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REPORT OF THE EXECUTIVE COUNCIL ON THE PERFORMANCE OF ITS ACTIVITIES (5 September 1998 - 29 April 1999)

1. ORGANISATIONAL MATTERS

1.1 The Executive Council (hereinafter the “Council”) is the executive organ of the OPCW. The Council promotes the effective implementation of, and compliance with, the Chemical Weapons Convention. It also supervises the activities of the Technical Secretariat (hereinafter the “Secretariat”), cooperates with the National Authority of each State Party, and facilitates consultations and cooperation amongst States Parties at their request.

1.2 In accordance with the decision of the Conference of the States Parties (hereinafter the “Conference”) at its Second Session (paragraph 12 of C-II/8, dated 5 December 1997), the composition of the Council for the period ending 11 May 1999 was as follows:

Africa: Algeria, Cameroon, Côte d’Ivoire, Ethiopia, Kenya, Morocco, South Africa, Tunisia, Zimbabwe;

Asia: China, India, Iran (Islamic Republic of), Japan, Pakistan, Philippines, Republic of Korea, Saudi Arabia, Sri Lanka;

Eastern Europe: Czech Republic, Hungary, Poland, Russian Federation, Slovakia;

Latin America and the Caribbean: Argentina, Brazil, Chile, Cuba, Ecuador, Mexico, Peru, Venezuela;

WEOG: Australia, Belgium, Finland, France, Germany, Italy, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

1.3 In accordance with the decisions of the Conference at its Second and Third Sessions, the composition of the Council for the period commencing on 12 May 1999 was as

follows (paragraph 12 of C-II/8, dated 5 December 1997, and paragraph 13 of C-III/4, dated 20 November 1998):

Africa: Algeria, Cameroon, Côte d'Ivoire, Ethiopia, Kenya, Morocco, South Africa, Tunisia, Zimbabwe;

Asia: Bangladesh, China, India, Iran (Islamic Republic of), Japan, Pakistan, Philippines, Republic of Korea, Saudi Arabia, Sri Lanka;

Eastern Europe: Czech Republic, Romania, Russian Federation, Slovakia, Ukraine;

Latin America
and the Caribbean: Argentina, Brazil, Cuba, Ecuador, Mexico, Peru, Venezuela;

WEOG: Australia, Belgium, Finland, France, Germany, Italy, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

- 1.4 Mr Krzysztof Patulej, the Representative of Poland, was elected as Chairman of the Council for the term of office ending on 11 May 1999. The Representatives of Cameroon, China, Mexico and Switzerland were elected as its Vice-Chairmen, for the same period. At its Fifteenth Session the Council decided to elect Ambassador Ignacio Pichardo Pagaza of Mexico as its new Chairman, and the Representatives of Australia, Iran (Islamic Republic of), Slovakia, and South Africa as its new Vice-Chairmen, for the term of office commencing on 12 May 1999.
- 1.5 The Council held four regular sessions during the period under review, on the following dates: 6 - 9 October 1998, 8 - 11 December 1998, 2 - 5 February 1999, and 26 - 29 April 1999, as well as four meetings - one on 20 October 1998, two on 15 January 1999, and one on 26 March 1999.
- 1.6 At its Thirteenth Session the Council decided that it would also meet in regular session on the following dates in 1999: from 21 - 24 September, and from 30 November - 3 December.

Accreditation of representatives to the Council

- 1.7 In accordance with Rule 4 of the Rules of Procedure, the credentials of representatives on the Council were examined by the Director-General and reported to the Council for approval. The most recent examination of credentials established that the credentials of the representatives of all members of the Council were in conformity with the Rules of Procedure of the Council (EC-XV/DG.23, dated 27 April 1999).

Application of the Rules of Procedure of the Council

- 1.8 During the period under review the ability of members of the Organisation which were not members of the Council to make their views known to the Council in an appropriate way was, in practice, not inhibited. Observers were in attendance at all sessions and meetings of the Council during the period under review, with an average number of about ten observer States present. Each request of observers to present their views in accordance with Rule 22 of the Rules of Procedure of the Council was satisfied.
- 1.9 Action taken by the Conference at its Third Session in response to recommendations from the Council in the period under review is recorded in the annex to this report.

Working methods of the Council

- 1.10 During the period under review the Council decided, in future, to distinguish clearly between regular sessions of the Council, with a full agenda, including a range of status of implementation reports, and meetings of the Council which could be called at short notice, in accordance with Rule 12 of the Rules of Procedure of the Council, to consider any issue or matter required for the fulfilment of its powers and functions and within its competence.
- 1.11 At its Thirteenth Session, the Council emphasised the importance of improving the efficiency of its decision-making role during the next intersessional period, and agreed that any consultations convened during this period should be open-ended, should involve as many States Parties as possible, and should be planned and scheduled through the Chairman of the Council in sufficient time to allow proper preparation and full participation by all interested delegations, with a view to maximising transparency and to facilitating consensus-based decision-making by the Council and, where necessary or appropriate, by the Conference. The Council requested the Secretariat to circulate draft decisions and other relevant documentation to Member States at least two weeks before the beginning of regular sessions of the Council.
- 1.12 At the Third Session of the Conference and the Thirteenth Session of the Council the Chairman of the Council made statements in which he reviewed aspects of the work of the Council during the period of his chairmanship and addressed, inter alia, the question of how the Council could improve its working methods (respectively C-III/INF.5, dated 17 November 1998, and EC-XIII/INF.3, dated 8 December 1998).

2. MATTERS REFERRED TO THE COUNCIL BY THE CONFERENCE AT ITS THIRD SESSION, OR REQUIRING CONSIDERATION/ACTION BY THE CONFERENCE AT ITS FOURTH SESSION

Matters referred back to the Council by the Conference at its Third Session (C-III/4, dated 20 November 1998)

- 2.1 The Conference at its Third Session was unable to reach a decision on the following substantive matters referred to it by the Council, and returned them to the Council with a view to recommendations for action being made to the Conference at its Fourth Session: the requirements for reporting information to the Council on verification activities, including inspection results; reporting on how the Secretariat implements the provisions of paragraphs 12 of Parts VII and VIII of the Verification Annex; the attribution of costs related to inspections of old and abandoned chemical weapons; the draft relationship agreement between the United Nations and the OPCW; the Draft Medium-Term Plan 2000 - 2003; the fostering of international cooperation for peaceful purposes in the field of chemical activities; the OPCW Staff Regulations ; a list of new inspection equipment and revised specifications for approved inspection equipment; and the early termination of the contract with the sole supplier.

Requirements for reporting information to the Council on verification activities, including inspection results

- 2.2 In the light of the informal meeting held on 14 January 1999 and of informal consultations on 14 January and 3 February 1999 on the issue of the requirements for reporting information to the Council on verification activities, including inspection results, to enable States Parties to monitor implementation of all provisions of, and compliance with, the Convention, the Council at its Fourteenth Session decided to hold further informal consultations with the aim of finalising, before its Fifteenth Session, a format for the reporting of such information. At the Fifteenth Session of the Council its Chairman accordingly reported on the informal consultations held during the intersessional period, with the aim of finalising a format for the reporting of verification activities, including inspection results, to enable States Parties to monitor the implementation of all provisions of, and compliance with, the Convention. The Council decided to continue its deliberations on this issue.

Reporting on how the Secretariat implements the provisions of paragraphs 12 of Parts VII and VIII of the Verification Annex

- 2.3 In accordance with the request of the Conference at its Third Session, the Council at its Fourteenth Session received and noted the report from the Secretariat on how it implements the provisions of paragraphs 12 of Parts VII and VIII of the Verification Annex (EC-XIV/DG.7/Rev.1, dated 2 February 1999).

Attribution of costs of inspections of old and abandoned chemical weapons

- 2.4 The Council at its Fourteenth Session noted the report of the Friend of the Chair on this issue, Mr Urs Schmid of Switzerland, and adopted the decision on the costs of inspections of abandoned chemical weapons (EC-XIV/DEC.2, dated 4 February 1999). In adopting this decision, the Council referred it to the Conference at its Fourth Session for consideration and approval, and recommended to the Conference that this decision should apply from 1 January 1999.

- 2.5 The Friend of the Chair on the unresolved issue of the attribution of costs related to inspections of old chemical weapons, Mr Urs Schmid of Switzerland, reported to the Council at its Fifteenth Session on the outcome of consultations on this issue held during the intersessional period, and introduced the draft decision on the costs of inspections of old chemical weapons (EC-XV/DEC/CRP.9, dated 26 April 1999). The Council was not able to adopt a decision. Several delegations reiterated the need for resolving this issue before the Fourth Session of the Conference. The Council requested the Friend of the Chair to continue his consultations with a view to finalising consideration of this matter and to reporting to the Conference at its Fourth Session.

Draft relationship agreement between the United Nations and the OPCW

- 2.6 The Council at its Fourteenth Session noted the correspondence with the Legal Counsel of the United Nations concerning the relationship agreement between the United Nations and the OPCW (EC-XIV/CRP.1, dated 15 January 1999). The Council stressed the importance of adopting a decision on this issue at its Fifteenth Session, and requested its Chairman to use, taking into consideration comments made by States Parties, his good offices toward this end. At the Fifteenth Session of the Council, its Chairman accordingly reported on the outcome of informal consultations held during the intersessional period on the issue of the draft relationship agreement with the United Nations. The Council considered and adopted the decision recommending that the Conference at its Fourth Session approve the draft relationship agreement with the United Nations (EC-XV/DEC.7, dated 29 April 1999).

Draft Medium-Term Plan 2000 - 2003

- 2.7 At its Fifteenth Session the Council received the Draft Medium-Term Plan 2000 - 2003 (EC-XV/CRP.3, dated 22 April 1999). The Council decided to return to this issue at its next meeting.

Fostering of international cooperation for peaceful purposes in the field of chemical activities

- 2.8 The Council at its Thirteenth Session decided to appoint a Friend of the Chair to specifically address the proposal presented by the delegations of the Islamic Republic of Iran, Cuba and Pakistan (C-III/NAT.4, dated 19 November 1998) regarding the fostering of international cooperation for peaceful purposes in the field of chemical activities, with a mandate to report back to the Council in time for it to report its deliberations to the Conference at its Fourth Session. The Friend of the Chair on the issue of the fostering of international cooperation for peaceful purposes in the field of chemical activities, Mr Armando Arriazola of Mexico, reported to the Council at its Fifteenth Session on the results of informal consultations on this issue held during the intersessional period. The Council requested him to continue his consultations during the period prior to the Fourth Session of the Conference with a view to finalising its consideration of the proposal in document C-III/NAT.4, and to report its deliberations

to the Conference at its Fourth Session.

OPCW Staff Regulations

- 2.9 The Council at its Fourteenth Session noted a further report by the Friend of the Chair on the staff regulations, Mr Tsutomu Arai of Japan, on the current status of consultations on the OPCW Staff Regulations, and took cognisance of the Note by the Director-General on the proposed OPCW tenure policy (EC-XIV/DG.17, dated 3 February 1999). The Council at its Fifteenth Session noted that the Friend of the Chair had continued to hold informal consultations on this issue during the intersessional period. In the absence from the Fifteenth Session of Mr Arai, his report was presented by the Chairman of the Council. The Council received a report from its Chairman on the considerable progress made towards finalising the staff regulations since its previous session. The Council also received a new draft of the staff regulations, dated 28 April 1999, and decided to return to this issue at its next meeting, with a view to finalising it.

List of new inspection equipment and revised specifications for approved inspection equipment

- 2.10 The Council at its Fourteenth Session noted that, in accordance with the decision of the Conference at its Third Session, the Secretariat had held informal consultations with technical experts from States Parties on 11 December 1998 and had provided States Parties with additional information on the proposals for a list of new inspection equipment and revised specifications for approved inspection equipment, including detailed justifications, technical descriptions of new items of inspection equipment, explanations as to their intended purposes, and information on the estimated item costs.
- 2.11 At the same session, the Council noted the current status of proposals for new items of inspection equipment and for revised specifications of approved inspection equipment as reflected in the two related documents circulated by the Secretariat (EC-XIV/DG.8, dated 25 January 1999, and EC-XIV/TS.2, dated 26 January 1999). The Council also noted the intention of the Director-General to convene a further round of informal consultations on this issue in advance of the Fifteenth Session of the Council, with a view to enabling the Council to consider and decide at that session on a final proposal on this issue from the Director-General, and to make appropriate recommendations to the Conference at its Fourth Session.
- 2.12 The Council at its Fifteenth Session took cognisance of the Note by the Director-General on the list of new inspection equipment and revised specifications for approved inspection equipment (EC-XV/DG.9, dated 8 April 1999), and noted that the list of inspection equipment and revised specifications annexed to the above Note had been considered during informal consultations held on 12 March 1999. The Council received a proposal from China, Cuba, India, Iran (Islamic Republic of), and Pakistan, on the need to establish procedures for the procurement of inspection equipment and revised specifications for approved inspection equipment.

The Council considered the corresponding draft decision (EC-XV/DEC/CRP.4, dated 8 April 1999), and agreed to return to it at its next meeting.

Early termination of contract with sole supplier

- 2.13 Noting that it had been mandated by the Conference at its Third Session to adopt a final decision on this matter at its Thirteenth Session (subparagraph 19.5 of C-III/4, dated 20 November 1998), the Council at that session adopted the decision on the early termination of the contract with the sole supplier (EC-XIII/DEC.2, dated 9 December 1998).

Model facility agreements

- 2.14 The Council at its Fourteenth and Fifteenth Sessions considered and adopted the decisions on a model facility agreement for chemical weapons storage facilities and a model facility agreement for chemical weapons production facilities (respectively EC-XIV/DEC.8, dated 5 February 1999, and EC-XV/DEC.8, dated 29 April 1999). In accordance with the decision of the Conference at its Third Session on the procedure for addressing unresolved issues (C-III/DEC.11, dated 20 November 1998), these decisions require confirmation by the Conference.
- 2.15 During the Fourteenth and Fifteenth Sessions of the Council some concerns were expressed about the implications of the approval of the model facility agreement for chemical weapons production facilities, for the already approved facility agreements and/or arrangements. The decision is not to be interpreted as to oblige the States Parties to modify the approved facility agreements and/or arrangements on the basis of the model. The Council requested the Secretariat to conclude, as rapidly as possible, the substantive negotiations ongoing at the time of the approval of the decision either on the basis of the model, or on the basis of text already under discussion in these negotiations, bearing in mind that a State Party may choose at a later time to enter into negotiations with the Secretariat to amend any of the State Party's approved facility agreements and/or arrangements as required and desired to follow more closely the general form and content of the model facility agreement, in accordance with the provisions of paragraph 8 of Part III of the Verification Annex, and submit this amended agreement to the Council for approval. States Parties remain free either to draw upon the approved facility agreements and/or arrangements or to depart from them, where they deem appropriate, provided that the new facility agreements conform with the provisions of the Convention and so long as they retain the general form and content of the model facility agreement.

Declaration requirements for CW and the determination of how States Parties report CW on their territory which are owned by another State

- 2.16 At its Fourteenth Session, the Council considered and adopted the decision on the declaration requirements for chemical weapons and the determination of how States Parties report chemical weapons on their territory which are owned by another State (EC-XIV/DEC.3, dated 4 February 1999). In accordance with the decision of the

Conference at its Third Session on the procedure for addressing unresolved issues (C-III/DEC.11), this decision requires confirmation by the Conference.

Requests for conversion of chemical weapons production facilities for purposes not prohibited under the Convention

- 2.17 The Council at its Fourth Meeting noted the report by the Director-General containing a recommendation on a request by the Russian Federation for approval to use a chemical weapons production facility for purposes not prohibited under the Convention (EC-MIV/DG.2, dated 22 March 1999, Corr.1, dated 25 March 1999, and Corr.3, dated 26 March 1999). The Council considered and adopted the corresponding decision (EC-MIV/DEC.3, dated 26 March 1999), and, in accordance with paragraph 75 of Part V of the Verification Annex, and as a matter of priority, referred the request to the Conference at its Fourth Session for consideration and approval. At the same meeting the Council considered and adopted, subject to confirmation by the Conference at its Fourth Session, the decision on changes in chemical process equipment or plans for new types of chemical products at a facility converted for purposes not prohibited under this Convention (EC-MIV/DEC.2, dated 26 March 1999).
- 2.18 The Council at its Fifteenth Session noted the report by the Director-General on a recommendation on a request by a State Party for approval to convert a chemical weapons production facility for purposes not prohibited under the Convention (EC-XV/HP/DG.1, dated 31 March 1999), and considered and adopted the corresponding decision (EC-XV/DEC.9 dated 29 April 1999) and, in accordance with paragraph 75 of Part V of the Verification Annex, and as a matter of priority, referred the request to the Conference at its Fourth Session for consideration and approval..

Draft OPCW programme and budget for 2000

- 2.19 The Council at its Fifteenth Session received the draft OPCW programme and budget for 2000 (C-IV/DEC/CRP.1/Rev.1, dated 12 April 1999), as well as the Note by the Director-General on the draft OPCW programme and budget for 2000 (EC-XV/DG.3, dated 24 February 1999), and the Note by the Director-General entitled additional information and proposal in relation to the draft OPCW programme and budget for 2000 (EC-XV/DG.4, dated 17 March 1999).
- 2.20 The Friend of the Chair for the programme and budget, Mr Hendrik Regeur of the Netherlands, reported to the Council at its Fifteenth Session on the results of his consultations on the draft OPCW programme and budget for 2000. The Council received the report of the Friend of the Chair, dated 29 April 1999, and decided to continue its consideration at its next meeting, in particular of the remaining unresolved issues appearing in brackets in that report (detailed assumptions for the verification and translation of inspection-related documents). The Friend of the Chair would continue his consultations on the detailed assumptions for verification, industry inspections in 2000, and issues relating to the translation of inspection-related documents.

Review of classification of posts in the OPCW

- 2.21 The Council at its Fifteenth Session received the Note by the Director-General concerning the review of classification of posts in the OPCW (EC-XV/DG.16, dated 20 April 1999) and the Note by the Director-General presenting the results of this review (EC-XV/DG.20, dated 26 April). In the light of the need for careful technical review, the Council invited its Chairman to convene informal consultations on this issue at the earliest opportunity. The Council requested the Director-General to seek to arrange for the attendance of the ICSC expert who authored the report contained in EC-XV/DG.20, in order to resolve questions clearly and expeditiously. On the basis of these consultations, the Council would consider, at its next meeting, appropriate action, including the possibility of commissioning a new study, with appropriate scope and detailed terms of reference, as recommended by the Advisory Body on Administrative and Financial Matters.

Draft report of the Organisation

- 2.22 The Council at its Fifteenth Session noted the draft report of the Organisation on the implementation of the Convention in the period 1 January - 31 December 1998 (EC-XV/CRP.2, dated 19 April 1999), and decided to return to this issue at its next meeting.

Annual report of the Office of Internal Oversight

- 2.23 The Council at its Fifteenth Session noted the annual report of the Office of Internal Oversight for the period from 1 July 1997 to 31 December 1998 (attachment to EC-XV/DG.10, dated 9 April 1999), which, in accordance with Financial Regulation 12.5, had been submitted by the Director-General, who would forward it to the Conference at its Fourth Session. The Council noted that the Director-General had accepted in full the recommendations contained in the above-mentioned annual report, and that their implementation had already been initiated.

Provisional agenda of the Fourth Session of the Conference of the States Parties

- 2.24 The Council at its Fifteenth Session considered and approved the provisional agenda of the Fourth Session of the Conference of the States Parties (EC-XV/2*, dated 27 April 1999).

Report of the Executive Council on the performance of its activities

- 2.25 The Council deferred its consideration and approval of the report of the Executive Council on the performance of its activities (EC-XV/CRP.1, dated 9 March 1999) to the meeting scheduled prior to the Fourth Session of the Conference.

Proposed establishment of special accounts

- 2.26 The Council at its Fifteenth Session received the Note by the Director-General on the establishment of special accounts (EC-XV/DG.22, dated 27 April 1999), which had been prepared at the suggestion of the Advisory Body on Administrative and Financial Matters at its fourth and fifth sessions. The Council considered the proposal contained in the Note, and referred it to the Conference at its Fourth Session for consideration.

3. THE STATUS OF IMPLEMENTATION OF THE CONVENTION

- 3.1 During the period under review the Council regularly reviewed the status of the implementation of the Convention on the basis of reports submitted by the Director-General. The Council continued to recognise the vital importance and urgency of the full and effective implementation of the Convention and the necessity for the States Parties to fulfil, without exception, their obligations under the Convention. At its Twelfth Session the Council recalled its obligation, under paragraph 31 of Article VIII of the Convention, to promote the effective implementation of, and compliance with, the Convention, and agreed that the question of compliance with the Convention did not merely fall within its sphere of competence, but was of central importance to the exercise of its mandate under the Convention. At its Thirteenth Session, the Council noted in particular the views of the Conference at its Third Session on continuing failure to comply with the fundamental notification- and declaration-related reporting requirements of the Convention (subparagraph 12.2(h) of C-III/4, dated 20 November 1998). At the same session the Council undertook to closely monitor the fulfilment by States Parties of their obligations under the Convention to submit declarations on time and in full, and to consider recommendations to the Conference at its Fourth Session, with a view to redressing this situation. At its Fifteenth Session the Council noted with great concern that, as of 1 March 1999, many States Parties had submitted either no initial declarations or initial declarations in part only, and urged them to fulfil their obligations in this regard as soon as possible.

Facility agreements

- 3.2 At its Twelfth Session the Council recalled that, during the discussion, at its previous regular session, of a facility agreement with the United States of America for a Category 3 chemical weapons destruction facility at the Pine Bluff Chemical Activity, Pine Bluff Arsenal, United States of America, the Council had noted that the destruction of Category 3 chemical weapons at that facility had been completed before the Council reviewed the detailed plan for the verification of the destruction of these weapons. The Council agreed that, under these circumstances, it did not need to take any further action on this matter, but emphasised that the timelines and procedures envisaged by the Convention for such cases should be strictly complied with in future.
- 3.3 The Council at its Fourteenth Session considered and adopted the decisions approving facility agreements with the Russian Federation for a chemical weapons production facility at Dzerzhinsk (EC-XIV/DEC.4, dated 4 February 1999), and for chemical

weapons storage facilities at Pochep, Maradykovsky, Kizner, Kambarka, Leonidovka, Gorny and Schouchie (EC-XIV/DEC.5, dated 4 February 1999).

- 3.4 The Council at its Fifteenth Session considered the draft decision on facility agreements with Switzerland for five Schedule 2 plant sites at Pratteln, Monthey, Visp, Basel, and Zofingen (EC-XV/DEC/CRP.1, dated 3 February 1999, and Corr.1, dated 23 April 1999). Several delegations referred to the lack of agreement in the Council on the frequency of inspections of Schedule 2 plant sites, and stressed the urgency of resolving this issue as soon as possible. The Council noted that, with the exception of the issue of the frequency of inspections, the five agreements are in full compliance with the requirements of the Convention and the model facility agreement. The Council decided to defer a decision on this matter until its next meeting or session.
- 3.5 The Council at its Fifteenth Session deferred until its next meeting its consideration of the draft decision on facility arrangements with a State Party for a chemical weapons storage facility (EC-XV/HP/DEC/CRP.1, dated 4 February 1999).
- 3.6 The Council at its Fifteenth Session deferred until its next meeting its consideration of the draft decision on facility arrangements with a State Party for a single small-scale facility and for a Schedule 1 facility (EC-XV/HP/DEC/CRP.2, dated 4 February 1999).

Destruction plans

- 3.7 The Council at its Fourteenth Session confirmed the decision, taken at its Thirteenth Session, on the agreed detailed plan for the verification of destruction of chemical weapons at Dugway Proving Ground Munitions Management Device Version 1 (MMD-1) of the United States of America (EC-XIII/DEC.3, dated 9 December 1998).
- 3.8 The Council at its Fourteenth Session considered and adopted the decision on the agreed detailed plan for the verification of destruction of chemical weapons at Aberdeen Proving Ground Prototype Detonations Test and Destruction Facility of the United States of America (EC-XIV/DEC.1, dated 3 February 1999).
- 3.9 The Council at its Fourteenth and Fifteenth Sessions noted the oral reports of the Chairman of the Council on the informal meetings of the Council held on 1 February 1999 and 23 April 1999 respectively, to review progress on the destruction of chemical weapons and on the destruction or conversion of chemical weapons production facilities. The Council welcomed the plan of its Chairman to hold the next informal meetings on these subjects immediately before the Sixteenth Session of the Council. The Council requested the Secretariat to provide to the Council in advance of such informal meetings, on the basis of consultations with concerned Member States on scope and modalities, information on destruction of chemical weapons and destruction or conversion of chemical weapons production facilities and progress made in accordance with the timetables outlined in the Convention. The Council

noted the sensitivity of the information involved, and stressed the importance of strict compliance with confidentiality regulations.

Destruction by hydrolysis of sulfur mustard

- 3.10 The Council at its Twelfth Session considered and adopted the decision on the destruction by hydrolysis of sulfur mustard (HD) on a limited scale (EC-XII/DEC.4, dated 9 October 1998).

Destruction by hydrolysis of VX on a limited scale

- 3.11 The Council at its Fourth Meeting noted two national papers by the United States of America, one on proposed verification and transparency measures to be applied to the destruction of limited quantities of nerve agent VX as part of the materials of construction R&D investigation for alternative methods of destruction of VX (EC-MIV/NAT.1, dated 22 February 1999), and the other on a description of the VX alternative destruction process used by the alternative technology assessment program (EC-MIV/NAT.2, also dated 22 February 1999). The Council considered and adopted the decision on destruction by hydrolysis of VX on a limited scale (EC-MIV/DEC.1, dated 26 March 1999).
- 3.12 The Council at its Fifteenth Session noted the two national papers submitted by the United States of America on the destruction by hydrolysis of VX on a limited scale (EC-XV/NAT.2 and EC-XV/NAT.3, both dated 13 April 1999), and considered and adopted the decision on the destruction by hydrolysis of VX, on a limited scale (EC-XV/DEC.3, dated 28 April 1999).

Destruction processes for GB and VX

- 3.13 Further to the consideration by the Council, at its Third Meeting, of the draft decisions on destruction by hydrolysis of GB on a limited scale and destruction by hydrolysis of VX on a limited scale, the Council at its Fourteenth Session adopted the corresponding decisions (EC-XIV/DEC.6 and EC-XIV/DEC.7, both dated 5 February 1999).

Combined plans for destruction and verification

- 3.14 The Council at its Twelfth Session considered and adopted the decision on the combined partial plans for destruction and verification for the VX production and fill site (Steps 0, I and II) of Newport Chemical Depot, the United States of America (EC-XII/DEC.2, dated 9 October 1998, and Corr.1, dated 26 October 1998).
- 3.15 The Council at its Thirteenth Session took cognisance of the Note by the Director-General on the addendum to the Council decision on the combined plans for the destruction and verification of Satian No. 7 (EC-XIII/DG.9, dated 8 December 1998), as well as of the recommendation contained therein. The Council also noted the statement by the delegation of Japan. The Council noted that, as stated by the delegation of Japan, all except one item of the equipment suggested for the expansion of the list of equipment to be destroyed had already been destroyed. The Council agreed that, under these circumstances, it did not need to take action on

this matter at this stage, but strongly emphasised that the timelines and procedures envisaged by the Convention for such cases should be strictly complied with. The Council further agreed that, when all items on the declared inventory, including those contained in the addendum, had been destroyed, the Secretariat would confirm the declaration of the State Party to that effect.

- 3.16 In the light of the discussion at its Thirteenth Session of the issue of the combined plans for destruction and verification for the BZ Munitions Fill Facility at Pine Bluff Arsenal, the United States of America, as well as of the Note by the Director-General (EC-XIV/DG.2, dated 12 January 1999), the Council at its Fourteenth Session considered the corresponding draft decision (EC-XIV/DEC/CRP.4, also dated 12 January 1999), and decided to return to this matter at its next regular session. The Council returned to this issue at its Fifteenth Session, at which it considered and adopted the decision on the combined plans for destruction and verification for the BZ Munitions Fill Facility at Pine Bluff Arsenal, the United States of America (EC-XV/DEC.6, dated 28 April 1999).
- 3.17 The Council at its Fifteenth Session took cognisance of the Note by the Director-General on the agreed detailed plan for the verification of the destruction of the chemical weapons at the chemical weapons destruction facility, India (EC-XV/HP/DG.3, dated 7 April 1999), and deferred until its next meeting its consideration of the corresponding draft decision (EC-XV/HP/DEC/CRP.2, also dated 7 April 1999, and Corr.1, dated 22 April 1999).
- 3.18 The Council at its Fifteenth Session took cognisance of the Note by the Director-General on the agreed detailed plan for the verification of the destruction of the chemical weapons at the chemical weapons destruction facility of a State Party (EC-XV/HP/DG.4, dated 7 April 1999), and deferred until its next meeting its consideration of the corresponding draft decision (EC-XV/HP/DEC/CRP.3, also dated 7 April 1999).
- 3.19 The United States of America brought to the attention of the Council at its Fifteenth Session its timely submission to the Secretariat of detailed destruction plans for two facilities at Rocky Mountain Arsenal in Colorado, the HD Fill Facility and the HD Distillation Facility, for which destruction would begin in May 1999. Following several intensive exchanges of draft plans, the United States and the Secretariat had agreed on verification measures. Some additional work was required, however, on technical aspects of the combined plans. The United States and the Secretariat would proceed with the arrangements envisioned in the negotiated draft plans pending their approval by the Council.

Procedures for the handling of confidential information

- 3.20 At its Fourteenth Session the Council noted that only one State Party had responded to its request, at its Thirteenth Session, that States Parties should provide the Secretariat with details of their procedures for the handling of OPCW confidential information, as required in paragraph 4 of Part A of the Confidentiality Annex. The Council expressed its concern that only 19 of the 121 States Parties had accordingly provided

such information, and requested the remaining States Parties to provide this information to the Secretariat as soon as possible. The Council decided to review the situation at its Fifteenth Session. In the light of the above-mentioned discussion on the need for States Parties to maintain the confidentiality of information received from the Organisation, the Council at its Fifteenth Session noted the contents contained in the opening statement by the Director-General on information received from States Parties on the details of their procedures for the handling of confidential information. The Council observed that a number of States Parties had recently provided such information so that 31 of the 121 States Parties were in compliance with this requirement of the Convention. Nevertheless, the Council expressed its continuing concern that the majority of States Parties were not yet in compliance on this important matter regarding confidentiality, and strongly requested the remaining States Parties to provide this information to the Secretariat as soon as possible. The Council decided to refer its concern to the Conference at its Fourth Session, and to ask the Conference to take appropriate action.

Reporting of criteria for national declarations for Schedule 2 and 3 plant sites

- 3.21 At its Thirteenth Session, the Council considered the updated version of the report by the Director-General on chemical industry declarations of aggregate national data (EC-XIII/DG.4, dated 7 December 1998, and Corr.1, dated 16 December 1998), as well as the updated version of the report by the Director-General on criteria for making Schedule 2 and Schedule 3 industry declarations (EC-XIII/DG.5, dated 7 December 1998, and Corr.1, dated 16 December 1998). The Council requested the Director-General to address a letter to all relevant States Parties, asking for further information concerning criteria for making Schedule 2 and Schedule 3 industry declarations, and to submit a report on this subject to the Council at its Fifteenth Session. The Council at its Fifteenth Session noted the report by the Director-General on further information concerning criteria for making Schedule 2 and 3 industry declarations (EC-XV/DG.13, dated 14 April 1999, and Corr.1, dated 23 April 1999), as well as the Note by the Technical Secretariat entitled "Further Information Concerning Criteria for Making Schedule 2 and 3 Industry Declarations: Responses Received from States Parties" (EC-XV/TS.3, dated 28 April 1999). The Council will return to this item, inter alia on the basis of the analysis which the Secretariat will prepare on submissions received from Member States.
- 3.22 At the Thirteenth Session of the Council several delegations expressed the view that the criteria for national declarations should be dealt with on a broader basis, within the framework of the negotiations on the relevant sections of the Declaration Handbook. Several issues were raised at the Fifteenth Session of the Council regarding the sixth version of the Draft Declaration Handbook as revised by the Secretariat. It was remarked that the rounding rules contained in that draft should be revised, with a view to taking a consistent approach when comparing the rounding rules for chemical weapons with those for scheduled chemicals, in order to ensure that the rounding rules for chemical weapons are more stringent than those for scheduled chemicals used for purposes not prohibited under the Convention. A view was expressed that the Handbook on Chemicals should be provided to States Parties as soon as possible, and

that it should not contain brand names of commercial products, but should remain restricted to scheduled chemicals. Pending a decision by the policy-making organs, the Draft Declaration Handbook, while being used by many States Parties as a guideline when compiling their declarations, cannot be seen as binding for States Parties.

Industry verification issues

- 3.23 The Council, at its Fourteenth Session, noted the report by the Director-General on a review of the algorithm used for the assessment of the risk posed by Schedule 2 plant sites to the object and purpose of the Convention (EC-XIV/DG.4, dated 13 January 1999), as well as the Secretariat paper entitled modification of the method of selecting Schedule 3 plant sites for inspection (EC-XIV/TS.1, dated 18 January 1999), and comments made by several States Parties on these issues, and the non-paper on the latter issue circulated and introduced by the delegation of Japan. The Council decided to return to this item at its Fifteenth Session. The Council at its Fifteenth Session returned to the above-mentioned documents, noted the two national papers by Japan on a proposed new approach for the selection of Schedule 3 plant sites for inspection (EC-XV/NAT.1, dated 30 March 1999), and on the selection of Schedule 3 plant sites for inspection; consideration on “equitable geographic distribution” (EC-XV/NAT.4, dated 21 April 1999), and received the national paper by the Netherlands on the risk rating of industrial sites (EC-XV/NAT.7, dated 28 April 1999). The Council agreed to consider this issue further at its Sixteenth Session.
- 3.24 The Council at its Fifteenth Session noted the report by the Director-General on experiences in implementing the provisions of Parts VII and VIII and Section A of Part IX (VA) within the verification regime for “other chemical production facilities” (EC-XV/DG.17, dated 20 April 1999, and Corr.1, dated 28 April 1999). The Council requested the Director-General to provide to the Conference at its Fourth Session an expanded unclassified report, classified upon the request of a State Party, which should contain, in addition to data already provided in document EC-XV/DG.17, the following:
- (a) tables indicating which States Parties had provided initial and annual (past activities for 1997 and 1998, anticipated activities for 1999) declarations under Parts VII, VIII, and IX of the Verification Annex, and in which States Parties inspections under Parts VII and VIII had been carried out;
 - (b) an overview regarding declarations on past production for chemical weapons purposes (in accordance with Parts VII and VIII, paragraphs 9 - 10);
 - (c) an overview of information provided to States Parties in accordance with Part VII, paragraph 11, Part VIII, paragraph 11, and Part IX, paragraph 8;
 - (d) information as to whether assistance had been requested in accordance with Part IX, paragraph 7, and to what extent it had been provided;

- (e) an overview of experience obtained regarding risk assessment for Schedule 2 plant sites, without reference to specific sites; and
- (f) an overview of experience obtained regarding the selection of Schedule 3 plant sites for inspections, without reference to specific sites.

Advice by the Council pursuant to Part IX, paragraph 25, of the Verification Annex

- 3.25 With respect to its mandate under Part IX, paragraph 25, of the Verification Annex, the Council noted that so far no proposals by States Parties for inspections had been presented, and that it still needed to discuss this issue in order to provide advice to the Conference.

An understanding on inspection of records

- 3.26 The Council at its Fifteenth Session received the Note by the Secretariat on an understanding on inspection of records during initial Schedule 2 inspections (EC-XV/TS.2, dated 22 April 1999, and Corr.1, dated 29 April 1999). Several delegations expressed varying views on the Secretariat's interpretation, and requested further discussion of this issue, also in the context of the requirements for Schedule 3 and DOC plant sites, at the next meeting of the Council.

Status of assessed contributions

- 3.27 The Council received regular reports from the Director-General on the status of assessed contributions (the most recent of which was contained in EC-XV/DG.8, dated 8 April 1999, and Add.1, dated 29 April 1999), and urged those Member States which had not yet, in whole or in part, met their financial obligations for the 1997, 1998 and 1999 budgets and the Working Capital Fund to do so forthwith. In the light of subparagraphs 12.2(i)(i) and (ii) of the report of the Third Session of the Conference (C-III/4, dated 20 November 1998) and of the report by the Director-General to the Council at its Thirteenth Session on the status of assessed contributions, the Council expressed the hope that, after April 1999, the provisions of paragraph 8 of Article VIII of the Convention would not apply to any States Parties.
- 3.28 At its Thirteenth Session the Council undertook to monitor closely compliance with the requirements of the Financial Regulations in relation to the payment of financial contributions during the period before the Fourth Session of the Conference, and to report to the Conference on this question.
- 3.29 At its Fourteenth Session the Council expressed concern that a large number of States Parties had not yet made any contributions to the Organisation. The Council strongly urged all States Parties to promptly meet their obligations in this regard.

Reimbursement of verification costs under Articles IV or V

- 3.30 At its Fourteenth and Fifteenth Sessions, the Council noted the reports by the Director-General on the status of reimbursement of verification costs under Articles IV or V of the Convention (EC-XIV/DG.14, dated 1 February 1999, and EC-XV/DG.19, dated 21 April 1999). Such reports are now regularly submitted to the Council. The Council at its Fourteenth Session noted with concern that reimbursement payments were outstanding for the great majority of verification costs in question. The Council, noting that there had been bilateral discussions between the Secretariat and inspected States Parties to resolve problems related to the billing procedures, strongly urged all inspected States Parties and the Secretariat to do everything in their power to resolve any outstanding problems in relation to the reimbursement of verification costs, and requested those States Parties to make payment as soon as possible.

Guidelines for the use of resources of the Voluntary Fund for Assistance of the OPCW

- 3.31 The Council at its Twelfth Session considered and adopted the decision on guidelines for the use of the resources of the Voluntary Fund for Assistance of the OPCW (EC-XII/DEC.3, dated 9 October 1998).

New validated spectra

- 3.32 At its Thirteenth Session the Council approved the inclusion in the Central OPCW Analytical Database of the new validated spectra specified in the annex to the Note by the Director-General on this subject (EC-XII/DG.2, dated 4 September 1998, and Corr.1, dated 8 October 1998).
- 3.33 The Council at its Fifteenth Session noted the report by the Director-General on the list of new validated spectra for approval by the Council for inclusion in the Central OPCW Analytical Database (EC-XV/DG.1, dated 16 February 1999, and Corr.1, dated 24 February 1999), which, in accordance with Council decision EC-IV/DEC.2, dated 5 September 1997, had been recommended by the validation group set up for this purpose and submitted to the members of the Council and to all other Member States not later than 30 days before the opening of this session of the Council. In accordance with the mechanism for updating the Central OPCW Analytical Database adopted by the Conference at its Second Session (subparagraph 11.2(c) of C-II/8, dated 5 December 1997), the Council at its Fifteenth Session considered and approved the list of new validated spectra contained in the annex to EC-XV/DG.1.

Certification procedures for the Central OPCW Database and on-site databases

- 3.34 The Council at its Fifteenth Session took cognisance of the Note by the Director-General on the certification procedure for the Central OPCW Analytical Database and on-site databases (EC-XV/DG.2/Rev.1, dated 28 April 1999). The Council considered the revised document entitled "Certification Procedure for the

Central OPCW Analytical Database and On-Site Databases” contained in the annex to the above Note, and referred the revised certification procedure to the Conference at its Fourth Session for consideration and adoption (EC-XV/DEC.4, dated 29 April 1999).

Proposal for a change to the Convention with respect to transfers of saxitoxin

- 3.35 At its Second Meeting the Council examined a proposal by Canada recommending a change to paragraph 5 of Part VI of the Verification Annex to the Convention with respect to transfers of saxitoxin. The Council adopted the corresponding decision to add a new paragraph 5 bis, which states that, for quantities of 5 milligrams or less, the Schedule 1 chemical saxitoxin shall not be subject to the notification period in paragraph 5 if the transfer is for medical/diagnostic purposes. In such cases, the notification shall be made by the time of transfer (EC-MII/DEC.1, dated 15 January 1999). The Council recommended to the States Parties that this proposal be adopted.

Interim practical guideline on transfers of saxitoxin for medical/diagnostic purposes

- 3.36 Further to the decision taken by the Council at its Twelfth Session to adopt an interim practical guideline to apply for 270 days to the transfers of saxitoxin (EC-XII/DEC.5, dated 9 October 1998), and as no objection from a State Party had been received in relation to the recommendation of the Council mentioned in subparagraph 3.35 above, thus enabling this change to enter into force on 31 October 1999, the Council at its Fifteenth Session considered and adopted the decision on the extension of the interim practical guideline on transfers of saxitoxin for medical/diagnostic purposes (EC-XV/DEC.5, dated 29 April 1999).

Proposal for a change to the Convention with respect to retransfers of saxitoxin

- 3.37 At its Fourteenth Session the Council, with a view to fulfilling its responsibilities under subparagraph 5(c) of Article XV of the Convention, considered the change proposal put forward by Canada and the United Kingdom of Great Britain and Northern Ireland on 13 November 1998 with regard to retransfers of saxitoxin and subsequently communicated by the Director-General to all States Parties on 24 November 1998 (NV/LAO/2714/98). The Council also considered the recommendation put forward by Canada and the United Kingdom (EC-XIV/NAT.1, dated 2 February 1999) in conjunction with the report by the Director-General on this issue (EC-XIV/DG.1, dated 11 January 1999). Since a consensus on the above-mentioned recommendation did not emerge, Canada and the United Kingdom informed the Council that they had withdrawn their change proposal with regard to retransfers of saxitoxin, and that they would be requesting the Director-General to inform all States Parties accordingly.

Draft agreement between the Republic of Korea and the OPCW on the privileges and immunities of the OPCW

- 3.38 The Council at its Fifteenth Session considered the draft agreement between the Republic of Korea and the Organisation on the privileges and immunities of the OPCW, and decided to recommend it to the Conference at its Fourth Session for consideration and approval (EC-XV/DEC.2, dated 28 April 1999).

Two-year multiple entry/exit visas for inspectors/inspection assistants

- 3.39 The Council at its Fourteenth and Fifteenth Sessions noted the reports by the Director-General on the status of implementation of the requirement for States Parties to provide two-year multiple entry/exit visas to inspectors/inspection assistants (EC-XIV/DG.12, dated 29 January 1999, and Corr.1, dated 10 February 1999, and EC-XV/DG.18, dated 20 April 1999).

4. OTHER DECISIONS OR ACTIONS OF THE COUNCIL

Registry Agreement between the OPCW and the Permanent Court of Arbitration

- 4.1 In accordance with the mandate assigned to it by the Conference at its Second Session, the Council at its Twelfth Session adopted the decision on the registry agreement between the OPCW and the Permanent Court of Arbitration (EC-XII/DEC.6, dated 9 October 1998).

Language services in the OPCW

- 4.2 At its Fourteenth Session, the Council noted the report by the Director-General on language services in the OPCW (EC-XIV/DG.11, dated 29 January 1999), and returned to this issue at its Fifteenth Session, at which it considered proposals presented by delegations, and decided to continue its consideration of this matter. The Council requested that, with regard to information provided to States Parties under Part A of the Confidentiality Annex, translations that have been prepared for internal use by the Secretariat shall also be made available to any State Party upon request.

Rules of procedure for the Scientific Advisory Board and temporary working groups of scientific experts

- 4.3 At its Thirteenth Session the Council took cognisance of the Note by the Director-General on the rules of procedure for the Scientific Advisory Board and temporary working groups of scientific experts (EC-XIII/DG.2, dated 20 October 1998).

Management of confidentiality within the Secretariat

- 4.4 At its Fourteenth Session the Council took cognisance of the Note by the Director-General on the management of confidentiality within the Technical Secretariat (EC-XIV/DG.3, dated 13 January 1999).

Electronic document management system

- 4.5 The Director-General regularly updated the Council on the electronic data management system audit process (EC-XII/DG.7, dated 9 October 1998; EC-XIV/DG.11, dated 4 February 1999; EC-XV/DG.7, dated 7 April 1999; and EC-XV/DG.24, dated 28 April 1999, and Add.1, dated 29 April 1999)

Adjustment of the Director-General's salary

- 4.6 At its Fourteenth Session the Council confirmed the decision, taken at its Thirteenth Session, on the adjustment of the Director-General's salary (EC-XIII/DEC.1, dated 9 December 1998).
- 4.7 The Council at its Fifteenth Session considered and adopted a further decision on the adjustment of the Director-General's salary (EC-XV/DEC.1, dated 28 April 1999).

Transfer of funds

- 4.8 The Council at its Fifteenth Session took cognisance of the Note by the Director-General on the transfer of funds during the period 1 July to 31 December 1998 (EC-XV/DG.12, dated 13 April 1999).

5. MATTERS UNDER CONSIDERATION BY THE COUNCIL

The following is a listing of some matters under consideration by the Council. These matters are not listed in order of priority:

- (a) draft OPCW programme and budget for 2000;
- (b) draft Medium-Term Plan;
- (c) review of classification of posts;
- (d) Staff Regulations;
- (e) list of new inspection equipment and revised specifications for approved inspection equipment;
- (f) draft report of the Organisation for 1998;
- (g) report of the Executive Council on the performance of its activities;

- (h) facility agreements/arrangements;
- (i) combined plans for destruction and verification;
- (j) an understanding on the inspection of records;
- (k) advice of the Council to the Conference pursuant to Part IX, paragraph 25 of the Verification Annex;
- (l) attribution of costs related to inspections of old chemical weapons;
- (m) reporting of criteria for national declarations of Schedule 2 and 3 plant sites;
- (n) industry verification issues;
- (o) Financial Rules of the OPCW;
- (p) fostering of international cooperation for peaceful purposes in the field of chemical activities; and
- (q) requirements for reporting to the Council information on verification activities, including inspection results.

6. REPORTS TO THE COUNCIL

Information from the Chairmen of the Committee of the Whole about the progress made in the consultations of the facilitators

- 6.1 In accordance with the procedures for addressing unresolved issues during intersessional periods, as established by the Conference at its Second and Third Sessions (C-II/DEC.3, dated 5 December 1997, and C-III/DEC.11, dated 20 November 1998), the Chairmen of the Committee of the Whole, Ambassador Bjørn Barth of Norway and Ambassador Carl Niehaus of South Africa, respectively, informed the Council at its Twelfth, Fourteenth, and Fifteenth Sessions about the designation of facilitators, the assignment of issues, and progress achieved in the consultations of the facilitators.

Advisory Body on Administrative and Financial Matters

- 6.2 The Council at its Twelfth and Fifteenth Sessions noted the reports of the fourth and fifth sessions of the Advisory Body on Administrative and Financial Matters (respectively ABAF-IV/3, dated 23 September 1998, and ABAF-V/1, dated 5 March 1999). The Council at its Fifteenth Session requested the Secretariat to fulfil the ABAF's recommendation 5.4.

- 6.3 The Council at its Fifteenth Session noted the resignation of the following members of the Advisory Body: Mr Reza Najafi (Islamic Republic of Iran), Mr Armando Arriazola (Mexico), and Mr Gianfranco Tracci (Italy), and appointed the following nominees to the Advisory Body, with the date of appointment retroactive to the date of the letter of nomination in each case: Mr Hadi Farajvand of the Islamic Republic of Iran (25 February 1999), Ms Norma Suárez Paniagua of Mexico (25 February 1999), and Mr Gianpaolo Malpaga of Italy (21 April 1999).

Annex (English only):

Action taken by the Conference at its Third Session in relation to recommendations of the Council

Annex

**ACTION TAKEN BY THE CONFERENCE AT ITS THIRD SESSION IN
RELATION TO RECOMMENDATIONS OF THE COUNCIL**

1. Status of implementation of the Convention

1.1 The Conference adopted the following text, headed "Submission of declarations":

"The Conference of the States Parties,

bearing in mind the importance of the full implementation by all States Parties of all their commitments under the Convention and of adherence to all its provisions without conditions;

took note of the Director General's report on the status of initial declarations and notifications (C-III/DG.11, dated 13 November 1998, and Corr.1, dated 19 November 1998), and of subparagraphs 16.1 - 16.4 of the report of the Council on its Twelfth Session (EC-XII/3, dated 9 October 1998, and Corr.1, dated 22 October 1998), and, in this context, noted with interest recent submissions of initial declarations by some States Parties, and also recent announcements by some States Parties as to their intentions with regard to declarations;

expressed its serious concern at the significant number of States Parties to the Convention which have submitted no initial declarations or initial declarations in part only;

noted that the timely submission of declarations is a basic prerequisite for the implementation of the verification regime instituted by the Convention;

also noted, with concern, the non-submission of annual destruction plans in some cases, as well as delay in the start of destruction processes;

urged States Parties to the Convention which have failed to submit their initial declarations on time, particularly in the context of paragraph 7 of Article IV, paragraph 9 of Article V, and paragraph 7 of Article VI, to submit without further delay their initial declarations;

also urged States Parties to the Convention which have submitted declarations in part only, particularly in the context of paragraph 7 of Article IV, paragraph 9 of Article V, and paragraph 7 of Article VI, to submit without further delay the necessary additional parts of declarations or data required for their initial declarations to be complete;

also called on States Parties to submit their annual declarations containing the complete data required under paragraph 8 of Article VI and relevant parts of the Verification Annex within the time lines prescribed;

requested the Director-General to bring this matter to the urgent attention of the States Parties concerned, and to draw to the attention of the States Parties concerned the assistance that the Secretariat can render to States Parties which so request to facilitate the fulfilment of their obligations with regard to initial declarations;

took note of the responsibility of the Conference under subparagraph 21(k) of Article VIII of the Convention for taking the necessary measures to ensure compliance with this Convention and, in accordance with Article XII, to remedy and redress any situation which contravenes the provisions of this Convention;

and, bearing in mind the provisions of Article XII of the Convention, requested the Council to continue to monitor closely the fulfilment by States Parties of their obligations under the Convention to submit declarations on time and in full in order to enable the Council to consider recommendations to the Fourth Session of the Conference with a view to redressing the situation.”

Status of contributions

- 1.2 In the context of paragraph 8 of Article VIII of the Convention, which provides that a “member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Organisation if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years”, the Conference expressed its strong support for the concern expressed by the Council during the period since the Second Session of the Conference at the non-payment by Member States of the OPCW of assessed contributions owed to the Preparatory Commission and the OPCW, and urged all such States to meet their financial obligations in this regard forthwith.

2. Action taken on other matters

Report of the Organisation on the implementation of the Convention

- 2.1 The Conference approved the "Report of the Organisation on the Implementation of the Convention (29 April - 31 December 1997)" (C-III/3, dated 20 November 1998).

Report of the Executive Council on the performance of its activities

- 2.2 The Conference noted the "Report of the Executive Council on the Performance of its Activities (1 November 1997 - 4 September 1998)" (EC-XII/2*, dated 9 October 1998).

End-use certificates for transfers of Schedule 2 and 3 chemicals to States not party to the Convention

- 2.3 The Conference adopted the decision on end-use certificates for transfers of Schedule 2 and 3 chemicals to States not party to the Convention in accordance with paragraph 32 of Part VII and paragraph 26 of Part VIII of the Verification Annex of the Convention (C-III/DEC.7, dated 17 November 1998).
- 2.4 The Conference adopted the decision on paragraph 32 of Part VII and paragraph 26 of Part VIII of the Verification Annex of the Convention (C-III/DEC.6, also dated 17 November 1998).

Model facility agreement for Schedule 1 facilities

- 2.5 The Conference adopted the decision on a model facility agreement for Schedule 1 facilities (C-III/DEC.14, dated 20 November 1998).

Model facility agreement for Schedule 2 plant sites

- 2.6 The Conference also adopted the decision on a model facility agreement for Schedule 2 plant sites (C-III/DEC.15, dated 20 November 1998).

Draft agreements on privileges and immunities of the OPCW

- 2.7 The Conference, noting the related decision of the Council at its Eleventh Session (EC-XI/DEC.6, dated 4 September 1998), considered and adopted the decision on agreements with Denmark and Ghana respectively on the privileges and immunities of the OPCW (C-III/DEC.4, dated 17 November 1998).

Costs of verification under Articles IV and V

- 2.8 The Conference adopted the decision on the costs of verification under Articles IV and V (C-III/DEC.8, dated 17 November 1998).

Reports of the External Auditors on the financial statements of the Preparatory Commission and the OPCW

- 2.9 The Conference noted the audited financial statements of the Preparatory Commission for the OPCW for the period ended 31 May 1998 (C-III/DG.5, dated 27 August 1998).
- 2.10 The Conference also noted the audited financial statements of the OPCW and the Provident Fund of the OPCW for the period ended 31 December 1997 (C-III/DG.4, also dated 27 August 1998).

The OPCW Programme and Budget, submitted by the Council for the ensuing financial period, and all items pertaining to this budget

- 2.11 The Conference adopted the decision on the OPCW Programme and Budget for 1999 and the Working Capital Fund (C-III/DEC.16, dated 20 November 1998).

Staff regulations

- 2.12 The Conference delegated to the Council the authority to adopt the OPCW Staff Regulations for provisional implementation, pending confirmation by the Conference at its Fourth Session, and also decided that the Interim Staff Regulations adopted by the Conference at its First Session shall remain in force until the entry into force of the staff regulations to be adopted by the Council on a provisional basis.

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