



REPORT OF THE NINETY-SEVENTH SESSION OF THE EXECUTIVE COUNCIL

1. AGENDA ITEM ONE – Opening of the session

The Chairperson of the Executive Council (hereinafter “the Council”) Ambassador Abdelouahab Bellouki of Morocco, opened its Ninety-Seventh Session in The Hague at 10:14 on 6 July 2021.

2. AGENDA ITEM TWO – Adoption of the agenda

The Council **considered** and **adopted** the following agenda:

1. Opening of the session
2. Adoption of the agenda
3. Opening statement by the Director-General
4. Reports by the Vice-Chairpersons on the activities conducted under their respective clusters of issues
5. General debate
6. Status of implementation of the Chemical Weapons Convention:
 - (a) Reports by the Director-General on destruction-related issues
 - (b) Implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues
 - (c) Elimination of the Syrian chemical weapons programme
 - (d) Other verification-related issues
 - (e) Destruction-related plans and facility agreements
 - (f) Addressing the threat from chemical weapons use
 - (g) Timely submission of declarations under Article VI
 - (h) Article VII: briefings by the facilitator and by the Technical Secretariat
 - (i) The content of the Protection and Assistance Databank and its use



- (j) Article X: briefings by the facilitator and by the Technical Secretariat
 - (k) Article XI: briefings by the facilitator and by the Technical Secretariat
 - (l) Report by the Director-General on the Technical Secretariat's readiness to conduct a challenge inspection or an investigation of alleged use
7. Scientific Advisory Board
 8. Countering chemical terrorism
 9. Draft annual report of the OPCW on the implementation of the Chemical Weapons Convention in 2020
 10. Reports of the Office of Internal Oversight:
 - (a) Implementation in 2020 of the recommendations contained in the 2019 Annual Report of the Office of Internal Oversight
 - (b) Annual Report of the Office of Internal Oversight for the period from 1 January to 31 December 2020
 11. Administrative and financial matters:
 - (a) Nominations for membership of the Advisory Body on Administrative and Financial Matters
 - (b) Rules of Procedure of the Advisory Body on Administrative and Financial Matters
 - (c) Report of the Advisory Body on Administrative and Financial Matters
 - (d) Transfers of funds during 2020
 - (e) Report on the status of implementation of the enterprise resource planning system
 - (f) Composition of the Technical Secretariat
 - (g) Implementation of the tenure policy
 12. Establishment of a working group to develop a proposal on the manner of appointment of future External Auditors of the OPCW by the Conference of the States Parties pursuant to C-25/DEC.10 (dated 21 April 2021)
 13. Follow-up process to the Third Review Conference¹
 14. Credentials of representatives of the members of the Executive Council

¹ Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention.

15. Provisional agenda for the Twenty-Sixth Session of the Conference of the States Parties
16. Dates for the regular sessions of the Executive Council in 2022
17. Any other business
18. Adoption of the report
19. Closure

3. AGENDA ITEM THREE – Opening statement by the Director-General

The Council **noted** the opening statement by the Director-General (EC-97/DG.21, dated 6 July 2021).

4. AGENDA ITEM FOUR – Reports by the Vice-Chairpersons on the activities conducted under their respective clusters of issues

- 4.1 The Vice-Chairpersons and coordinators for clusters of issues reported to the Council on informal consultations held during the intersessional period: Ambassador Gudrun Lingner of Germany on chemical weapons issues; Ambassador Vidmantas Purlys of Lithuania on chemical industry and other Article VI issues; a representative of the delegation of Ecuador on administrative and financial issues; and Ambassador Alireza Kazemi Abadi of the Islamic Republic of Iran on legal, organisational, and other issues. Ambassador Jorge Skinner-Klée Arenales of Guatemala provided an update on the implementation of the action plan for the universality of the Chemical Weapons Convention (hereinafter “the Convention”). The Chairperson also reported to the Council on his own activities during the intersessional period.
- 4.2 Ambassador Laura Dupuy of Uruguay, co-facilitator on organisational governance issues, reported to the Council on consultations carried out with her co-facilitator, Ambassador Matthew Neuhaus of Australia, during the intersessional period.
- 4.3 The Council **decided** to extend to Ambassador Matthew Neuhaus of Australia and Ambassador Laura Dupuy of Uruguay the mandate of the facilitation on organisational governance issues for the next intersessional period and **requested** the co-facilitators to report back on the status of their consultations at its next regular session.
- 4.4 The Council **expressed appreciation** for the work done by the outgoing facilitators, Mr Marcin Kawałowski of Poland, Mr Junaid Sadiq of Pakistan, and Mr Martin Pizinger of the Czech Republic.

5. AGENDA ITEM FIVE – General debate

- 5.1 The following delegations made statements under this agenda item: Algeria (on behalf of the African Group), Azerbaijan (observer, on behalf of the Non-Aligned Movement and China), Slovenia (observer, on behalf of the European Union), Angola (observer), Argentina, Australia, Austria, Brazil, Canada (observer), Chile, China, Cuba (observer), the Czech Republic, Ecuador, El Salvador, Finland (observer), France, Germany, Guatemala, India, Iran (Islamic Republic of), Ireland (observer), Italy,

Japan, Lithuania, Mexico, Morocco, New Zealand (observer), Nigeria, Norway, Pakistan, Peru, the Philippines, Poland, the Republic of Korea, Romania (observer), the Russian Federation, Saudi Arabia, Slovakia, Spain, Sweden (observer), Switzerland (observer), the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

5.2 The following delegations exercised their right of reply: the Russian Federation and Germany.

6. AGENDA ITEM SIX – Status of implementation of the Chemical Weapons Convention

Subitem 6(a): Reports by the Director-General on destruction-related issues

6.1 Further to a decision by the Conference of the States Parties (hereinafter “the Conference”) at its Sixteenth Session (C-16/DEC.11, dated 1 December 2011), the Council **considered** and **noted** a report by the Director-General on the overall progress with respect to the destruction of the remaining chemical weapons stockpiles (EC-97/DG.18, dated 30 June 2021).

6.2 Further to a decision by the Council at its Sixty-Seventh Session (EC-67/DEC.6, dated 15 February 2012), the Council **considered** and **noted** a report by the Director-General on the overall progress in the destruction of abandoned chemical weapons (EC-97/DG.17, dated 30 June 2021).

Subitem 6(b): Implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues

6.3 The Technical Secretariat (hereinafter “the Secretariat”) provided an update to the Council on its destruction-related verification activities (presentations were posted on the external server of the OPCW).

6.4 The United States of America, Japan, and China provided an update to the Council on their destruction-related activities (presentations/statements were posted on the external server of the OPCW).

6.5 The Council **noted** the statements and comments posted by States Parties on the destruction of the only remaining declared chemical weapons by the sole possessor State Party, recalling the relevant obligations under the Convention, and relevant decisions by the Conference and the Council. The Council **recalled** that the destruction of the only remaining declared chemical weapons by the sole possessor State Party should continue in accordance with the provisions of the Convention and its Annex on Implementation and Verification, and with the application of the measures contained in decision C-16/DEC.11.

6.6 Further to a decision by the Conference at its Sixteenth Session (C-16/DEC.11), the Council **considered** and **noted** a national paper by the United States of America on the progress achieved towards complete destruction of its chemical weapons stockpile, including information on measures to accelerate such progress, and identifying progress made since the last briefing in order to meet the planned completion date (EC-97/NAT.4, dated 29 June 2021) along with comments on the issue as mentioned

above. The Council **noted** the confirmation provided by the delegation of the United States of America that the necessary measures continue to be undertaken in order to meet the planned completion date of September 2023 for its destruction activities, as submitted to the Council at its Sixty-Eighth Session in accordance with subparagraph 3(c) of decision C-16/DEC.11.

- 6.7 Further to a decision by the Council at its Sixty-Seventh Session (EC-67/DEC.6) and the destruction plan beyond the year 2016 for the chemical weapons abandoned by Japan in China (EC-84/NAT.6, dated 2 March 2017), attached as Annex 2 to Council decision EC-67/DEC.6 and adopted by the Council at its Eighty-Fourth Session (paragraph 6.14 of EC-84/2, dated 9 March 2017), a national paper by China (EC-97/NAT.2, dated 16 June 2021) and a national paper by Japan (EC-97/NAT.3, dated 16 June 2021) on the overall progress of the destruction of chemical weapons abandoned by Japan on the territory of China were circulated to the members of the Council.
- 6.8 The Council **recalled** the provisions of the Convention that the Abandoning State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State Party and shall provide all necessary financial, technical, expert, facility as well as other resources, **expressed its determination** to remain seized of the matter, and **urged** the Abandoning State Party to continue to make the fullest possible effort to complete the destruction of chemical weapons abandoned by Japan on the territory of China as early as possible in accordance with the Council's decision (EC-67/DEC.6) and its Annex 2 in a faithful manner, and to address challenges including ensuring the safety of people and protecting the environment. The Council **reaffirmed** that the Territorial State Party shall provide appropriate cooperation.
- 6.9 The Council also **reaffirmed** the obligation of the Abandoning State Party to provide all available information including, to the extent possible, the location, type, and quantity as well as information on the abandonment in accordance with relevant provisions of the Convention, so as to facilitate the expedited destruction of chemical weapons abandoned by Japan on the territory of China.
- 6.10 The Council **recalled** that the review of the destruction of abandoned chemical weapons was welcomed by the Third Review Conference and the report of the Third Review Conference (RC-3/3*, dated 19 April 2013), which reaffirmed the role of the Council, the Conference, and the Review Conference with regard to the issues related to the abandoned chemical weapons destruction as defined in the provisions of the Convention and in the Council's decision (EC-67/DEC.6), and **welcomed** the review of this issue by the Fourth Review Conference.
- 6.11 The Council **took note** of the impact of the coronavirus (COVID-19) pandemic on the overall progress of the destruction of chemical weapons abandoned by Japan on the territory of China and the encouraging partial resumption of excavation, recovery operation and destruction operations since May 2021.
- 6.12 The Council **considered** and **noted** the information provided by the delegation of the Netherlands on its destruction-related verification activities (EC-97/NAT.1, dated 24 June 2021).

Subitem 6(c): Elimination of the Syrian chemical weapons programme

- 6.13 Further to its decision at its Eighty-Third Session (EC-83/DEC.5, dated 11 November 2016), the Council decided to place “Elimination of the Syrian Chemical Weapons Programme” on the agenda of all future Council sessions until the Council determines that all elements of the Syrian chemical weapons programme have been eliminated.
- 6.14 As stated in the report of the Secretariat (EC-81/DG.5, dated 25 January 2016), all of the chemicals declared by the Syrian Arab Republic that had been removed from its territory in 2014 had now been destroyed. The Secretariat has also verified the destruction of all 27 chemical weapons production facilities declared by the Syrian Arab Republic (EC-89/DG.1, dated 24 July 2018).
- 6.15 The Secretariat provided a briefing to the States Parties on 30 June 2021 on its activities related to the Syrian Arab Republic, including a presentation by the Declaration Assessment Team.
- 6.16 The Council **noted** four reports by the Director-General reporting on progress in the elimination of the Syrian chemical weapons programme (EC-97/DG.2, dated 24 March 2021; EC-97/DG.3, dated 23 April 2021; EC-97/DG.7, dated 25 May 2021; and EC-97/DG.15, dated 24 June 2021).
- 6.17 The Council **noted** four national papers by the Syrian Arab Republic on the activities related to the destruction of Syrian chemical weapons and their production facilities (EC-97/P/NAT.1, dated 12 March 2021; EC-97/P/NAT.2, dated 15 April 2021; EC-97/P/NAT.3, dated 18 May 2021; and EC-97/P/NAT.4, dated 15 June 2021).
- 6.18 The Council **noted** a Note by the Director-General entitled “Report on the Work of the Declaration Assessment Team” (EC-97/HP/DG.1, dated 30 June 2021).
- 6.19 The following delegations made statements: France, the Syrian Arab Republic (observer), the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, Australia, the United States of America, Norway, China, Belgium, Guatemala, Pakistan, and the Islamic Republic of Iran.
- 6.20 The delegation of the Syrian Arab Republic (observer) exercised its right of reply.

Subitem 6(d): Other verification-related issues

- 6.21 The Secretariat briefed the Council on its other verification-related activities (the presentation was posted on the external server of the OPCW).
- 6.22 Further to the decision of the Council at its Sixty-Sixth Session on the policy guidelines for determining the number of Article VI inspections (EC-66/DEC.10, dated 7 October 2011), the Council **noted** a Note by the Director-General on the results of the ninth year of implementation of these policy guidelines (EC-97/DG.1, dated 23 March 2021).

Subitem 6(e): Destruction-related plans and facility agreements

- 6.23 The Secretariat had submitted to the Council a Note on amendments and modifications to the agreed detailed plan for verification and the facility agreement with the United States of America regarding on-site inspections at the Blue Grass Chemical Agent-Destruction Pilot Plant Chemical Weapons Destruction Facility, Richmond, Kentucky, the United States of America (EC-97/S/1, dated 8 June 2021).
- 6.24 The Council **considered** and **approved** amendments to the agreed detailed plan for verification of the destruction of chemical weapons at the Blue Grass Chemical Agent-Destruction Pilot Plant Chemical Weapons Destruction Facility, Richmond, Kentucky, the United States of America (EC-97/DEC.2, dated 6 July 2021).
- 6.25 The Council **considered** and **approved** amendments to the facility agreement with the United States of America regarding on-site inspections at the Blue Grass Chemical Agent-Destruction Pilot Plant Chemical Weapons Destruction Facility, Richmond, Kentucky, the United States of America (EC-97/DEC.3, dated 6 July 2021).
- 6.26 The Council **considered** and **approved** a facility agreement between the OPCW and Austria regarding on-site inspections at the Schedule 1 other facility for protective purposes located at 2444 Seibersdorf, Forschungszentrum, Austria (EC-97/DEC.1, dated 6 July 2021).

Subitem 6(f): Addressing the threat from chemical weapons use

- 6.27 The Secretariat provided a briefing to the States Parties on 30 June 2021 on its activities related to the Syrian Arab Republic, including a presentation by both the OPCW Fact-Finding Mission in Syria and the Investigation and Identification Team.
- 6.28 The Council **noted** the regular report by the Director-General to the Council on progress made in the implementation of the decision of the Conference entitled “Addressing the Threat from Chemical Weapons Use” (C-SS-4/DEC.3, dated 27 June 2018) (EC-97/DG.13, dated 22 June 2021).
- 6.29 The Secretariat circulated a Note entitled “Second Report by the OPCW Investigation and Identification Team Pursuant to Paragraph 10 of Decision C-SS-4/DEC.3 ‘Addressing the Threat from Chemical Weapons Use’ Saraqib (Syrian Arab Republic) – 4 February 2018” (S/1943/2021, dated 12 April 2021), which had been provided to the Council and the United Nations Secretary-General for their consideration.
- 6.30 The following delegations made statements: the United Kingdom of Great Britain and Northern Ireland, Australia (also on behalf of Canada and New Zealand), the Syrian Arab Republic (observer), the Russian Federation, France, the United States of America, the Islamic Republic of Iran, China, and Germany.
- 6.31 The delegation of the Syrian Arab Republic (observer) exercised its right of reply.
- 6.32 Further under this agenda item, the following delegations made statements: the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, the United States of America, Norway, Poland, Lithuania, Australia, China, and France.

Subitem 6(g): Timely submission of declarations under Article VI

- 6.33 Further to a decision by the Council at its Fifty-First Session (EC-51/DEC.1, dated 27 November 2007), the Council **noted** a status report by the Director-General on the timely submission by States Parties of declarations under Article VI of the Convention for the period from 1 January to 31 May 2021 (EC-97/DG.11, dated 15 June 2021).

Subitem 6(h): Article VII: briefings by the facilitator and by the Technical Secretariat

- 6.34 The Secretariat circulated a presentation on the status of implementation of Article VII.

Subitem 6(i): The content of the Protection and Assistance Databank and its use

- 6.35 The Council **considered** and **noted** a Note by the Secretariat on the content of the Protection and Assistance Databank and its use (EC-97/S/2, dated 15 June 2021).

Subitem 6(j): Article X: briefings by the facilitator and by the Technical Secretariat

- 6.36 The Secretariat circulated a presentation on the status of implementation of Article X.

Subitem 6(k): Article XI: briefings by the facilitator and by the Technical Secretariat

- 6.37 The Secretariat circulated a presentation on the programme of activities for 2021 in relation to Article XI.
- 6.38 Mr Junaid Sadiq of Pakistan, co-facilitator on this matter, reported on the consultations carried out with his co-facilitator, Ms Fadhilah Halimatus Shifa Kusumaningrum of Malaysia, during the intersessional period.

Subitem 6(l): Report by the Director-General on the Technical Secretariat's readiness to conduct a challenge inspection or an investigation of alleged use

- 6.39 The Council **considered** and **noted** a Note by the Director-General reporting on the readiness of the Secretariat to conduct a challenge inspection or an investigation of alleged use (EC-97/DG.14, dated 24 June 2021).

7. AGENDA ITEM SEVEN – Scientific Advisory Board

- 7.1 The report of the Thirty-First Session of the Scientific Advisory Board (SAB) (SAB-31/1, dated 4 March 2021) was circulated to the members of the Council.
- 7.2 The Council **noted** the response by the Director-General to the report of the Thirty-First Session of the SAB (EC-97/DG.5, dated 18 May 2021).

8. AGENDA ITEM EIGHT – Countering chemical terrorism

8.1 The Chairperson of the Open-Ended Working Group (OEWG) on Terrorism, Ambassador Vusimuzi Philemon Madonsela of South Africa, briefed the Council on the work of the OEWG during the intersessional period.

8.2 The delegation of the Russian Federation made a statement.

9. AGENDA ITEM NINE – Draft annual report of the OPCW on the implementation of the Chemical Weapons Convention in 2020

9.1 The Council **considered** the “Draft Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2020” (EC-97/CRP.1, dated 17 May 2021).

9.2 The following delegations made statements: the Russian Federation, China, Belgium, the Islamic Republic of Iran, the United Kingdom of Great Britain and Northern Ireland, Australia, the United States of America, Mexico, Guatemala, France, Austria, and India.

9.3 Specific concerns were expressed by several delegations. Due to lack of consensus, the delegation of the Russian Federation moved that the draft report (EC-97/CRP.1) not be submitted to the Conference at its Twenty-Sixth Session in its current form.

9.4 In accordance with Rule 36 and Rule 42(b) of the Rules of Procedure of the Council, the motion was voted on. The vote led to the following result: three in favour (China, Iran (Islamic Republic of), and the Russian Federation); 31 against (Argentina, Australia, Austria, Belgium, Brazil, Chile, the Czech Republic, Ecuador, El Salvador, France, Germany, Ghana, Guatemala, Italy, Japan, Lithuania, Mexico, Morocco, Norway, Pakistan, Peru, the Philippines, Poland, the Republic of Korea, Saudi Arabia, Senegal, Slovakia, Spain, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, and the United States of America); and seven abstentions (Algeria, Cameroon, India, Kenya, Nigeria, South Africa, and the Sudan). In light of that result, the motion was not carried.

9.5 The following delegations explained their vote under Rule 44 of the Rules of Procedure of the Council: Pakistan, Mexico, and Germany.

9.6 The Council **submitted** the draft report to the Conference for consideration and adoption at its Twenty-Sixth Session (EC-97/2 C-26/CRP.1, dated 7 July 2021).

9.7 The Director-General made a statement on the matter.

9.8 The delegation of the Russian Federation made a statement.

10. AGENDA ITEM TEN – Reports of the Office of Internal Oversight

Subitem 10(a): Implementation in 2020 of the recommendations contained in the 2019 Annual Report of the Office of Internal Oversight

10.1 The Council **considered** and **noted** a Note by the Director-General on the implementation in 2020 of the recommendations contained in the 2019 annual report of the Office of Internal Oversight (OIO) (EC-97/DG.4, dated 14 May 2021).

Subitem 10(b): Annual report of the Office of Internal Oversight for the period from 1 January to 31 December 2020

10.2 The Council **considered** and **noted** the annual report of the OIO for the period from 1 January to 31 December 2020 (EC-97/DG.6 C-26/DG.2, dated 17 May 2021), which the Director-General had submitted to it, along with his comments. In accordance with Financial Regulation 12.5, the Director-General transmitted the report, along with his own comments and any other comments made by the Council, to the Conference at its Twenty-Sixth Session.

11. AGENDA ITEM ELEVEN – Administrative and financial matters

Subitem 11(a): Nominations for membership of the Advisory Body on Administrative and Financial Matters

11.1 The Council **noted** a Note by the Secretariat on a nomination for membership of the Advisory Body on Administrative and Financial Matters (ABAF) (EC-97/S/4*, dated 24 June 2021), and **appointed** Mr Anton Minaev of the Russian Federation for a first term with the ABAF, as of the date of Mr Minaev’s appointment by the Council.

Subitem 11(b): Rules of Procedure of the Advisory Body on Administrative and Financial Matters

11.2 A draft decision entitled “OPCW Advisory Body on Administrative and Financial Matters – Rules of Procedure”, co-sponsored by Bulgaria, Canada, the Czech Republic, Germany, Japan, the Netherlands, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and the United States of America (EC-92/DEC/CRP.1/Rev.1, dated 4 October 2019), was submitted to the Council for consideration and adoption.

11.3 Following the circulation of EC-92/DEC/CRP.1/Rev.1, the delegation of the Russian Federation submitted amendments to that draft decision (EC-92/DEC/CRP.6, dated 4 October 2019).

11.4 Subsequently, the sponsoring delegations submitted a revision to the above-mentioned draft decision (EC-92/DEC/CRP.1/Rev.2, dated 10 October 2019).

11.5 The delegation of the Russian Federation withdrew its proposal through a note verbale dated 25 February 2020 and submitted new amendments on the matter (EC-93/DEC/CRP.2, dated 21 February 2020), together with an explanatory note to it (EC-93/NAT.3, dated 20 February 2020).

11.6 Subsequently, the sponsoring delegations submitted a revision to the above-mentioned draft decision (EC-92/DEC/CRP.1/Rev.3, dated 1 October 2020).

- 11.7 The delegation of the Russian Federation submitted new amendments to the above-mentioned draft decision and requested circulation of a document through a note verbale dated 5 July 2021 (EC-97/NAT.5, dated 6 July 2021).
- 11.8 The following delegations made statements: the United States of America and the Russian Federation.
- 11.9 The Council **decided** to defer the matter until its next regular session.

Subitem 11(c): Report of the Advisory Body on Administrative and Financial Matters

- 11.10 The Council **considered** and **noted** the report of the Fiftieth Session of the ABAF, which took place from 1 to 4 June 2021 (ABAF-50/1, dated 4 June 2021), and a Note by the Director-General containing comments on the report of the ABAF at that session (EC-97/DG.20, dated 5 July 2021).

Subitem 11(d): Transfers of funds during 2020

- 11.11 The Council **noted** a Note by the Director-General on transfers of funds during 2020 (EC-97/DG.12 C-26/DG.3, dated 22 June 2021).
- 11.12 The following delegations made statements: Algeria (on behalf of the African Group) and the Islamic Republic of Iran.
- 11.13 The Secretariat briefed the Council on the matter.
- 11.14 The delegation of Nigeria made a statement.

Subitem 11(e): Report on the status of implementation of the enterprise resource planning system

- 11.15 Further to the decision by the Conference at its Nineteenth Session on the implementation of an enterprise resource planning (ERP) system and the establishment of a special fund for this purpose (C-19/DEC.7, dated 3 December 2014), the Council **noted** a Note by the Director-General reporting on the status of implementation of the ERP system (EC-97/DG.16, dated 29 June 2021).

Subitem 11(f): Composition of the Technical Secretariat

- 11.16 The Council **noted** the Director-General's annual report on the composition of the Secretariat (EC-97/DG.9, dated 8 June 2021).
- 11.17 The following delegations made statements: Brazil (on behalf of the Group of Latin American and Caribbean States (GRULAC)), the Russian Federation, Guatemala, Argentina, and Mexico.
- 11.18 The Director-General made a statement on the matter.
- 11.19 The delegation of the Russian Federation made a statement.

Subitem 11(g): Implementation of the tenure policy

11.20 The Council **considered** and **noted** a report by the Director-General on the implementation of the tenure policy in 2020 (EC-97/DG.8, dated 8 June 2021).

12. AGENDA ITEM TWELVE – Establishment of a working group to develop a proposal on the manner of appointment of future External Auditors of the OPCW by the Conference of the States Parties pursuant to C-25/DEC.10 (dated 21 April 2021)

12.1 Further to a decision by the Conference at its Twenty-Fifth Session (C-25/DEC.10, dated 21 April 2021), the Council was requested to establish a working group to develop a proposal for the manner in which the Conference shall appoint the External Auditor of the OPCW in the future. Following consultations, the Chairperson of the Council presented the nominations received from the regional groups: Ms Beatrice Wanjuhi Mwaura from Kenya; Ms Qian Wang from China; Ambassador Alexander Shulgin from the Russian Federation; Ms Bianca Müller from Germany; and Ambassador Jorge Skinner-Klée Arenales from Guatemala as Chairperson of the working group. The Council **welcomed** the nominations and **established** the working group.

12.2 The following delegations made statements: Mexico and Guatemala.

12.3 The Chairperson of the Council provided an update to the Council on the steps proposed to implement the above-mentioned decision.

13. AGENDA ITEM THIRTEEN – Follow-up process to the Third Review Conference

At its Seventy-Third Session (paragraph 13.1 of EC-73/6, dated 19 July 2013), the Council requested the Director-General to submit to each regular session of the Council the updated version of the “Matrix of Actionable Items Identified at the Third Review Conference”. The Council **considered** and **noted** the updated Matrix document (EC-97/S/3, dated 18 June 2021).

14. AGENDA ITEM FOURTEEN – Credentials of representatives of the members of the Executive Council

14.1 The Council **considered** and **approved** a report by the Director-General on the credentials of representatives of members of the Council, which covers the credentials of the newly elected members of the Council (EC-97/DG.19, dated 1 July 2021).

14.2 The Chairperson of the Council informed the Council of his readiness to start consultations with the GRULAC regional group during the intersessional period, with a view to identifying the Vice-Chairperson to be designated by GRULAC and elected by the Council, for the duration of the unexpired term of office of Ambassador Andrés Terán Parral of Ecuador.

15. AGENDA ITEM FIFTEEN – Provisional agenda for the Twenty-Sixth Session of the Conference of the States Parties

The Council **drew up** the provisional agenda for the Twenty-Sixth Session of the Conference (EC-97/DG.10, dated 15 June 2021).

16. AGENDA ITEM SIXTEEN – Dates for the regular sessions of the Executive Council in 2022

16.1 The Council **decided** that the Ninety-Ninth Session of the Council shall be held from 8 to 11 March 2022, that the 100th Session of the Council shall be held from 5 to 8 July 2022, and that the 101st Session of the Council shall be held from 4 to 7 October 2022.

16.2 The Secretariat briefed the Council on the matter.

16.3 The delegation of China made a statement.

17. AGENDA ITEM SEVENTEEN – Any other business

Business continuity initiative

17.1 Germany submitted a working paper entitled “Proposal for an Executive Council Decision to Allow for Convening Executive Council Meetings or Sessions in Emergency Circumstances” (EC-97/WP.1, dated 21 June 2021).

17.2 The following delegations made statements: Germany, Saudi Arabia, and the Russian Federation.

Appointment of the Director-General

17.3 In accordance with paragraph 43 of Article VIII of the Convention, the Director-General of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons “shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter”.

17.4 The Chairperson informed the Council that, during the intersessional period, in order to facilitate the preparation of the recommendation on the appointment of the Director-General for the period from 2022 to 2026 to be made by the Council to the Conference at its Twenty-Sixth Session, he had carried out consultations with representatives of all members of the Council. The minutes of the extended Council Bureau meeting held on 29 June 2021 on this matter are attached to this report. The Chairperson also informed the Council that the current Director-General had confirmed his availability to serve for a second term.

17.5 The following delegations made statements: the United Arab Emirates, Brazil, Algeria (on behalf of the African Group), Slovenia (observer, on behalf of the European Union), the Republic of Korea, Australia (also on behalf of Canada and New Zealand), France, Guatemala, Saudi Arabia, Mexico, China, the Russian Federation, Ecuador, the Islamic Republic of Iran, and the United Kingdom of Great Britain and Northern Ireland.

17.6 The Chairperson informed the Council that it would be requested at its Ninety-Eighth Session to adopt a decision on its recommendation to the Conference at its Twenty-Sixth Session on the appointment of the Director-General.

Aerosolised Use of Central Nervous System-Acting Chemicals for Law Enforcement Purposes

17.7 The following delegations made statements: the United States of America and the Russian Federation.

18. AGENDA ITEM EIGHTEEN – Adoption of the report

The Council **considered** and **adopted** the report of its Ninety-Seventh Session.

19. AGENDA ITEM NINETEEN – Closure

The Chairperson closed the session at 20:50 on 8 July 2021.

Annex (English only):

Minutes of the “EC Bureau Members & Regional Coordinators Extended Meeting on the Status of Preparations for EC-97, 29 June 2021”²

² The relevant paragraph is highlighted on page 19 of the document.

Annex

EC BUREAU MEMBERS & REGIONAL COORDINATORS Extended Meeting on the Status of Preparations for EC-97 29 June 2021, 15:00 hrs (Virtual meeting) Minutes

Participants

Chairperson of the Executive Council:

African Group: H.E. Ambassador Abdelouahab Bellouki of Morocco

Vice-Chairpersons of the Executive Council:

GRULAC: H.E. Ambassador Andrés Terán Parral of Ecuador, *represented*

WEOG: H.E. Ambassador Gudrun Lingner of Germany

Asian Group: H.E. Ambassador Alireza Kazemi Abadi of the Islamic Republic of Iran

Eastern European Group: H.E. Ambassador Vidmantas Purlys of Lithuania, *represented*

Regional Coordinators:

African Group Algeria

Asian Group: Philippines

Eastern European Group: Armenia

GRULAC Costa Rica

WEOG: The Netherlands

Technical Secretariat:

Director-General, Deputy Director-General, Secretary to the Policy-Making Organs, Legal Adviser, and other relevant staff members.

Agenda of the meeting

The Chairperson opened the meeting at 15:03 hrs and welcomed all participants.

The participants approved the agenda of the meeting.

1. Status of preparations for EC-97

Chairperson's remarks:

- 1.1. The Chairperson recalled that a joint letter signed by the Director-General and himself was circulated to the States Parties on 21 June 2021 regarding the preparations for the Ninety-Seventh Session of the Executive Council (EC-97 and the Council). Through this letter and its attachment, the EC-97 Guidelines for the Delegates, the States Parties were informed of the measures against the COVID-19 pandemic currently in place in the Host Country and the respective arrangements for EC-97. The Chairperson reiterated the information set forth in this letter and invited all participants in EC-97 to strictly observe and follow the mentioned Guidelines. The Chairperson stressed that despite some positive changes in patterns, which had resulted in the recent relaxation of some of the preventive measures taken by the Dutch government against the spread of COVID-19, the basic health and safety measures, including maintaining 1.5 meter distance, remained in force in the Host Country.

- 1.2. The Chairperson indicated that valuable experience had been gained in the efficient implementation of the modalities and Guidelines developed for the conduct of previous sessions of the Council since EC-94 as well as for CSP-25, and that such experience, together with the EC-97 Guidelines for the Delegates, would contribute to ensuring the successful fulfilment of the mandates of the Council.

Comments by the Director-General:

- 1.3. Following from the Chairperson's remarks, the Director-General underlined that despite some positive developments in the situation related to COVID-19 in the Host Country, including the vaccination process and the relaxation of some of the restrictive measures, the variants of the COVID-19 virus continued to pose a risk. The Director-General stressed that the priority would be to protect health and safety of the EC-97 delegates and the Secretariat staff and the need to maintain, in this regard, previously introduced measures and arrangements to conduct sessions of the Council in the OPCW Headquarters premises.

2. EC-97 Provisional Agenda

- 2.1 The Chairperson informed the participants of the outcome of the informal consultation process that had taken place between 14 – 28 June 2021, and the distribution of the items during EC-97. The Chairperson highlighted the efforts made by the Secretariat to circulate the EC-97 documents in advance, to facilitate and expedite, through the pre-EC-97 informal consultation process, the consideration by the Council of as many items as possible at the beginning of the session.
- 2.2 In particular, the Chairperson informed, in relation to the Provisional Agenda (EC-97/1/Rev.1, dated 18 June 2021), that the items could be identified as follows:
- a. Category 1: agenda items that were taken through the informal consultation process and on which no substantive comments were submitted to the Secretariat. The Chairperson indicated that, at the beginning of EC-97, he would ask the EC members, whether they would be amenable to taking the action indicated in the Annotated Provisional Agenda (EC-97/INF.3, dated 24 June 2021) for the following agenda items:
 - i. Subitem 6(d): Other verification-related issues;
 - ii. Subitem 6(e): Destruction-related plans and facility agreements (in part – paragraph 6.17 of the EC 97 Annotated Provisional Agenda (EC-97/INF.3, dated 24 June 2021));
 - iii. Subitem 6(g): Timely submission of declarations under Article VI;
 - iv. Subitem 6(h): Article VII: briefings by the facilitator and by the Technical Secretariat;
 - v. Subitem 6(i): The content of the Protection and Assistance Databank and its use;
 - vi. Subitem 6(j): Article X: briefings by the facilitator and by the Technical Secretariat;
 - vii. Subitem 6(l): Report by the Director-General on the Technical Secretariat's readiness to conduct a challenge inspection or an investigation of alleged use;
 - viii. Item 7: Scientific Advisory Board;
 - ix. Subitem 10(a): Implementation in 2020 of the recommendations contained in the 2019 Annual Report of the Office of Internal Oversight;

- x. Subitem 10(b): Annual Report of the Office of Internal Oversight for the period 1 January to 31 December 2020;
 - xi. Subitem 11(g) Implementation of the tenure policy;
 - xii. Item 13: Follow-up process to the Third Review Conference;
 - xiii. Item 15: Provisional agenda for the Twenty-Sixth Session of the Conference of the States Parties.
- b. Category 2: agenda items over which a State Party had informed the Technical Secretariat that it needed additional time to study them and that it reserved the right to return, if necessary, to these during the session. The Chairperson further informed that no substantive comments had been received on these item so far. Thus, he expressed his intention to ask the EC members whether they would be amenable to taking the action indicated in the Annotated Provisional Agenda for the following agenda item, immediately after consideration of the items under Category 1:
- i. Item 9: Draft annual report of the OPCW on the implementation of the Chemical Weapons Convention in 2020.
- c. Category 3: the remaining items on the Provisional Agenda that would be considered during the session:
- i. Item 1: Opening of the session;
 - ii. Item 2: Adoption of the agenda;
 - iii. Item 3: Opening statement by the Director-General;
 - iv. Item 4: Reports by the Vice-Chairpersons on the activities conducted under their respective clusters of issues;
 - v. Item 5: General debate (as per paragraphs 11.1 and 11.2 of the EC-97 Guidelines for the Delegates);
 - vi. Subitem 6(a): Reports by the Director-General on destruction-related issues;
 - vii. Subitem 6(b): Implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues;
 - viii. Subitem 6(c): Elimination of the Syrian chemical weapons programme;
 - ix. Subitem 6(e): Destruction-related plans and facility agreements (paragraphs 6.14 – 6.16 of the EC-97 Annotated Provisional Agenda);
 - x. Subitem 6(f): Addressing the threat from chemical weapons use;
 - xi. Subitem 6(k): Article XI: briefings by the facilitator and by the Technical Secretariat;
 - xii. Item 8: Countering chemical terrorism;
 - xiii. Subitem 11(a): Nominations for membership of the Advisory Body on Administrative and Financial Matters;

- xiv. Subitem 11(b): Rules of Procedure of the Advisory Body on Administrative and Financial Matters;
- xv. Subitem 11(c): Report of the Advisory Body on Administrative and Financial Matters;
- xvi. Subitem 11(d): Transfers of funds during 2020;
- xvii. Subitem 11(e): Report on the status of implementation of the enterprise resource planning system;
- xviii. Subitem 11(f) Composition of the Technical Secretariat;
- xix. Item 12: Establishment of a working group to develop a proposal on the manner of appointment of future External Auditors of the OPCW by the Conference of the States Parties pursuant to C-25/DEC.10 (dated 21 April 2021);
- xx. Item 14: Credentials of representatives of the members of the Executive Council;
- xxi. Item 16: Dates for the regular sessions of the Executive Council in 2022;
- xxii. Item 17: Any other business;
- xxiii. Item 18: Adoption of the report;
- xxiv. Item 19: Closure.

2.3 The Chairperson further informed of his consultations with the 41 members of the Council and highlighted their commitment to ensure a smooth and constructive conduct of the session of the Council.

2.4 Regarding the Category 3 agenda items, the Chairperson provided specific clarifications on the following:

- a. Agenda Item 4 (Reports by the Vice-Chairpersons on the activities conducted under their respective clusters of issues): the Chairperson took the opportunity to remind to the Vice-Chairpersons to submit their updates in writing in advance, so that they can be circulated through the external server, and to include in their updates an outline of the reports of the facilitators under their coordination;
- b. Agenda Subitem 11(a) (Nominations for membership of the Advisory Body on Administrative and Financial Matters): the Chairperson reminded that a nomination for membership of the ABAF by the Russian Federation has been circulated under the cover of EC-97/S/4*, dated 24 June 2021. The changes related thereto were reflected in a revised version of the EC-97 Provisional Agenda (EC-97/1/Rev.1, dated 18 June 2021) and the Annotated Provisional Agenda (paragraph 11.1 of EC-97/INF.3, dated 24 June 2021);
- c. Agenda Item 17 (Any other business):
 - i. The Chairperson noted that Germany had circulated a working paper (EC-97/WP.1, dated 21 June 2021) on the initiative taken together with States Parties on how to support the Technical Secretariat in its endeavour to guarantee the continuation of the business of the Executive Council in emergency circumstances;

- ii. The Chairperson recalled that the appointment of the Director-General was to be decided at the Twenty-Sixth Session of the Conference of the States Parties. The Chairperson informed the participants that, during the intersessional period, he had been approached by several States Parties enquiring about the availability of the Director-General to serve for a second term. Following these queries, the Chairperson inquired with the Director-General about his availability for renewal and was informed by the Director-General that he was available to remain at the disposal of the States Parties for a second term, if States Parties so wished (Letter of the Director-General L/ODG-98/21, dated 23 June 2021). The Chairperson carried out consultations with representatives of all Members of the Council regarding the appointment of the Director-General. The Chairperson recalled, in this context, his communication to the Members of the Council, dated 28 June 2021, informing them of the results of his consultations. The Chairperson informed the participants that, in the course of these consultations, no Member of the Council had expressed any opposition to the reappointment of the current Director-General, H.E. Mr Fernando Arias, and that there was widespread support in favour of his renewal. The Chairperson noted his intention to inform the Council during the EC-97 of this issue and to discuss further steps.

Vice-Chairpersons' remarks

- 2.5 The Vice-Chairperson from WEOG expressed her intention to inform the Council on the outgoing facilitator under "Article X: Assistance and protection against chemical weapons" issue, Mr Martin Pizinger from Czech Republic, and to invite new nominations.
- 2.6 The Vice-Chairperson from the Asian Group expressed his intention to inform the Council on the outgoing facilitator Mr Junaid Sadiq from Pakistan, under "Full implementation of Article XI: Fostering of international cooperation for peaceful purposes in the field of chemical activities" issue, and to invite new nominations. He indicated the willingness of the co-facilitator on this issue, Ms Fadhilah Halimatus Shifa Kusumaningrum from Malaysia, to continue the work as a facilitator.
- 2.7 He further informed the Council of the willingness of the facilitator on the issue "Progress reports on the implementation of the action plan for the universality of the Convention", H.E. Ambassador Jorge Skinner-Klée Arenales of Guatemala, to address the Council with an oral report on the respective issue.

3. Dates for the regular sessions of the Executive Council in 2022

Chairperson's remarks:

- 3.1 The Chairperson recalled that the Tentative Calendar containing the dates for the regular sessions of the Council in 2022 had been circulated together with minutes of the EC Bureau meeting held on 10 June 2021. The Chairperson recalled that the item would be taken in-session.
- 3.2 The participants were informed by the Vice-Chairperson of the Asian Group of the comment received from the delegation of China on the Tentative Calendar, enquiring about the possibility of rescheduling the dates of the autumn session of the Council in 2022.

Comments by the Secretariat (Director/PMO) and the Chairperson:

- 3.3 The Secretariat informed that the dates selected for the autumn session of the Council (4 – 7 October 2022) were based on a thorough consideration of multiple factors, among which

were efficient and timely processing of documentation; coordination of preparation activities of various divisions of the Secretariat; the minimum time period required between the autumn session of the Council and the following session of the Conference of the States Parties, and others.

- 3.4 The Chairperson noted that the dates had been proposed taking into account several interconnected factors and that, unfortunately, the Secretariat had limited flexibility to rearrange the dates of the sessions.

4. Any other business

- 4.1 The Chairperson recalled that at the EC Bureau meeting on 10 June 2021, the Director-General, H.E. Mr Fernando Arias, drew the attention of the Bureau members to the decision of the Conference of the States Parties at its Twenty-Fifth Session (CSP-25) entitled “Appointment of the External Auditor of the OPCW” (C-25/DEC.10, dated 21 April 2021). Pursuant to operative paragraph 2 of this decision, the Conference requested the Council to “establish, as early as possible, a working group to develop a proposal for the manner in which the Conference shall appoint the External Auditor of the OPCW in the future. The working group may include representatives of the Council, assisted by staff of the Secretariat. To fulfil its mandate, the working group may also consider best practices from other international organisations and rely on the advice of the OPCW Advisory Body on Administrative and Financial Matters”.
- 4.2 The Chairperson further recalled that in order to facilitate the work of the Council on the implementation of this decision, on 22 June 2021 he circulated an e-mail proposing that each Regional Group nominate one representative from the Members of the Council to participate in the working group for the development of the proposal, as requested by the Conference. The Chairperson announced the following nominations:
- a. From African Group: Ms Beatrice Wanjui Mwaura, Kenya;
 - b. From Asian Group: Ms Qian Wang, China;
 - c. From Eastern European Group: H.E. Ambassador Alexander Shulgin, Russian Federation;
 - d. From WEOG: Ms Bianca Müller, Germany;
 - e. From GRULAC: the Bureau was informed that the Group was continuing internal consultations on the issue.
- 4.3 The Chairperson noted that he would inform the Council accordingly of the steps proposed to implement the decision C-25/DEC.10, including the steps that are to follow.
- 4.4 For the purpose of timely coordination and preparation of EC-97, the Chairperson requested the Vice-Chairpersons and the Regional Coordinators to consult with their respective Regional Groups on whether any delegation would be requesting to go into classified mode during EC-97, and to provide him and the Secretariat with a response on such matter not later than close of business on Thursday, 1 July 2021.
- 4.5 The Chairperson informed that, in case the request for a classified sitting is made during EC-97, it would be accommodated at the next sitting of the EC, namely in the afternoon of the same day or in the morning of the next day, as the case may be. In case of a classified sitting, the Chairperson clarified that only delegations present in the Ieper Room would be able to participate in the proceedings. Thus, observers would not have access to the proceedings of classified sittings.

4.6 The Chairperson expressed that his aim, for keeping the health and safety of all participants as a top priority, is to complete the EC-97 proceedings in 2.5 days. The Chairperson accordingly requested that any proposals, amendments, or procedural motions be submitted as soon as possible and in writing.

The meeting was closed at 15:59 hrs.

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