

**RULES OF PROCEDURE  
OF THE EXECUTIVE COUNCIL****I. REPRESENTATION OF MEMBERS*****Rule 1*      Representatives**

Each member of the Executive Council (hereinafter referred to as "the Council") shall designate one person as its Representative. Each Representative may be accompanied by alternates and advisers. The Representative and all such alternates and advisers shall constitute the member's delegation to the Council.

***Rule 2*      Alternates**

Alternates shall be empowered to act in place of their Representative if so required.

***Rule 3*      Submission of credentials**

The credentials of Representatives on the Executive Council shall be submitted to the Director-General not less than twenty-four hours before the first meeting which they are to attend. The credentials shall be issued either by the Head of State or Government, or by the Minister of Foreign Affairs of the member concerned, or by any other authority acting on their behalf. They shall remain valid for the whole period for which that member was elected unless they are withdrawn or replaced by new credentials. Representatives shall notify the Director-General of the names of the alternates and advisers in their delegations in writing.

***Rule 4*      Examination of credentials**

The credentials of each Representative shall be examined by the Director-General, who shall submit a report thereon to the Council for approval.

*Rule 5*            **Provisional admission to the meetings**

Pending the approval of the credentials of a Representative on the Council in accordance with Rule 4 of these Rules, such Representative shall be seated provisionally with the same rights as other Representatives.

**II.     OFFICERS OF THE COUNCIL**

*Rule 6*            **Chairman and Vice-Chairmen**

The Chairman and four Vice-Chairmen shall be elected from among the accredited Representatives and shall hold office for a period of one year. The new officers shall be elected at the regular Council meeting closest to the conclusion of the one year period of office. The chairmanship of the Council shall rotate among Representatives from the five regional groups specified in Article VIII, paragraph 23 of the Convention. The Vice-Chairmen shall be elected upon the designation of the respective groups with the exception of the group which provides the Chairman.

*Rule 7*            **Presiding officer**

The Chairman shall preside at all meetings of the Council. If the Chairman is absent during a meeting or any part thereof, or whenever he or she deems that for the proper fulfilment of the responsibilities of the chairmanship he or she should not preside over the Council during the consideration of a particular question, he or she shall appoint one of the Vice-Chairmen to take his or her place, who, while acting as Chairman, shall have the same powers and duties as the Chairman. The Chairman and the Vice-Chairmen may at all times participate in the discussions of the Council as representatives and may also vote in that capacity. Alternatively the Chairman or a Vice-Chairman acting as Chairman may designate another member of his or her delegation to participate in the discussion and vote in his or her place.

*Rule 8*            **Replacement of the Chairman or the Vice-Chairmen**

If the Chairman or one of the Vice-Chairmen is unable to continue his or her functions, the Council shall elect a new Chairman or Vice-Chairman for the unexpired term of office.

### **III. THE TECHNICAL SECRETARIAT**

#### ***Rule 9*           Duties of the Director-General**

- (a) The Director-General shall perform his or her duties in accordance with the provisions of the Convention as well as carrying out those functions delegated to the Technical Secretariat by the Conference and the Executive Council.
- (b) The Director-General shall act in that capacity at all meetings of the Council, its committees and other subsidiary bodies but shall not have the right to vote. He or she may designate a member of his or her staff to represent him at any such meeting. The Director-General or his or her Representative may at any time, with the approval of the presiding officer, make oral or written statements to any such meeting.

#### ***Rule 10*           Direction of the staff**

The Director-General shall provide and direct the staff required by the Council, its committees and other subsidiary bodies, and shall be responsible for the arrangements required for all meetings of the Council, its committees and other subsidiary bodies.

#### ***Rule 11*           Duties of the Secretariat**

Under the direction of the Director-General, the Secretariat shall provide administrative and technical support to the Council in the performance of its functions. In particular it shall receive, translate, reproduce and distribute documents of the Council, its committees and other subsidiary bodies; prepare and circulate reports of meetings, decisions adopted by the Council and any other documentation required; provide language interpretation at meetings; have custody of documents of the Council in the archives of the Organisation; and generally perform all other work which the Council, its committees and other subsidiary bodies may require.

### **IV. MEETINGS OF THE COUNCIL**

#### ***Rule 12*           Meetings of the Council**

The Council shall meet for regular sessions. Between regular sessions it shall meet as often as may be required for the fulfilment of its powers and functions. For this purpose, each member of the Council should be prepared, at short notice, to attend meetings of the Council. In particular:

- (a) the Council shall meet without delay to consider any issue or matter within its competence affecting the Convention and its implementation, including concerns regarding compliance, and cases of non-compliance. The Council shall be convened

- immediately after having received a challenge inspection request and in any case within the twelve hour period referred to in Article IX, paragraph 17;
- (b) the Council shall meet at the request of the Chairman, or any member of the Council, or of the Director-General; and
  - (c) the Council shall meet at the request of any member of the Organisation to assist in clarifying any situation which may be considered ambiguous or which gives rise to a concern about the possible non-compliance of another State Party with the Convention or to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to a concern about its possible non-compliance with the Convention.

*Rule 13*      **Place of meetings**

Meetings shall normally be held at the seat of the Organisation unless the Council decides otherwise.

*Rule 14*      **Notice of meetings**

No advance notice of the calling of a meeting shall be required when the date and time have been decided by the Council at an earlier meeting. The Director-General shall notify each Representative as far in advance as possible and in any case not less than seventy-two hours in advance of the calling of other meetings unless shorter notification timelines are required by the Convention.

**V. AGENDA OF THE COUNCIL**

*Rule 15*      **List of matters which are under consideration by the Council**

The Director-General with the approval of the Council shall regularly communicate to all members of the Organisation a list of matters of general interest which may be under consideration by the Council.

*Rule 16*      **Provisional agenda**

The Director-General shall prepare, in consultation with the Chairman, the provisional agenda for meetings of the Council. The provisional agenda shall include:

- (a) all items which the Council has previously decided to include in the provisional agenda;
- (b) all items referred to the Council by the Conference;

- (c) all items the inclusion of which is requested by any member of the Organisation in accordance with the provisions of the Convention;
- (d) all items which may be referred to the Council through the Director-General in accordance with the relationship agreement between the Organisation and the United Nations, or with a relationship agreement between the Organisation and the States or international organisations;
- (e) reports of the Director-General, including reports concerning action taken on decisions and recommendations of the Council;
- (f) such other items as the Director-General shall consider it necessary to include, after consultation with the Chairman; and
- (g) any other item which, in the view of the Director-General, requires the urgent attention of the Executive Council.

*Rule 17*      **Circulation of the provisional agenda**

Except as provided for in Rule 14 of these Rules, the provisional agenda for meetings and important supporting documents shall be sent in the language(s) which the member has chosen as its language(s) of communication with the Organisation to each Representative as far in advance as possible, and in any case not less than seventy-two hours before the meeting unless shorter timelines are required under the Convention. The provisional agenda shall be sent to other Member States as far in advance as possible accompanied by a list of supporting documents, which will be made available upon request. The provisional agenda shall also be sent as far in advance as possible to the United Nations and to any States and international organisations with which the Organisation has a relationship agreement which so requires.

*Rule 18*      **Explanatory memoranda**

Each matter brought to the attention of the Council by the Director-General or proposed for inclusion in the agenda by any member of the Organisation, the United Nations or a State or an international organisation with which the Organisation has a relationship agreement shall be accompanied by an explanatory memorandum and, if possible, by basic documents or by a draft decision or recommendation.

*Rule 19*      **Circulation of documents of particular importance**

Documents of particular importance, such as drafts of the reports, programme and budget of the Organisation and of the Council's annual report to the Conference shall be sent, in the language(s) which the member has chosen as its language(s) of communication with the Organisation, to each Representative and to other Member States as far in advance as possible, and in any case not less than eight weeks prior to the date fixed for the meeting of the Council at which they are to be considered.

*Rule 20*      **Adoption of the agenda**

The Council shall normally adopt the agenda for a meeting at the beginning of that meeting. However, the Council may at any time decide in advance upon its agenda for a subsequent meeting or meetings, in which case no provisional agenda shall be laid before that meeting or those meetings for adoption.

*Rule 21*      **Revision of the agenda**

During any meetings other than meetings called pursuant to Article IX, paragraph 17 of the Convention, the Council may revise its agenda by adding, deleting, deferring or amending any item.

**VI. CONDUCT OF BUSINESS AT MEETINGS**

*Rule 22*      **Open and closed meetings of the Council**

The Council may decide to hold open or closed meetings. Meetings of the Council shall be open unless the Council decides that a meeting shall be closed. By a closed meeting is meant a meeting reserved for members of the Council. By an open meeting is meant a meeting that is also open to the attendance as an observer of a delegate of a member of the Organisation which is not a member of the Council. Upon their request, the Chairman may with the concurrence of the Council invite observers to present their views, without a role in the decision-taking, when the Council is considering matters of interest to them.

*Rule 23*      **Functions of the presiding officer**

- (a) The presiding officer shall declare the opening and closing of each meeting of the Council, direct the discussions, ensure observance of these Rules, accord the right to speak, put questions and announce decisions. He or she shall rule on points of order and, subject to these Rules, have control of the proceedings of the Council and over the maintenance of order at its meetings.
- (b) The presiding officer may propose to the Council the limitation of the time to be allowed to speakers, the limitation of the number of times each Representative may speak on any question, the closure of the list of speakers or the closure of the debate. He or she may also propose the suspension or adjournment of the meeting or the adjournment of the debate on the item under discussion.
- (c) The presiding officer shall, in exercising his or her functions, remain under the authority of the Council.

- (d) No Representative may address the Council without having previously obtained the permission of the presiding officer. The presiding officer shall call upon speakers in the order in which they signify their desire to speak. The presiding officer may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

*Rule 24*      **Points of order**

During the course of debate, a Representative may rise to a point of order and the point of order shall be immediately decided by the presiding officer in accordance with these Rules. A Representative may appeal against the ruling of the presiding officer. The appeal shall be immediately put to the vote and the presiding officer's ruling shall stand unless overruled. A Representative rising to a point of order shall not speak on the substance of the matter under discussion.

*Rule 25*      **Time-limit on speeches**

The amount of time to be allowed to each speaker and the number of times each Representative may speak on any question may at any time be limited. When debate is so limited and a Representative has spoken his or her allotted time, the presiding officer shall call him or her to order without delay.

*Rule 26*      **Adjournment of the debate**

During the debate on any matter, a Representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two Representatives may speak in favour of and two against the motion, after which it shall be immediately voted upon. If the Council is in favour of the adjournment, the presiding officer shall declare the adjournment of the debate. The presiding officer may limit the time to be allowed to speakers under this Rule.

*Rule 27*      **Closure of the debate**

A Representative may at any time move the closure of the debate on the item under discussion whether or not any other Representative has signified his or her wish to speak. Permission to speak on the motion shall be accorded only to two Representatives opposing the closure, after which the motion shall be immediately put to the vote. If the Council is in favour of the closure, the presiding officer shall declare the closure of the debate. The presiding officer may limit the time to be allowed to speakers under this Rule.

*Rule 28*      **Suspension or adjournment of meetings**

During the debate on any matter, a Representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated but shall be immediately voted upon.

*Rule 29*      **Order of procedural motions**

The following motions shall have precedence in the following order over all other proposals or motions before the meeting except points of order:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on the item under discussion;
- (d) to postpone until a later fixed date a decision on the substance of any proposal; and
- (e) for the closure of the debate on the item under discussion.

*Rule 30*      **Decision on competence**

Subject to Rule 29 of these Rules, any motion calling for a decision on the competence of the Council to adopt a proposal before it shall be voted upon before a vote is taken on such a proposal.

*Rule 31*      **Proposals and amendments**

Proposals and amendments shall normally be introduced in writing and handed to the Director-General, who shall circulate copies to all the Representatives. As a general rule, no proposal shall be discussed or put to the vote unless it has been circulated to all the Representatives not later than the day preceding the meeting unless shorter timelines are required by the Convention. The presiding officer may, however, permit the discussion and consideration of amendments or of motions as to procedure even though such amendments or motions have not been circulated or have only been circulated the same day.

*Rule 32*      **Withdrawal of proposals**

A proposal may be withdrawn by its proposer at any time before voting on it has commenced, provided that it has not been amended by decision of the Council. A proposal which has thus been withdrawn may be reintroduced by any Representative.

*Rule 33*      **Reconsideration of proposals or amendments**

- (a) When a proposal or an amendment has been adopted or rejected, it may not be reconsidered within four months unless the Council, by a two-thirds majority of all Representatives so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately voted upon.
- (b) After the lapse of four months a proposal or amendment which has been previously adopted or rejected may be reconsidered at any meeting provided that a proposal for reconsideration has been placed on the agenda of that meeting.

*Rule 34*      **Proposals involving financial implications**

Without prejudice to the timelines established in the Convention, a proposal involving financial implications for the Organisation shall not be voted upon in the absence of a report from the Director-General on the financial, administrative and programme and budget implications of the proposal.

**VII. VOTING**

*Rule 35*      **Voting rights**

Each member of the Council shall have one vote. A member of the Council which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Council if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years unless the Conference permits such a member to vote in accordance with Article VIII, paragraph 8 of the Convention.

*Rule 36*      **Decisions on matters of substance**

Subject to Rules 37 through 39 of these Rules, decisions of the Council on matters of substance shall be made by a two-thirds majority of all its members.

*Rule 37*      **Decisions under Article X, paragraph 10 of the Convention**

In accordance with Article X, paragraph 10 of the Convention, decisions of the Council to provide supplementary assistance shall be made by a simple majority of all its members.

*Rule 38*      **Decision against carrying out a challenge inspection**

In accordance with Article IX paragraph 17 of the Convention, decisions of the Council against carrying out a challenge inspection shall be made by a three-quarters majority of all its members.

*Rule 39*      **Decisions on questions of procedure**

Decisions of the Council on questions of procedure, including those under Rules 24 to 28 of these Rules, shall be made by a simple majority of all its members.

*Rule 40*      **Decisions on whether the question is one of substance or not**

When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Council by the majority required for a decision on matters of substance.

*Rule 41*      **Method of election**

Where voting is necessary elections shall be held by secret ballot.

*Rule 42*      **Method of voting**

- (a) Voting on all matters other than elections shall as a rule be by show of hands.
- (b) Whenever a roll-call vote has been requested, it shall be taken in the English alphabetical order of the names of the members of the Council, beginning with the member of the Council whose name is drawn by lot by the presiding officer. Each Representative shall reply "yes", "no" or "abstention". The vote of each member of the Council participating in a roll-call vote shall be inserted in the record.

*Rule 43*      **Conduct during voting**

After the voting has begun, no Representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.

*Rule 44*      **Explanation of vote**

The presiding officer may permit Representatives to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The presiding officer may limit the time to be allowed for such explanations. The presiding officer shall not permit the proposer of a proposal or of an amendment to explain his or her vote on his or her own proposal or amendment.

*Rule 45*      **Division of proposals and amendments**

A Representative may move that parts of a proposal or an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried out, those parts of the proposal or amendment that are subsequently approved shall be put to the vote as a whole. If all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

*Rule 46*      **Voting on amendments**

- (a) When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Council shall first vote on the amendment deemed by the presiding officer to be the furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.
- (b) A motion shall be considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

*Rule 47*      **Voting on proposals**

If two or more proposals relate to the same subject, the Council shall, unless it decides otherwise, vote on the proposals in the order in which they were submitted. The Council may, after voting on each proposal, decide whether to vote on the next proposal.

**VIII. RECOMMENDATION ON THE APPOINTMENT OF THE DIRECTOR-GENERAL**

*Rule 48*      **Recommendation on the appointment of the Director-General**

The Director-General shall be appointed by the Conference upon the recommendation of the Council.

**IX. PARTICIPATION OF THE UNITED NATIONS, ORGANISATIONS, AND INDIVIDUALS**

*Rule 49*      **Participation of the United Nations**

The Secretary-General of the United Nations, or a Representative designated by him or her, shall be invited by the Chairman of the Council to attend meetings while matters of common interest to the Organisation and the United Nations are being discussed.

*Rule 50*      **Participation of States, organisations and individuals**

The Council may, without prejudice to the Convention or to Rule 22, invite any Member State which is not a member of the Council to attend any meeting without a role in decision-taking. The Council may also invite any State which is not a member of the Organisation, any specialised agency or other international organisation to attend any meeting of the Council without a role in decision-taking. The Council may, on a case by case basis, invite any non-governmental organisation or any individual to be represented at or to attend a meeting of the Council if the consideration of a particular agenda item at the meeting so requires.

## **X. LANGUAGES AND RECORDS**

### *Rule 51*      **Official languages**

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Council.

### *Rule 52*      **Interpretation from other languages**

Any Representative may make a speech in a language other than an official language provided, however, that such a Representative shall provide for interpretation into one of the official languages. In such a case, interpretation into the official languages by the interpreters of the Secretariat may be based on the interpretation provided by the Representative.

### *Rule 53*      **Languages of documents and notifications**

Reports of Council meetings shall be made available in the official languages. Other important documents, as referred to, inter alia, in Rules 15, 17 and 19, as well as notifications, shall be sent in the official language(s) which the member has chosen as its language(s) of communication with the Organisation.

### *Rule 54*      **Records of meetings**

Reports of meetings of the Council shall be issued by the Secretariat and distributed to Member States as soon as possible.

### *Rule 55*      **Records of meetings of committees and other subsidiary bodies**

Reports of meetings of committees and other subsidiary bodies of the Council shall be issued by the Secretariat when requested by the Council and distributed to Member States.

## **XI. COMMITTEES AND OTHER SUBSIDIARY BODIES**

### *Rule 56*      **Establishment of committees and other subsidiary bodies**

The Council may establish such committees and other subsidiary bodies and may appoint such rapporteurs as it may deem desirable.

### *Rule 57*      **Conduct of business in committees and other subsidiary bodies**

Subject to any decision of the Council and subject to these Rules, the conduct of business in committees and other subsidiary bodies shall conform as far as is appropriate to these Rules.

## **XII. AMENDMENT, SUSPENSION AND INTERPRETATION OF RULES**

### *Rule 58*      **Amendment of Rules**

These Rules may be amended, subject to the provisions of the Convention, by a decision of a two-thirds majority of all members of the Council.

### *Rule 59*      **Suspension of Rules**

Any of these Rules may be suspended, subject to the provisions of the Convention, by a decision of a two-thirds majority of all members of the Council.

### *Rule 60*      **Interpretation of Rules**

The description of these Rules in the table of contents and the description prefixed to each Rule shall be disregarded in the interpretation of these Rules.

### *Rule 61*      **Confidentiality**

Nothing in these rules may be implemented or interpreted in any way which would prejudice the OPCW policy on confidentiality.

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