



**OPCW**

**Conference of the States Parties**

Ninth Session  
29 November – 2 December 2004

C-9/DEC.9  
30 November 2004  
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**DECISION**

**REQUEST BY THE LIBYAN ARAB JAMAHIRIYA  
TO USE THE CHEMICAL WEAPONS PRODUCTION FACILITIES  
RABTA PHARMACEUTICAL FACTORY 1  
AND RABTA PHARMACEUTICAL FACTORY 2 (PHASE II)  
IN RABTA, THE LIBYAN ARAB JAMAHIRIYA  
FOR PURPOSES NOT PROHIBITED  
UNDER THE CHEMICAL WEAPONS CONVENTION**

**The Conference of the States Parties,**

**Recalling** that paragraph 13 of Article V of the Chemical Weapons Convention (hereinafter “the Convention”) requires that the Conference of the States Parties (hereinafter “the Conference”), upon the recommendation of the Executive Council (hereinafter “the Council”), decide whether to approve a request by a State Party to use a chemical weapons production facility (CWPF) for purposes not prohibited under the Convention, and that it establish the conditions upon which such approval is contingent;

**Noting** that, in accordance with paragraph 13 of Article V of the Convention and paragraph 66 of Part V of the Verification Annex to the Convention (hereinafter “the Verification Annex”), the Libyan Arab Jamahiriya submitted to the Technical Secretariat (hereinafter “the Secretariat”) a request to use the CWPFs Rabta Pharmaceutical Factories 1 and 2 in Rabta, the Libyan Arab Jamahiriya, for purposes not prohibited under the Convention (Annex to EC-38/DG.10, dated 10 September 2004; Corr.1, dated 8 October 2004; Corr.2, dated 12 October 2004; and Corr.3, dated 23 November 2004), and that this request includes detailed plans for conversion;

**Also noting** that the combined plans for destruction and verification of these CWPFs (phase I) have been approved by the Council (EC-M-24/DEC.2, and EC-M-24/DEC.3, both dated 24 November 2004);

**Bearing in mind** that, in accordance with paragraph 73 of Part V of the Verification Annex, the Director-General has submitted a report to the Council, all States Parties, and the Conference, indicating that, in the view of the Secretariat, the conversion request, which was prepared in accordance with paragraph 66 of Part V of the Verification Annex, fully meets the conditions for conversion set out in paragraph 14 of Article V of the Convention and in paragraphs 70 and 71 of Part V of the Verification Annex, and that the Director-General has



recommended that the Council consider the request and refer it to the Conference at its Ninth Session for approval (EC-38/DG.10, Corr.1, Corr.2, and Corr.3);

**Emphasising** that the measures to be taken by the Libyan Arab Jamahiriya, in accordance with paragraph 14 of Article V of the Convention, to ensure that Rabta Pharmaceutical Factories 1 and 2 are no more capable of being reconverted to CWPFs than any other facility used for industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes, are without prejudice to the relevant provisions of the Convention; that nothing in these measures shall be applied or interpreted in a way that is contradictory to the provisions of the Convention; and that, in the event of a conflict between these measures and the Convention, the Convention shall take precedence;

**Also bearing in mind** that the Council has recommended to all States Parties the adoption, in accordance with the procedure specified in subparagraph 5(d) of Article XV of the Convention, of a proposal by the Libyan Arab Jamahiriya to change Part V of the Verification Annex regarding conditions for the conversion of a CWPF for purposes not prohibited under the Convention (EC-38/DEC.12, dated 14 October 2004);

**Further bearing in mind** that, if adopted, this change would require that any decision by the Conference to approve a conversion request also establish the earliest practicable deadline for completion of the conversion, and that the conversion be completed as soon as possible but in no case later than six years after the Convention enters into force for the State Party;

**Further noting** that the Libyan Arab Jamahiriya has indicated in its conversion request that conversion of the Rabta Pharmaceutical Factories 1 and 2 will be completed within three years; and

**Having considered** the recommendation by the Council to approve the request submitted by the Libyan Arab Jamahiriya (EC-M-24/DEC.5, dated 24 November 2004);

**Hereby:**

**Approves** the request submitted by the Libyan Arab Jamahiriya and annexed to EC-38/DG.10, Corr.1, Corr.2, and Corr.3 to use Rabta Pharmaceutical Factories 1 and 2 for purposes not prohibited under the Convention, subject to approval of the recommended change to Part V of the Verification Annex referred to in the preamble above, and such that approval of the request takes effect upon the entry into force of the recommended change should that change be approved; and

**Establishes** a deadline for completing the conversion of Rabta Pharmaceutical Factories 1 and 2 of no later than three years after the entry into force of the recommended change to Part V of the Verification Annex referred to in the preamble above should that change be approved.