendation of Working Group B: the deadlines for the above detailed facility information in respect to Category 2 and 3 chemical weapons, as elaborated in Charts 1 and 2 of the Chairman's Paper annexed to PC-VI/B/WP.14 and the further recommendation on this issue contained in paragraph 18 of the same Chairman's Paper. (PC-VI/22, subparagraph 6.8(f)).
- 41.4 The Commission **recommends** that the Conference adopt the above-mentioned guidelines and deadlines.
- 42. Recommendations for determining the frequency of systematic on-site inspections of storage facilities, in accordance with Part IV(A), paragraph 44, of the Verification Annex (Paris Resolution, subparagraph 12(l)).**
- 42.1 The Commission adopted the criteria for the determination of the frequency of inspections developed by the Expert Group on Chemical Weapons Storage Facilities and outlined in paragraph 9 of the Annex to PC-V/B/WP.13, and in Appendix B to the same Report. (PC-VII/8, subparagraph 6.12).

- 42.2 The Commission **recommends** that the Conference adopt the above-mentioned criteria.
- 43. Recommendations for guidelines for transitional verification arrangements, in accordance with Part IV(A), paragraph 51, of the Verification Annex (Paris Resolution, subparagraph 12(m))**
- 43.1 The Commission adopted the following recommendation of Working Group B: the concept and guidelines on transitional verification arrangements developed by the Expert Group on Chemical Weapons Destruction Facilities as contained in paragraphs 4 to 12 of the Chairman's Paper annexed to PC-VI/B/WP.14. (PC-VI/22, subparagraph 6.8(d) and Corr.1).
- 43.2 The Commission decided to delete the task "Finalise recommendations for guidelines for transitional verification arrangements, in accordance with Part IV(A), paragraph 51 of the Verification Annex (subparagraph 12(m) of the Paris Resolution)" from its list of tasks. This deletion was on the understanding that the above task has been fully addressed by Section III and Appendix 1 of the Chairman's Paper annexed to the Third Report of the Expert Group on Chemical Weapons Destruction Facilities (PC-VI/B/WP.14) and by Table 1 of the same Group's Interim Report (PC-V/B/WP.17). (PC-XV/25, subparagraph 8.2).
- 43.3 The Commission **recommends** that the Conference adopt the above-mentioned recommendations for guidelines.
- 44. Guidelines for determining the frequency of systematic on-site inspections of chemical weapons production facilities, in accordance with Part V, paragraph 54, of the Verification Annex (Paris Resolution, subparagraph 12(o))**

Actions by Working Group B

- 44.1 Working Group B endorsed the view of the Expert Group on Chemical Weapons Production Facilities that an initial assessment of the risk that a declared chemical weapons production facility poses to the object and purpose of the Convention be undertaken by the Technical Secretariat - in order to determine the priority for the initial inspections of chemical weapons production facilities - and shall be based on the information provided by a State Party in its initial declaration. It was the understanding of Working Group B that, in general, the better the condition of a chemical weapons production facility, the higher the potential risk to the object and purpose of the Convention. (PC-V/B/10, subparagraph 3.5). Working Group B adopted the Report of the Expert Group and drew it to the attention of the Commission. (PCV/B/10, subparagraph 3.10).
- 44.2 Working Group B further agreed with the recommendation of the Expert Group on Chemical Weapons Production Facilities that, after initial inspection of each chemical weapons production facility, a further risk assessment will need to be undertaken by the Technical Secretariat. A major factor in this assessment will be

the condition of the facility and the extent of the closure/inactivation measures taken by States Parties. Working Group B took note in this regard of the guidelines for risk assessment contained in Appendix 3 to the Chairman's Paper annexed to PC-V/B/WP.6. The greater the degree of inactivation, the lower the potential risk of the chemical weapons production facility to the aims of Convention and, correspondingly, the frequency of future inspections required. In undertaking the risk assessment the Technical Secretariat shall, in an appropriate manner, take into account factors related to the practical possibility of resuming covert chemical weapons production at the chemical weapons production facility without breaking the OPCW installed seals and blind flanges, the time in which such actions would be detected and the quantity and nature of chemical weapons that could be produced in the interim. (PC-V/B/10, subparagraph 3.6). Working Group B adopted the Report of the Expert Group and drew it to the attention of the Commission. (PC-V/B/10, subparagraph 3.10)

- 45. Guidelines for procedures on the release of classified information by the OPCW, in accordance with subparagraph 2(c)(iii) of the Confidentiality Annex; a classification system for levels of sensitivity of confidential data and documents, taking into account relevant work undertaken in the preparation of the Convention, in accordance with subparagraph 2(d) of the Confidentiality Annex; recommendations for procedures to be followed in case of breaches or alleged breaches of confidentiality, in accordance with paragraph 18 of the Confidentiality Annex; (Paris Resolution, subparagraphs 12(u), (v) and (w))**
- 45.1 The Commission developed a Draft OPCW Policy on Confidentiality that includes the above-mentioned issues as well as rules governing the composition and operating procedures of the Commission for the settlement of disputes related to confidentiality as required by the Confidentiality Annex, paragraph 23, in a combined manner.
- 45.2 The Commission adopted the Draft OPCW Policy on Confidentiality as annexed to PC-XI/B/WP.8 and as amended by Working Group B (subparagraph 7.2 of PC-XI/B/12), and decided to apply the provisions of this Draft OPCW Policy on Confidentiality, *mutatis mutandis*, to the work of the Preparatory Commission. (PC-XI/17, subparagraph 7.7).
- 45.3 The Commission decided to correct the clerical error in the last line of subparagraph 6.2 of Part VI of the Draft OPCW Policy on Confidentiality (PC-D-1) by replacing the word "should" with "shall". (PC-XII/17, subparagraph 8.7).
- 45.4 The Commission **recommends** that the Conference adopt the above-mentioned draft OPCW Policy on Confidentiality, as corrected.

PART 3 OTHER RECOMMENDATIONS OF THE PREPARATORY COMMISSION

The Commission, in accordance with its general mandate to carry out the necessary preparations for the effective implementation of the Convention (Paris Resolution, paragraph 1), also developed the following other recommendations.

A. OTHER ADMINISTRATIVE AND ORGANISATIONAL RECOMMENDATIONS

46. Draft OPCW Media and Public Affairs Policy

46.1 The Commission provisionally approved the Draft OPCW Media and Public Affairs Policy (Attachment to PC-X/A/WP.5), as amended by Working Group A (subparagraph 6.4 of PC-X/A/3), including the "Indicative List of Areas Where Information may be Routinely Provided by the OPCW to the News Media and the General Public" (Annex to the Attachment to PC-X/A/WP.5), pending the adoption of other relevant documents including the Draft OPCW Policy on Confidentiality. (PC-X/23, subparagraph 6.11).

46.2 The Commission, in subparagraph 7.7 of PC-XI/17, adopted the Draft OPCW Policy on Confidentiality, as annexed to PC-XI/B/WP.8 and amended by Working Group B in PC-XI/B/12, subparagraph 7.2.

46.3 The Commission decided to apply the Draft OPCW Media and Public Affairs Policy mutatis mutandis to itself.

46.4 The Commission **recommends** that the Conference adopt the above-mentioned draft OPCW Media and Public Affairs Policy, including the "Indicative List of Areas Where Information may be Routinely Provided by the OPCW to the News Media and the General Public".

47. Visa procedures

47.1 The Commission approved the visa procedures for OPCW inspectors and inspection assistants annexed to PC-XIV/A/WP.7 as amended in subparagraph 5.2 of PC-XIV/A/3. (PC-XIV/29, subparagraph 8.3).

47.2 The Commission **recommends** that the Conference adopt the above-mentioned visa procedures for OPCW inspectors and inspection assistants.

48. Information management system

- 48.1 The Commission adopted (PC-VI/22, subparagraph 5.5) the general functional requirements for compliance with the requirements of the Convention, including the Verification and Confidentiality Annexes (Annex 1 to PC-VI/A/WP.10) for inclusion in the IMS system design (paragraphs 1 to 3.3 of Annex 1 to PC-IV/A/WP.3 as approved by the Commission in subparagraph 5.5.1 of PC-IV/23) and approved the principles for the OPCW's computer security policy (Annex II to PC-VI/A/WP.10).
- 48.2 The Commission **recommends** that the Conference adopt the above-mentioned general functional requirements and principles taking into account the developments outlined in paragraph 13 above.

B. OTHER VERIFICATION-RELATED RECOMMENDATIONS

49. Chemical weapons issues

49.1 Chemical weapons storage facilities

- 49.1.1 The Commission approved the understanding reached by Working Group B that the references to munitions in the Verification Annex, Part IV(A), Section A, subparagraphs 1(c)(iii) and 1(c)(iv) apply to both filled and unfilled munitions. (PC-IV/23, subparagraph 6.3.1).
- 49.1.2 The Commission considered and approved the recommendation of Working Group B that the precision of the declarations of national aggregate quantities of toxic chemicals and their precursors defined as chemical weapons should be rounded up to the nearest one tonne and that the individual munitions and container items should be declared by nominal weight in kilograms. (PC-IV/23, subparagraph 6.3.2).
- 49.1.3 The Commission confirmed the understanding of Working Group B that simulant filled munitions intended for testing chemical weapons destruction procedures should be incorporated into national declarations. (PC-IV/23, subparagraph 6.3.3).
- 49.1.4 The Commission adopted the recommendation that, in declaring chemical weapons, all locations must be specified. These locations include chemical weapons storage facilities, chemical weapons storage facilities at chemical weapons destruction facilities and temporary holding areas at chemical weapons destruction facilities. All of these locations and their detailed inventories should be declared using the illustrative formats developed by the Expert Group. (PC-V/12, subparagraph 6.6(a)).

- 49.1.5 The Commission adopted the recommendation that declarations for each chemical weapons storage location and national aggregate declarations should each be submitted as complete documents containing appropriate chemical declaration forms as attachments. (PC-V/12, subparagraph 6.6(b)).
- 49.1.6 The Commission adopted the recommendation that chemical weapons stored in a temporary holding area at a chemical weapons destruction facility would not normally be subject to inspection by a chemical weapons storage facility inspection team. These verification activities would be the responsibility of a chemical weapons destruction facility inspection team. Chemical weapons stored in a chemical weapons storage facility at a chemical weapons destruction facility should be inspected by chemical weapons storage facility inspection teams. Subsequent inspections at these chemical weapons storage facilities could be done either by chemical weapons storage facility inspection teams or by chemical weapons destruction inspection teams as will be agreed in appropriate facility agreements (PC-V/12, subparagraph 6.6(d)).
- 49.1.7 The Commission adopted the recommendation that, during the transitional period (Verification Annex Part IV(A), paragraphs 50 and 51), arrangements made between the OPCW and the States Parties for the inspection of chemical weapons at chemical weapons destruction facilities should be approved by the Executive Council. (PC-V/12, subparagraph 6.6(e)).
- 49.1.8 The Commission adopted (PC-VI/22, subparagraphs 6.6 (a) - (d)) the following guidelines with respect to the applicability of bilateral/multilateral verification procedures:
- (a) that the applicability of any bilateral or multilateral verification agreements be assessed against the criteria of consistency, comprehensiveness, and effectiveness in accordance with the principles and provisions noted in the Chairman's Paper annexed to PC-VI/B/WP.9;
 - (b) that if complementary verification measures related to any bilateral/multilateral agreement have been implemented by the Executive Council, the Director-General should report to the Executive Council on the verification activities taken by the parties to the bilateral/multilateral agreement and on the complementary measures. This should include an assessment of their effectiveness;
 - (c) that should the Director-General have uncertainties at any time about the effectiveness of any bilateral/multilateral inspection regime he shall approach the States Parties concerned for clarification. If the uncertainties cannot be removed or if the facts established are of a nature to suggest that obligations undertaken under the Convention have not been met, the Director-General shall inform the Executive Council without delay; and

- (d) that if the Executive Council finds reason to doubt the effectiveness of any bilateral/multilateral agreement, it should consider directing the implementation of the OPCW's verification regime for the States Parties concerned. The Executive Council should take appropriate measures aimed at clarifying the issues prior to directing such action.

49.1.9 The Commission **recommends** that the Conference adopt the above-mentioned recommendations.

49.1.10 The Commission noted that the following criteria used to determine the frequency of inspection of a chemical weapons storage facility should also be considered in deciding the duration of each inspection: agent weight, the number of items, the storage configuration, and the specific types and numbers of these specific types of chemical weapons as defined in Article II, paragraph 1 of the Convention (this is without prejudice to the elaboration of a clear understanding of what is considered to be a chemical weapon, in particular in relation to Article II, subparagraphs 1(b) and 1(c)). The duration of the inspection will be facility dependant, negotiated, and included in each facility agreement after the initial inspection. As a general rule, the duration should be between 48 and 168 hours. (PC-VII/8, subparagraph 6.13).

49.2 Chemical weapons destruction facilities

49.2.1 The Commission adopted the recommendation that temporary holding areas at chemical weapons destruction facilities be defined as locations within the declared perimeter of a chemical weapons destruction facility and that these holding areas should contain at any time no more than one week's amount of agent or material, based on the declared design capacity of the destruction facility. (PC-V/12, subparagraph 6.6(c)).

49.2.2 The Commission adopted the following recommendation of Working Group B: the concept expressed by the Expert Group concerning destroyed chemical weapons munitions retained for display or training purposes as elaborated in Appendix 4 of the Chairman's Paper annexed to PC-VI/B/WP.14. (PC-VI/22, subparagraph 6.8(h)).

49.2.3 The Commission adopted the following recommendation of Working Group B: the criteria developed by the Expert Group for the review of the applicability and sufficiency of bilateral/multilateral verification procedures as contained in Appendix 5 of the Chairman's Paper annexed to PC-VI/B/WP.14. (PC-VI/22, subparagraph 6.8(i)).

49.2.4 The Commission adopted the following recommendation of Working Group B: that an appropriate line in the Budget should be maintained for installed monitoring equipment that has to be provided by the Secretariat (paragraph 24 of the Chairman's Paper annexed to PC-VI/B/WP.14). (PC-VI/22, subparagraph 6.8(j)).

49.2.5 The Commission **recommends** that the Conference adopt the above-mentioned recommendations.

49.3 Chemical weapons production facilities

49.3.1 The Commission adopted the understanding that the set of procedures identified by the Expert Group on Chemical Weapons Production Facilities as being necessary for the closure/inactivation of chemical weapons production facilities in the context of their subsequent destruction or, pending a final decision, their temporary conversion to chemical weapons destruction facilities or possible conversion for purposes not prohibited by the Convention after it enters into force (contained in Chart 1, Appendix 1 of the Chairman's Paper annexed to the Interim Report of the Expert Group on Chemical Weapons Production Facilities, PC-V/B/WP.6) should apply in all of the above three cases (PC-V/12, subparagraph 6.2(a)).

49.3.2 The Commission adopted the understanding set out in paragraph 7 of the Expert Group on Chemical Weapons Production Facilities Report (PC-V/B/WP.6) that, in order to ensure the safe conduct of on-site inspections, a State Party should be encouraged to complete the primary decontamination of the chemical weapons production facility as part of its closure and inactivation measures. It was understood that some limited decontamination capability may be required after closure and inactivation to ensure the safety of inspectors and personnel. A decontamination capability may also be required to provide safe conditions for dismantling and destroying the plant and to avoid potential environmental contamination. It was also noted that, in connection with these decontamination requirements, a limited amount of safety equipment will be required. (PC-V/12, subparagraph 6.2(b)).

49.3.3 Taking into account paragraph 23 of Part V of the Verification Annex of the Convention, which provides that converted chemical weapons production facilities shall be destroyed not later than 10 years after entry into force of the Convention, the Commission adopted the understandings (subparagraphs 3.2 to 3.11 of PC-VII/B/WP.9) in relation to the temporary conversion of chemical weapons production facilities to chemical weapons destruction facilities. (PC-VII/8, subparagraph 6.10).

49.3.4 The Commission adopted the document entitled "Destruction of CW Production Facilities" which is annexed to PC-XIV/B/WP.2. (PC-XIV/29, subparagraph 9.2).

49.3.5 The Commission **recommends** that the Conference adopt the above-mentioned recommendations.

Actions by Working Group B

49.3.6 Working Group B noted some illustrative examples of what might be considered as allowable technical maintenance (contained in paragraph 17 of the Chairman's Paper annexed to PC-V/B/WP.6) agreed to by the Expert Group on Chemical

Weapons Production Facilities as well as of non-allowable maintenance activities at a closed/inactivated chemical weapons production facility (contained in paragraph 18 of the Chairman's Paper). (PC-V/B/10 paragraph 3.4). Working Group B adopted the Report of the Expert Group and drew it to the attention of the Commission. (PC-V/B/10, subparagraph 3.10).

49.4 Other chemical weapons issues

49.4.1 The Commission considered and adopted (PC-XVI/36, subparagraph 10.2) the following:

- (a) with respect to the terms "buried by a State Party on its territory" and "dumped at sea", the understanding contained in Annex 1 to PC-XVI/B/WP.4; and
- (b) with respect to the declaration requirements for chemical weapons buried by a State Party on its territory after 1976 or dumped at sea after 1984, the understanding contained in Annex 2 to PC-XVI/B/WP.4.

49.4.2 The Commission **recommends** that the Conference adopt the above-mentioned recommendations.

50. Industry issues

50.1 The Commission adopted the understandings recorded in paragraph 18 of the Chairman's Paper annexed to PC-VI/B/WP.2 (risk assessment of a Schedule 2 plant site), as well as in Appendix B of PC-IV/B/WP.5, paragraph 19 of the Chairman's Paper (frequency, duration, and intensity of inspection) and in paragraphs 21 to 24 (verification at "mixed plant sites") of the same Chairman's Paper. (PC-VI/22, subparagraph 6.2.(a)).

50.2 The Commission adopted the understandings contained in paragraph 3 of PC-VII/B/WP.7 concerning the following issues: the scope of the term "alkyl" in the Schedules of chemicals; sub-distribution and packaging; waste disposal; changes to annual declarations; understandings in relation to Part IX of the Verification Annex; mixed plants; and transfers of Schedule 1 chemicals. (PC-VII/8, paragraph 6.6).

50.3 In accordance with subparagraph 5.2 of PC-VIII/B/5, the Commission adopted the understandings reached by the Expert Group on Chemical Industry Issues concerning recycled Schedule 2 chemicals and the meaning of "production" in the context of Schedule 1 production facilities covered under Article VI. (PC-IX/11, subparagraph 7.2).

50.4 The Commission **recommends** that the Conference adopt the above-mentioned recommendations.

Actions by Working Group B

- 50.5 Working Group B took note of the view, recorded in the Expert Group Report (PC-III/B/WP.8), that there be a requirement for declarations from States Parties when no activities under Article VI occur. Working Group B decided to keep the matter under review. (PC-III/B/2, subparagraph 8.4).
- 50.6 Working Group B took note that the Expert Group had concluded, on a preliminary basis, its work on declaration requirements under Article VI and Part VI(D) of the Verification Annex, and that it had devised a draft set of recommendations for delimiting and structuring Schedule 1 Production Facilities in order to facilitate inspection. Working Group B endorsed the Report of the Expert Group (PC-IV/B/WP.4) and forwarded it to the Commission for notice. (PC-IV/B/12*, subparagraphs 6.2 and 6.6).
- 50.7 Working Group B adopted the results of the work of the Expert Group as contained in the Report (PC-IV/B/WP.5) and the Chairman's Paper annexed to it, with the understanding that the Expert Group will need to come back to the issues contained in the Chairman's Paper annexed to PC-IV/B/WP.5 and its Appendices and Attachments at its next meeting. This issue is:
- (a) categories of equipment which may be used for inspections at Schedule 2 facilities. (PC-IV/B/12*, subparagraph 7.2).

51. Challenge inspection

- 51.1 The Commission considered and adopted (PC-XII/17, subparagraph 8.2) Annexes 1 and 2 to PC-XII/B/WP.3, together with:
- (a) Formats 1-7 contained in the Appendices of the Annex to PC-IV/B/WP.10 as modified in subparagraph 3(b) of PC-XII/B/WP.3, as well as
 - (b) the Common Understandings set out in paragraph 5 of the Annex to PC-IV/B/WP.10, except for the last sentence of subparagraph 5(c)(i) and the last three sentences of subparagraph 5(g)(iii).
- 51.2 The Commission considered and adopted the Annex to PC-XIII/B/WP.4 entitled "Illustrative List of Objective Indicators to Facilitate the Executive Council in Addressing Any Concern, in Accordance with Paragraph 22 of Article IX, Whether the Right to Request a Challenge Inspection has been Abused". (PC-XIII/18, subparagraph 7.4).
- 51.3 The Commission **recommends** that the Conference adopt the above-mentioned documents.

Actions by Working Group B

51.4 Working Group B noted the Attachment to PC-XI/B/WP.9 entitled "Illustrative Examples of the Type of Information which might be included under 'all possible information on the basis of which the concern (of possible non-compliance) has arisen', in the context of Format 1". (PC-XI/B/12, subparagraph 9.3).

52. Investigations of alleged use

52.1 The Commission adopted the following document: "Understanding on the Status of 'Qualified Experts' in the Context of Investigations of Alleged Use" (Annex 5 to PC-XII/B/WP.6). (PC-XII/17, subparagraph 8.6 (b)).

52.2 The Commission adopted the following document: "Sampling and Analysis during Investigations of Alleged Use of Chemical Weapons" (Annex 6 to PC-XII/B/WP.6), also taking account of subparagraph 6.1 of PC-XII/B/WP.6. (PC-XII/17, subparagraph 8.6(c)).

52.3 The Commission **recommends** that the Conference adopt the above-mentioned documents.

53. Declaration-related issues

53.1 The Commission adopted the recommendation contained in subparagraph 7.2 of PC-XIV/B/WP.5 that States Parties should use one of the 107 recognised reference datums for their declarations when they are required to declare the geographical co-ordinates of a facility, and that States Parties should state in their declarations which reference standard they had used. (PC-XIV/29, subparagraph 9.4).

53.2 The Commission **recommends** that the Conference adopt the above-mentioned recommendation.

54. Analytical issues

54.1 The Commission adopted (PC-VI/22, subparagraph 6.4) the criteria for the designation of laboratories by the OPCW. Such laboratories should:

- (a) have established an internationally recognised quality assurance system;
- (b) have obtained accreditation by an internationally recognised accreditation body for tasks for which they are seeking designation; and
- (c) regularly participate and perform successfully in inter-laboratory proficiency tests. Analytical laboratories should obtain satisfactory results analysing control samples distributed by the OPCW.

- 54.2 The Commission adopted the document "Proficiency Testing Leading to Certification of 'Designated Laboratories' ". (PC-IX/11, subparagraph 7.3).
- 54.3 The Commission adopted the document "Criteria for Acceptable Performance of Laboratories in Proficiency Testing" (Annex 1 to PC-XI/B/WP.6 and Corr.1). (PC-XI/17, subparagraph 7.2).
- 54.4 The Commission adopted the following document: "Procedure for the Provisional Certification of the Central OPCW Analytical Database" (Annex 4 to PC-XII/B/WP.6). (PC-XII/17, subparagraph 8.6 (a)).
- 54.5 The Commission adopted the "Criteria for the Conduct of OPCW/PTS Proficiency Testing" (Annex 2 to PC-XIII/B/WP.5). (PC-XIII/18, subparagraph 7.5).
- 54.6 The Commission approved the inclusion of analytical data in the OPCW Analytical Database for the test chemicals, as contained in the "Recommended Operating Procedure for On-Site Analysis by Gas Chromatography/Mass Spectrometry (GC/MS)" (PC-XIV/B/WP.5, Annex 5) on the understanding that the test samples will not contain scheduled chemicals and that, therefore, the use of the above data, during on-site analysis, will be restricted to GC/MS performance tests and that analytical procedures which prevent cross contamination of the test chemicals are applied, as appropriate (PC-XV/25, subparagraph 8.3(c)).
- 54.7 The Commission approved the understanding reached by the Expert Group on Inspection Procedures that, in relation to proficiency tests following the first test, the conditions set out in subparagraphs 4.1(b)(i) to (viii) of PC-XV/B/WP.9 shall apply. (PC-XV/25, subparagraph 8.3(d)).
- 54.8 The Commission (PC-XVI/36, subparagraph 10.3):
- (a) considered and adopted the "Scope of Activities of Designated Laboratories and the Role and Status of Other Laboratories" as contained in Annex 1 to PC-XVI/B/WP.6;
 - (b) approved the procedure for the re-submission of electronic spectral data as contained in Annex 2 to PC-XVI/B/WP.6, for future use after EIF;
 - (c) approved the inclusion of analytical derivatives of scheduled chemicals using the reagents N,O-bis(trimethylsilyl)trifluoroacetamide (BSTFA) and 3,4-dimercaptotoluene as contained in Annex 3 to PC-XVI/B/WP.6;
 - (d) approved the results of the evaluation of the GC data of analytical derivatives of scheduled chemicals as contained in Annex 4 to PC-XVI/B/WP.6;

- (e) removed the GC data of four chemicals as contained in subparagraph 7(a) of the report of the Specialist Task Force on the OPCW Analytical Database dated 24 January 1997 from the results of the evaluation of the GC data as contained in Annex 1 to PC-XV/B/WP.9; and

- 54.9 The Commission **recommends** that the Conference adopt the above-mentioned recommendations.
- 54.10 The Commission instructed the Secretariat to proceed with the notification of proficiency testing in accordance with the recommendation that the schedule information shall be communicated at least two months prior to the scheduled starting date directly to all laboratories which have previously participated in proficiency tests. This information shall also be simultaneously communicated to all Member States to facilitate the participation of new laboratories. The laboratory or the Member State must notify the Secretariat if the laboratory intends to participate in the test. This notification must be provided to the Secretariat within one month after the Secretariat's communication of the schedule information. (PC-XV/25, subparagraph 8.3(e)).
- 54.11 The Commission noted the procedures for the "Qualitative On-Site Sample Preparation and GC/MS Analytical Method" for evaluation and training purposes, as contained in Annex 3 to PC-XIV/B/WP.5 (PC-XIV/29, subparagraph 9.6(c)).
- 54.12 The Commission noted the "Recommended Operating Procedure for On-Site Analysis by Gas Chromatography/Mass Spectrometry (GC/MS)", as contained in Annex 5 to PC-XIV/B/WP.5 and Corr.1. (PC-XIV/29, subparagraph 9.6(e)).

Actions by Working Group B

- 54.13 Working Group B considered the Report of the Combined Group of Experts: Analytical Chemists presented by the Chairperson of the Group of Experts, and contained in document PC-III/B/WP.7, and recommended that, in order to maximise the effectiveness of the Convention and confidence in the analytical results obtained, the OPCW should assign to the OPCW Laboratory the role of co-ordinating the analytical activities to be undertaken under the Convention. (PC-III/B/2, subparagraph 7.1(c)).
- 54.14 Working Group B noted the results of the evaluation of the spectra (MS, IR, NMR) of the scheduled chemicals (Annex 5 to PC-X/B/WP.9). (PC-X/B/5, subparagraph 3.9).
- 54.15 Working Group B noted the following document: "Results of the Evaluation of Infrared (IR) Spectra" (Annex 3 to PC-XI/B/WP.6). (PC-XI/B/12, subparagraph 3.5(ii)).
- 54.16 Working Group B noted Annex 3 to PC-XII/B/WP.6 (Results of the Evaluation of the MS and IR Spectra). (PC-XII/B/7, subparagraph 5.2(b)).

54.17 Working Group B noted the results of the evaluation of the NMR and MS spectra (Annex 3 to PC-XIII/B/WP.5). (PC-XIII/B/6, subparagraph 5.3(b)).

55. Training

55.1 The Commission adopted the "Guidelines for the Certification of Training Courses Offered by Member States as Part of the General Training Scheme" (Appendix 1 to the Annex to PC-VI/B/WP.7). (PC-VI/22, subparagraph 6.5).

55.2 The Commission **recommends** that the Conference adopt the above-mentioned guidelines for any future inspector training activities by the OPCW.

56. Inspection equipment

56.1 The Commission adopted Attachment 3 to PC-VIII/B/WP.2 ("The Use of Approved Equipment During On-Site Inspections"). (PC-VIII/18, paragraph 7.3).

56.2 The Commission adopted the document entitled "Measures in Relation to Approved Equipment Following Inspection Activities" (Annex 1 to PC-X/B/WP.9) as amended by Working Group B (subparagraph 3.6 of PC-X/B/5). (PC-X/23, subparagraph 7.3).

56.3 The Commission **recommends** that the Conference adopt the above-mentioned documents.

57. Verification-related staffing issues

Actions by Working Group B

Working Group B, taking account of the pertinent recommendation of the Expert Group on Inspectorate Planning (PC-IV/B/WP.3/Rev.1), endorsed (PC-IV/B/12*, subparagraph 5.4) that:

- (a) full-time inspectors as defined in the Chairman's Paper annexed to PC-IV/B/WP.3/Rev.1 will be the basis of the Inspectorate. The Inspectorate could make use of temporary (on call) as well as full-time inspectors;
- (b) any establishment of regional offices should be on a needs basis; and
- (c) efforts shall be made to alleviate the considerable inspection workload during the first period after entry into force of the Convention, e.g. by giving first priority to inspections of facilities declared under Articles IV, V and VI, paragraph 3, during the period of initial inspections and the development of facility agreements for these facilities, by the use of temporary inspectors for certain verification activities where no considerable confidentiality problems might arise, and by use of sequential inspections of similar facilities within a region.

58. QA/QC regime

Actions by Working Group B

- 58.1 Working Group B endorsed (PC-VII/B/2*, subparagraph 2.7) the adoption by the Secretariat of the following assumptions in relation to the type of quality assurance (QA) for the OPCW:
- (a) for the Verification Division: an over arching "light" quality assurance regime of the ISO (International Organisation for Standardisation) Guide 9000 series; and
 - (b) for the OPCW Laboratory, including the network of designated laboratories, and the sampling assistants and analysts: a QA regime of the ISO Guide 25 type.
- 58.2 Working Group B noted the decision of the Expert Group recorded in paragraph 11 of PC-XIII/B/WP.5 (regarding the establishment of a QA/QC regime for the OPCW contained in the report of the Laboratory of the Government Chemist (LGC)). (PC-XIII/B/6, subparagraph 5.3(f)).

59. Inspection logistics

Actions by Working Group B

With regard to the issue of administrative arrangements (Verification Annex, Part II, paragraph 26), Working Group B noted the general understanding recorded in subparagraph 12.2 of PC-XIII/B/WP.5 on the issue of the standards of services as raised in subparagraph 12.1 of the same Report. (PC-XIII/B/6, subparagraph 5.3(g)).

C. TECHNICAL COOPERATION AND ASSISTANCE-RELATED RECOMMENDATIONS

60. Voluntary Fund for Assistance (Article VIII(21)(j) and Article X(7)(a) of the Convention)

- 60.1 The Commission considered it appropriate that the Voluntary Fund for Assistance to be established in accordance with Article VIII(21)(j) and Article X(7)(a) of the Convention should be administered, unless otherwise provided by the Conference of the States Parties, in accordance with the applicable Financial Regulations. This is reflected in Article 6.10 of the Draft OPCW Financial Regulations as contained in PC-XIII/A/2 and Corr.1.
- 60.2 The Commission **recommends** that the Conference adopt the above-mentioned approach.

61. The data bank on protection against chemical weapons (Article X(5))

61.1 The Commission adopted, in PC-V/12, subparagraph 6.7(b), the following recommendations concerning the data bank on protection against chemical weapons to be established in accordance with Article X(5):

(a) that the data bank be established as part of a library in the Technical Secretariat, and that this repository of information be indexed by a database; and

(b) that the database used for indexing the data bank should be a standard commercially or otherwise available bibliographical programme allowing for the inclusion of data types such as those listed in Appendix 4 of the Chairman's Paper annexed to PC-V/B/WP.16.

61.2 The Commission, in PC-VII/8, subparagraph 6.5(b), adopted the illustrative lists of some categories of information for the data bank on protection, as contained in Annex C to PC-VII/B/WP.6.

61.3 The Commission **recommends** that the Conference adopt the above-mentioned lists and requirements.

61.4 Working Group B approved the use of Micro-ISIS as the information storage and retrieval system to be used for the database to index the data bank on protection against chemical weapons and the development of a thesaurus (subparagraph 10.6 of PC-X/B/5).

62. Draft Model Bilateral Agreement concerning the Procurement of Assistance (Article X (7) (b))

62.1 The Commission adopted the Draft Model Bilateral Agreement Concerning the Procurement of Assistance contained in Annex A to PC-VII/B/WP.6. (PC-VII/8, subparagraph 6.4)

62.2 The Commission **recommends** that the Conference adopt the above-mentioned draft model.

SECTION FOUR

UNRESOLVED ISSUES

PART 1 ORGANISATIONAL ISSUES REGARDING THE FIRST SESSION OF THE CONFERENCE OF THE STATES PARTIES

63. Draft Provisional Rules of Procedure (Paris Resolution, paragraph 9 as well as Articles VIII(15) and (26)).
64. Numerical distribution of seats in regard to the election of 20 members for a term of one year for the first election of the Executive Council (Articles VIII(21)(c), (23) and (24) and Paris Resolution, subparagraph 11(e)).
65. OPCW programme and budget for 1997 (including detailed staffing pattern, decision-making flow charts and assessment of staffing requirements) as submitted by the Executive Council (Paris Resolution, subparagraphs 10(a) and (b), 11(a) and (b) as well as Article VIII 21(a) and 32(a)).

PART 2 ISSUES CONTAINED IN PARAGRAPHS 10, 11, 13 AND 16 OF THE PARIS RESOLUTION ON THE ORGANISATION AND WORK OF THE OPCW AND ITS TECHNICAL SECRETARIAT REQUIRING IMMEDIATE ATTENTION AFTER ENTRY INTO FORCE OF THE CONVENTION

66. Staff rules for recruitment and service conditions (Paris Resolution, subparagraph 10(c)), including:
 - (a) OPCW Staff Regulations;
 - (b) OPCW Staff Rules;
 - (c) possible misconduct by members of an inspection team, taking into account the discussions in the Expert Group on Challenge Inspection concerning possible misconduct by members of an inspection team during a challenge inspection; and
 - (d) issues relating to the appointment of staff members of the Technical Secretariat of the OPCW.

PART 3 DRAFT AGREEMENTS, PROVISIONS AND GUIDELINES PURSUANT TO PARAGRAPH 12 OF THE PARIS RESOLUTION READ IN CONJUNCTION WITH ARTICLE VIII(21)(i) OF THE CONVENTION

67. Guidelines on detailed procedures for verification and for the conduct of inspections, in accordance with, inter alia, Part II, paragraph 42, of the Verification Annex. (Paris Resolution, subparagraph 12(a)).

- (a) chemical weapons production facilities;
- (b) old chemical weapons;
- (c) abandoned chemical weapons;
- (d) challenge inspections;
- (e) investigations of alleged use of chemical weapons;

68. Agreements between the OPCW and the States Parties in accordance with Article VIII, paragraph 50. (Paris Resolution, subparagraph 12(c)).

69. Procedures for the provision of information by States Parties on their programmes related to protective purposes, in accordance with Article X, paragraph 4. (Paris Resolution, subparagraph 12(d)).

70. A list of approved equipment, in accordance with Part II, paragraph 27, of the Verification Annex. (Paris Resolution, subparagraph 12(e)).

71. Procedures for inclusion in the inspection manual concerning the security, integrity and preservation of samples and for ensuring the protection of the confidentiality of samples transferred for analysis off-site, in accordance with Part II, paragraph 56, of the Verification Annex. (Paris Resolution, subparagraph 12(h)).

72. Models for facility agreements in accordance with Part III, paragraph 8, of the Verification Annex. (Paris Resolution, subparagraph 12(i)).

This covers the specific issue dealt with in subparagraph 12(r) of the Paris Resolution (Models for facility agreements covering detailed inspection procedures, in accordance with Part VI, paragraph 27, of the Verification Annex), which is not repeated elsewhere.

- (a) chemical weapons production facilities;
- (b) chemical weapons storage facilities;
- (c) chemical weapons destruction facilities;

- (d) Schedule 1 facilities.
73. Appropriate detailed procedures to implement Part III, paragraph 11 and 12 of the Verification Annex, in accordance with paragraph 13 of that Part. (Paris Resolution, subparagraph 12(j)).
- (a) This deals with the appropriate detailed procedures for inspection and testing of equipment used or installed by the inspection team by the inspected State Party and inspection by the inspection team of the instruments installed by the inspected State Party for its own monitoring of the technological process of the destruction of chemical weapons. This also deals with the appropriate detailed procedures for preparation and support for the establishment of continuous monitoring instruments and systems by the inspected State Party.
74. Guidelines to determine the usability of chemical weapons produced between 1925 and 1946, in accordance with Part IV(B), paragraph 5, of the Verification Annex. (Paris Resolution, subparagraph 12(n)).
75. Guidelines for determining the frequency of systematic on-site inspections of chemical weapons production facilities, in accordance with Part V, paragraph 54, of the Verification Annex. (Paris Resolution, subparagraph 12(o)).
76. Criteria for toxicity, corrosiveness and, if applicable, other technical factors, in accordance with Part V, subparagraph 71(b), of the Verification Annex. (Paris Resolution, subparagraph 12(p)).
77. Guidelines to assess the risk to the object and purpose of the Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there, in accordance with Part VI, paragraph 23, of the Verification Annex. (Paris Resolution, subparagraph 12(q)).
78. Guidelines to assess the risk to the object and purpose of the Convention posed by the quantities of chemicals produced, the characteristics of the facility and the nature of the activities carried out there, in accordance with Part VI, paragraph 30, of the Verification Annex. (Paris Resolution, subparagraph 12(s)).
79. Guidelines for provisions regarding scheduled chemicals in low concentrations, including in mixtures, in accordance with Part VII, paragraph 5, and Part VIII, paragraph 5, of the Verification Annex. (Paris Resolution, subparagraph 12(t)).

PART 4 OTHER ISSUES

A. OTHER ADMINISTRATIVE AND ORGANISATIONAL ISSUES

80. Relationship Agreements between the OPCW and International Organisations (Article VIII(34)(a) of the Convention).

81. Terms of reference of the Scientific Advisory Board (Article VIII(21)(h) of the Convention).
82. Appointment of the Commission for the settlement of disputes related to confidentiality (Confidentiality Annex, paragraph 23).
83. Information management system - monitor the process of establishing a "minimum" IMS and recommend, as needed, contingency measures.
84. Draft OPCW Financial Rules, including rules for procurement.

B. OTHER VERIFICATION-RELATED ISSUES

I. CHEMICAL INDUSTRY ISSUES

85. The model facility agreement for Schedule 2 plant sites covered under Article VI of the Convention.
86. The issue of whether or not the term "production by synthesis" used in Part IX includes biochemical and biologically mediated processes.
87. The method of reporting aggregate national data for Schedule 2 and 3 chemicals.
88. The tentative understandings in regard to discrete organic chemicals including PSF chemicals; "production" as defined in subparagraph 12(a) of Article II; and biochemical and biologically mediated processes in relation to scheduled chemicals.
89. Castor bean processing plants.
90. Past production of Schedule 1 chemicals at facilities having a capacity above 1 tonne, for purposes not prohibited under the Convention on the basis of the understanding as reflected in subparagraphs 2.4 and 4.5 of PC-VIII/B/WP.10.
91. The meaning of the term "a State Party" in subparagraph 8(a)(i)(2) of Article II (see subparagraphs 5.4 - 5.6 of PC-VIII/B/WP.10).
92. The model facility agreement for Schedule 3 facilities covered under Article VI of the Convention.

II. CHEMICAL WEAPONS

93. The costs of verification in relation to paragraph 16 of Article IV, paragraph 19 of Article V and paragraph 26 of Part II of the Verification Annex of the Convention with a view to its resolution.

94. The elaboration of a clear understanding of what is considered a chemical weapon in particular in relation to Article II, subparagraphs 1(b) and 1(c) (on the basis of the comments provided in relation to Section D of the draft Declaration Handbook).
95. The implementation of the provisions of the Convention dealing with the conversion of chemical weapons production facilities.
96. All aspects of the issue of chemical weapons buried by a State Party on its territory after 1976 or dumped at sea after 1984, including a possible challenge inspection, and its implications for the Technical Secretariat's responsibilities and other Expert Groups' tasks in this regard.
97. The declaration requirements for chemical weapons.
98. Provisions regarding "simulation equipment".

Chemical weapons storage facilities

99. Inspection report formats developed by the Secretariat.
100. Determination of how States Parties report chemical weapons on their own territory that are owned by another State.

Chemical weapons development facilities

101. A clear understanding of how the term "primarily for development of chemical weapons" should be understood in preparing declarations under subparagraph 1(d) of Article III (to be undertaken when a proposal has been provided by any Member State).

Chemical weapons production facilities

102. Declaration requirements.

Chemical weapons destruction facilities

103. A numerical value for the quantitative assessment of the completeness of destruction.
104. Methods to verify the quantity of agent being destroyed and complete the list of activities for verifying the completeness of destruction and for quantifying destroyed chemical weapons.
105. Guidance on the issue of the destruction of chemical weapons resulting in the formation of Schedule 2 chemicals.

106. Formats for declarations and for initial, routine and final inspection reports, prepared by the Secretariat.
107. Procedures to cover the installation, use, inspection and maintenance of equipment installed by the inspected State Party and/or the inspection team.
108. The need to develop inspection procedures for facilities at which chemical weapons destruction operations are not continuous, including procedures for a pilot plant to test chemical weapons destruction technologies.

III. OLD AND ABANDONED CHEMICAL WEAPONS

109. Verification and destruction requirements for old chemical weapons produced between 1925 and 1946.
110. The declaration requirements for old chemical weapons produced between 1925 and 1946.
111. Destruction and verification requirements for abandoned chemical weapons, including a possible challenge inspection.
112. The cost of the verification of old chemical weapons and their destruction as referred to in paragraph 8 of the Annex to the Second Report of the Expert Group (PC-VI/B/WP.5).
113. The Draft of Section E of the Declaration Handbook entitled "Old Chemical Weapons Produced Before 1925", reflecting the different views expressed by delegations.
114. The Draft of Section G of the Declaration Handbook entitled "Abandoned Chemical Weapons".

IV. CONFIDENTIALITY

115. The States Parties' possible exercise of national jurisdiction in the event that immunity from jurisdiction is waived by the Director-General in the case of a serious breach of confidentiality by a staff member of the Technical Secretariat, including the possibility of concurrent jurisdiction.
116. Any further proposals relating to the general issue of the application of national jurisdiction to natural or legal persons who have breached confidentiality.
117. Any further proposals that may be made concerning compensation for losses caused by breach of confidentiality.

V. INSPECTION PROCEDURES

- 118. Provisions for indicating the specific types of equipment for the specific types of inspection.
- 119. A common understanding of the term "particular type of inspection" and the possible equipment-related consequences of the application of this term.
- 120. Procedures for the regular update of the OPCW Central Analytical Database.

VI. CHALLENGE INSPECTION

- 121. Recommendation in regard to further operational requirements for inspection equipment for challenge inspection, bearing in mind their technical, legal, budgetary and confidentiality aspects.
- 122. Cost aspects in case of abuse of the right to request a challenge inspection, as necessary.
- 123. The timing of the notification of challenge inspections.
- 124. The illustrative lists of activities in challenge inspection and illustrative elements of the document on the preliminary factual findings, as well as of the preliminary, draft and final inspection reports.

C. TECHNICAL COOPERATION AND ASSISTANCE-RELATED ISSUES

- 125. Outstanding issues under Articles X and XI.

SECTION FIVE

RECOMMENDATIONS TO THE FIRST MEETING OF THE EXECUTIVE COUNCIL FOR ITS CONSIDERATION AND ACTION

126. Provisional Agenda

- 126.1 The Commission considered and approved (PC-XVI/36, subparagraph 8.4) a Provisional Agenda for the consideration of the Executive Council (PC-XVI/35).
- 126.2 The Commission **recommends** that the Executive Council adopt the above-mentioned Provisional Agenda.

127. Draft Provisional Rules of Procedure

In accordance with Article VIII(26) of the Convention the Executive Council shall elaborate its rules of procedure and submit them to the Conference of the States Parties (hereafter "the Conference") for approval.

128. Organisation of work and establishment of subsidiary bodies

The Executive Council may wish to consider the establishment of subsidiary organs. Regulation 15.1 of the Draft OPCW Financial Regulations recommended by the Commission to the Conference (see paragraph 31 above) provides for the possible establishment of a body to advise the Executive Council on administrative and financial matters.

129. Appointment of the Director-General

- 129.1 The Commission at its First Session reached the understanding that, should the Executive Secretary of the Provisional Technical Secretariat be drawn from a developed country, the first Director-General of the Technical Secretariat of the OPCW, appointed by the Conference of the States Parties convened in accordance with Article VIII of the Convention, should be drawn from the developing countries (PREPCOM/I/4, paragraph 8).
- 129.2 In accordance with Articles VIII(21)(d) and VIII(43), the Director-General shall be appointed by the Conference upon the recommendation of the Executive Council.

130. Programme and budget (including detailed staffing pattern, decision-making flow charts and assessment of staffing requirements) in accordance with Article VIII, paragraph 32(a).

Article VIII 32(a) provides that the Executive Council shall consider and submit to the Conference the draft programme and budget of the OPCW.

131. Draft OPCW Staff Rules

The Executive Council has to consider whether the Staff Rules are consistent with the Staff Regulations after the latter have been adopted by the Conference.

132. Draft OPCW Financial Rules, including rules for procurement

The OPCW Financial Regulations have to be adopted by the Conference before the Executive Council can consider and approve the OPCW Financial Rules.

133. Guidelines for transitional verification arrangements, in accordance with Part IV(A), paragraph 51, of the Verification Annex, based on recommendations for such guidelines to be considered and approved by the Conference

133.1 The Commission prepared recommendations for guidelines for transitional verification arrangements for consideration and adoption by the Conference (see paragraph 43 above).

133.2 The Commission **recommends** that, upon adoption of the above-mentioned recommendations for guidelines by the Conference, the Executive Council develop and adopt the guidelines for transitional verification arrangements in accordance with Part IV(A), paragraph 51, of the Verification Annex.