



102nd Session
14 – 17 March 2023

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DECISION

ALLOWING THE CONVENING OF EXECUTIVE COUNCIL MEETINGS OR SESSIONS IN EXTRAORDINARY CIRCUMSTANCES

The Executive Council,

Underscoring the importance of convening regular sessions and other meetings of the Executive Council (hereinafter “the Council”) as may be required for the fulfilment of its powers and functions pursuant to paragraph 28 of Article VIII of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter “the Convention”) and Rule 12 of the Rules of Procedure of the Council;

Recalling that, pursuant to paragraph 37 of Article VIII of the Convention, the Technical Secretariat (hereinafter “the Secretariat”) shall assist the Conference of the States Parties (hereinafter “the Conference”) and the Council in the performance of their functions and shall moreover carry out those functions delegated to it by the Conference and the Council;

Recalling also that, pursuant to subparagraph 38(c) of Article VIII of the Convention, the Secretariat shall provide administrative and technical support to the Conference, the Council, and their subsidiary organs;

Noting the OPCW Headquarters Agreement (C-I/DEC.59, dated 14 May 1997) and the OPCW Health and Safety Policy and Regulations (C-I/DEC.8, dated 14 May 1997);

Noting also that Rule 13 of the Rules of Procedure of the Council provides that the Council shall normally meet at the seat of the Organisation unless the Council decides otherwise, and **noting further** that paragraph 3 of Article VIII of the Convention provides that the seat of the Headquarters of the Organisation shall be The Hague, the Netherlands;

Noting further that Rule 9(a) of the Rules of Procedure of the Council provides that the Director-General shall carry out those functions delegated to the Secretariat by the Conference and the Council, and that Rule 10 of the Rules of Procedure of the Council provides that the Director-General shall be responsible for the arrangements required for all meetings of the Council;

Noting further that, pursuant to Rule 23(c) of the Rules of Procedure of the Council, the Chairperson of the Council remains under the authority of the Council in the exercise of his or her functions;



Recognising that extraordinary circumstances could preclude the convening of the Council in person at the seat of the Organisation, including, for example, public health emergencies, fire, landslides, floods or any other similar hazard, explosions, or blockades or other civil disturbances;

Emphasising that, in accordance with Rule 51 of the Rules of Procedure of the Council, Arabic, Chinese, English, French, Russian, and Spanish are the official languages of the Council; and

Noting further that, pursuant to Rule 22 of the Rules of Procedure of the Council, observers are to be afforded the opportunity to attend open sessions or meetings of the Council;

Hereby:

1. **Decides**, in the event that extraordinary circumstances preclude the convening of the Council in person at the seat of the Organisation, to delegate to the Chairperson of the Council, in joint consultation with all Vice-Chairpersons of the Council for the purpose of taking into account the views of the regional groups and in close coordination with the Director-General, the authority to convene the Council session or meeting to take place either at a venue other than at the seat of the Organisation, but within the Netherlands or, alternatively, if the former is not possible, remotely using virtual meeting technology for the purpose of a decision under operative paragraph 2 below;
2. **Decides also** that, in case a Council session or meeting is convened in a venue other than at the seat of the Organisation or virtually, the Council shall approve such format or venue under the first agenda item entitled “Opening of the meeting/session”, in accordance with the relevant rules of procedure;
3. **Requests** that the Secretariat acquire and maintain the necessary technological capability to conduct Council sessions or meetings remotely using virtual meeting technology with interpretation in all official languages of the Council, pursuant to subparagraph 38(c) of Article VIII of the Convention, and **also requests** that the Secretariat ensure that such technological capabilities facilitate the participation by Council members, as well as observers as appropriate, consistent with the Rules of Procedure of the Council, in such sessions or meetings, and **decides** that no session or meeting of the Council shall be convened by virtual meeting technology until the Director-General notifies the Council that the Secretariat has the technological capabilities to meet these requirements;
4. **Decides further** that Council sessions or meetings to be conducted in confidential mode on sensitive issues cannot be convened remotely using virtual meeting technology; and
5. **Affirms** that this decision does not amend any of the Rules of Procedure of the Council.