



OPCW

Executive Council

Twenty-Fourth Session

3 – 6 April 2001

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**REPORT OF THE EXECUTIVE COUNCIL
ON THE PERFORMANCE OF ITS ACTIVITIES
(3 April 2000 - 23 February 2001)**

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 (hereinafter the “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 The composition of the Council for the twelve-month period concluding on 11 May 2000 was as follows:

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; and

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

- 1.3 The composition of the Council for the twelve-month period commencing on 12 May 2000 and concluding on 11 May 2001 was as follows:

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

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

Eastern Europe: Poland, Romania, Russian Federation, Slovenia, Ukraine;

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

WEOG: Austria, Canada, France, Germany, Italy, Netherlands, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

- 1.4 At its Fifth Session the Conference adopted decisions or took action on a total of 24 matters referred to it by the Council, and referred to the Council 13 matters or issues requiring monitoring or action on its part, including recommendations to the Conference at its Sixth Session.
- 1.5 At its Fifteenth Session the Council elected Ambassador Ignacio Pichardo Pagaza of Mexico as its 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, and concluding on 11 May 2000. At its Nineteenth Session the Council elected Mr Bernhard Brasack of Germany as its new Chairman for the term of office commencing on 12 May 2000 and concluding on 11 May 2001, and the Representatives of Chile, Pakistan, Romania, and South Africa as its new Vice-Chairmen, for the same period.
- 1.6 The Council held five regular sessions during the period under review, on the following dates: EC-XIX: 3 - 7 April 2000; EC-XX: 27 - 28 June, and 1 September 2000; EC-XXI: 3 - 6 October 2000; EC-XXII: 5 - 8 December 2000; and EC-XXIII: 20 - 23 February and 3 April 2001; as well as three meetings: EC-MIX: on 2-3 May 2000; EC-MX on 16 and 18 May 2000; and EC-MXI on 1 September 2000.
- 1.7 At its Twenty-First Session the Council decided that it would meet in regular session on the following dates in 2001: EC-XXIII: 20 - 23 February; EC-XXIV: 3 - 6 April; EC-XXV: 27 - 28 June; EC-XXVI: 25 - 28 September; and EC-XXVII: 4 - 7 December.

Accreditation of representatives to the Council

- 1.8 In accordance with Rule 4 of the Rules of Procedure of the Council, the credentials of representatives to the Council were examined by the Director-General and reported to the Council for approval at each of its regular sessions. The most recent examination

of credentials established that the credentials of the representatives of all members of the Council were in conformity with its Rules of Procedure (EC-XXIII/DG.14, dated 21 February 2001).

Application of the Rules of Procedure of the Council

- 1.9 During the period under review observer States played an active role in all sessions and meetings of the Council, with an average number of about fifteen observer States present at each session or meeting. Each request of observers to present their views in accordance with Rule 22 of the Rules of Procedure of the Council was satisfied.
- 1.10 Action taken by the Conference at its Fifth Session in response to recommendations from the Council in the period under review is recorded in the annex to this report.
- 1.11 At the Tenth Meeting of the Council a number of delegations pointed out that Rule 19 of its Rules of Procedure had been neglected, and requested the Secretariat, in the future, to distribute the draft programme and budget in all official languages at least eight weeks in advance, as stated in Rule 19.

Working methods of the Council

- 1.12 The Chairman of the Council, in consultation with the Vice-Chairmen and members of the Council, continued to review and republished a plan of activities of the Council for the period prior to the Sixth Session of the Conference, thus implementing the recommendations of the Conference at its Fourth Session for addressing unresolved issues. The first annex to this plan of activities lists clusters of the outstanding issues referred to the Council by the Committee of the Whole, as well as issues under consideration by the Council itself. The Vice-Chairmen of the Council were designated as coordinators for the following clusters of issues: chemical weapons issues; chemical industry and other Article VI issues; administrative and financial; and legal, organisational, and other issues. Facilitators were also identified for many of the issues requiring either consideration or resolution, or both. The second annex to the working paper lists all key meetings and consultations during the period in question.

Official visits

H.M. Albert II, King of the Belgians

- 1.13 On the occasion of the official visit to the OPCW headquarters, on Wednesday 5 April 2000, H.M. Albert II, King of the Belgians, addressed the Council during its Nineteenth Session. He was welcomed by the Chairman of the Council on behalf of the members of the Council and the Member States of the OPCW (EC-XIX/3, dated 5 April 2000), and then himself addressed the Council (EC-XIX/NAT.3, dated 5 April 2000).

President of Brazil

- 1.14 The President of Brazil, H.E. Fernando Henrique Cardoso, addressed a meeting of the Council on Monday 9 October 2000. He was welcomed by the Chairman of the Council on behalf of the members of the Council and the Member States of the OPCW, as well as by the Director-General, and then himself addressed the Council.

Speaker of the National Council of Switzerland

- 1.15 On the occasion of the official visit to the OPCW headquarters, on Friday 23 February 2001, the Speaker of the National Council of Switzerland, Mr Peter Hess, addressed the Council. He was welcomed by the Chairman of the Council on behalf of the members of the Council and the Member States of the OPCW, and then himself addressed the Council.

2. THE STATUS OF IMPLEMENTATION OF THE REQUIREMENTS OF THE CONVENTION

Statements and reports by the Director-General

- 2.1 In his opening statement to each session of the Council the Director-General elaborated, inter alia, on aspects of the fulfilment by States Parties of the requirements of the Convention, in addition to submitting numerous reports, either in fulfilment of the requirements of the Convention, or in order to satisfy requests of the Council or the Conference in this regard.

Submission of declarations

- 2.2 The Conference at its Fifth Session noted the report by the Director-General on the status of submission of initial declarations and notifications as of 11 May 2000 (C-V/DG.8, dated 12 May 2000). The Conference noted with approbation that its own expressions of concern, and those of the Council, had resulted in effective action which meant that, as of 11 May 2000, all States Parties had submitted their initial declarations as required under the Convention. The Conference encouraged the Director-General to give favourable consideration to applying the techniques which had produced such good results in this area to other areas in which a significant proportion of States Parties were not in fulfilment of the requirements of the Convention. The Conference requested the Council to continue to monitor the fulfilment by States Parties of this important obligation under the Convention throughout the subsequent period, and to report back to it at its Sixth Session.

- 2.3 The Council at its Twenty-First Session took note of the Note by the Director-General on the impact of late submissions of annual declarations on the Schedule 3 random selection process (EC-XXI/DG.6, dated 2 October 2000). The Council shared the concern expressed by the Secretariat that the late submission of annual declarations by some States Parties with declarable activities under the Convention places at a

disadvantage those other States Parties which fulfil this obligation in a timely and responsible manner.

- 2.4 In order to facilitate the Secretariat's planning and the effective implementation of the verification regime, and to ensure the fair distribution of the burden of inspections amongst States Parties, the Council urged all States Parties to adhere strictly to the Convention's timelines for submitting their annual declarations. The Council requested the Director-General to report to the Council at its next session on the status of submission of all annual declarations, particularly details of the submission by all States Parties of annual declarations which impact on the Schedule 3 inspection planning activities of the Secretariat, and, if necessary, to recommend appropriate and effective measures to compensate for possible lack of information on inspectable Schedule 3 plant sites which are scheduled for inspection in 2001.
- 2.5 The Council at its Twenty-First Session noted the report by the Director-General containing an update of declaration-related information submitted to the Secretariat in the period 1 April to 30 September 2000 (EC-XXI/DG.7, dated 2 October 2000).
- 2.6 The Council at its Twenty-Second Session noted the report by the Director-General on the status of submission of annual declarations on anticipated activities for 2001 as of 4 December 2000 (EC-XXII/DG.11, dated 5 December 2000).

Status of assessed contributions

- 2.7 The Conference at its Fifth Session noted the report by the Director-General on the status of assessed contributions as of 30 April 2000 (C-V/DG.9, dated 12 May 2000, and Corr.1, dated 18 May 2000). The Conference requested the Council to continue to monitor the fulfilment by States Parties of this important obligation under the Convention throughout the subsequent period, and to report back to it at its Sixth Session.
- 2.8 The Conference at its Fifth Session took note of the Note by the Director-General on States Parties in arrears in the payment of their financial contributions to the OPCW for the preceding two full years, as of 11 May 2000 (C-V/DG.10, dated 12 May 2000). The Conference noted that, as of 11 May 2000, the provisions of paragraph 8 of Article VIII of the Convention applied to 23 States Parties. The Conference also took note of the Note by the Director-General on a request under paragraph 8 of Article VIII of the Convention concerning the right to vote (C-V/DG.14, dated 18 May 2000).
- 2.9 The Council at its Twenty-Third Session noted the report by the Director-General on the status of assessed contributions as of 31 December 2000 (EC-XXIII/DG.7, dated 26 January 2001). The Council also noted with grave concern that, as of 31 December 2000, only 26 States Parties had complied with their obligation, under Financial Regulation 5.4, to pay their assessed contributions in full, and that, as of the same date, 37 States Parties had been in arrears for more than two years in the payment of their financial contributions to the Organisation. The Council called on those States

Parties whose assessed contributions are still outstanding, in whole or in part, to pay them promptly.

Costs of verification under Articles IV and V

- 2.10 The Conference at its Fifth Session noted the report by the Director-General on the status of reimbursement of verification costs under Articles IV or V of the Convention as of 30 April (C-V/DG.6, dated 9 May 2000). The Conference noted that, notwithstanding requests from the Council for those States Parties which were in arrears to reimburse the Organisation as soon as possible, very considerable amounts were still in arrears as of 30 April 2000, and urged all States Parties in arrears for the reimbursement of such invoices to settle their debts as soon as reasonably possible. The Conference requested the Council to continue to monitor the fulfilment by States Parties of this important obligation under the Convention throughout the subsequent period, and to report back to it at its Sixth Session.
- 2.11 The Council at its Twenty-Third Session noted the report by the Director-General on the status of reimbursement of verification costs under Articles IV or V of the Convention as of 31 December 2000 (EC-XXIII/DG.2, dated 17 January 2001). The Council noted with grave concern that, as of 31 December 2000, the balance of outstanding Article IV and V reimbursement costs had amounted to a little more than NLG 13.5 million – or 57% of all costs for which the States Parties in question had been invoiced since such invoices were first submitted in 1997. The Council called on those States Parties whose Article IV and V reimbursements are still outstanding to remedy this situation immediately.
- 2.12 The Council also noted the length of time taken by the Secretariat in providing invoices and additional supporting documentation to concerned States Parties as requested by them, and requested the Secretariat to take appropriate remedial action as soon as possible.

Financial situation of the Organisation

- 2.13 At informal meetings of the Council prior to its Twenty-Third Session, the Secretariat distributed information on its projection of a budget shortfall in 2001 (EC-XXIII/DG.8, dated 26 January 2001, and EC-XXIII/DG.10 and EC-XXIII/DG.11, both dated 20 February 2001). Several delegations and regional and other groups made statements during the Twenty-Third Session of the Council on the issues involved (inter alia EC-XXIII/NAT.2, dated 20 February 2001, EC-XXIII/NAT.4*, dated 23 February 2001, EC-XXIII/NAT.5, dated 23 February 2001, and EC-XXIII/NAT.6, dated 21 February 2001).
- 2.14 The Council reiterated its commitment to the full implementation of the Convention, and requested the Director-General to immediately resume essential activities, including in the areas of verification and international cooperation, in accordance with the approved programme of work for 2001, whilst urging him to continue to apply all possible economies.

- 2.15 The Council heard the concern of the Director-General that this request would be in conflict with his responsibility, under Financial Regulation 4.7 to manage appropriations prudently. The Council expressed its firm intention, at its Twenty-Fourth Session, to satisfy itself as to the adequacy of funding in 2001 for the operational activities described above, with a view to finding a solution to the current financial situation. The Council expressed its continuing commitment to working with the Secretariat to that end. The Council requested the Secretariat, as a matter of urgency, to provide additional baseline data and analysis to assess the resource requirements to fulfil the 2001 budget and programme of work. The data should include audited financial statements for the budget years of 1998 and 1999, including cash surplus figures for 1998 and 1999, and figures for actual disbursements for each programme in the budget year 2000, figures on the Article IV and V situation, and the provisional cash deficit for 2000. Recognising that some of the information mentioned above had been provided, in one form or another, the Council also requested the Secretariat to present all the available authoritative data impacting on the Secretariat's projection of a budgetary shortfall in 2001 in a comprehensive and consolidated format.
- 2.16 In accordance with Financial Regulation 13.6, the Council requested the External Auditor to perform a special examination of the following items and to make appropriate recommendations thereon, as soon as possible, relating to the systems of budgeting, invoicing and accounting for contributions and advances with regard to Articles IV and V of the Convention, as provided for in Article 5.1 of the Financial Regulations and relevant decisions of the Conference; the system and procedures for cash surpluses and/or deficits; and the implementation by the Secretariat of Financial Regulations 4.7, 10.1, 12, 14.1 and 14.2. The Council requested the External Auditor to give his opinion on the cash surplus figures and financial statements. The Council also noted that all reports of the External Auditor, including recommendations therein, had been noted by the Conference at successive sessions.
- 2.17 The Council further encouraged the Director-General to continue to report regularly to the Council on the status of the 2001 budget and programme of work.

Request by the Russian Federation to grant an extension of its obligation to meet an intermediate deadline for destruction of Category 1 chemical weapons stockpiles

- 2.18 The Conference at its Fifth Session, in accordance with the recommendation of the Council at its Nineteenth Session, adopted the decision on the request by the Russian Federation for an extension of its obligation to meet an intermediate deadline for the destruction of one percent of its Category 1 chemical weapons stockpiles in accordance with paragraph 22 of Part IV(A) of the Verification Annex to the Chemical Weapons Convention (C-V/DEC.14, dated 17 May 2000), on the understanding that:

- (a) the Russian Federation will complete the destruction of 1 percent of its Category 1 chemical weapons stockpiles before the end of the time frame provided for by the Convention for the completion of Phase 2 of the destruction of its Category 1 chemical weapons stockpiles;
 - (b) the Council, at each alternate regular session, will be kept informed by the Russian Federation on the status of its plans, with supporting documentation, towards implementing this destruction obligation;
 - (c) the Director-General will report periodically to the Council on the progress made by the Russian Federation in the destruction of its chemical weapons, in accordance with its obligations under the Convention; and
 - (d) the Chairman of the Council, in the exercise of his competencies and in cooperation with the Director-General, will report periodically to the Council on these matters.
- 2.19 Pursuant to the above-mentioned decision of the Conference at its Fifth Session, the Council, at each subsequent alternate regular session, was kept informed by the Russian Federation of the status of its plans, with supporting documentation, towards implementing this destruction obligation:
- (a) the Russian Federation informed the Council at its Twenty-First Session of the status of its plans to implement its obligation to destroy 1 percent of its Category 1 chemical weapons stockpiles (EC-XXI/NAT.8, dated 4 October 2000). Questions asked by delegations, as well as answers given by the Russian Federation, were recorded in a separate document (EC-XXI/TS.1, dated 4 October 2000). The Council noted this information. Several delegations expressed concern that the Russian Federation had not yet submitted to the Secretariat the detailed destruction facility information necessary to enable the Secretariat to meet verification requirements as set out in the Convention (Verification Annex, Part IV(A)D, paragraphs 53-54) and urged that this be done as soon as possible;
 - (b) the Russian Federation further informed the Council at its Twenty-Third Session of the status of its plans to implement its obligation to destroy 1 percent of its Category 1 chemical weapons stockpiles (EC-XXIII/NAT.7, dated 20 February 2001). Questions asked by delegations were responded to by the Russian Federation. The delegation of Sweden made a statement on behalf of the European Union under this agenda item (EC-XXIII/NAT.3*, dated 23 February 2001). Procedures for the handling of confidential information

Procedures for the handling of confidential information

- 2.20 The Conference at its Fifth Session noted the report by the Director-General on the implementation of the regime governing the handling of confidential information by the Secretariat in 1999 (C-V/DG.5, dated 8 May 2000). The Conference requested the Council to continue to monitor the fulfilment by States Parties of this important obligation under the Convention throughout the subsequent period, and to report back to it at its Sixth Session.
- 2.21 The Council at its Twenty-Third Session noted the report of the special session of the Confidentiality Commission, which had been convened to consider confidentiality-related issues referred to it by the Council at its Eighteenth Session (CC-V/1, dated 31 January 2001). The issues raised by the report will be considered further.

Status of implementation of the requirement for States Parties to provide two-year multiple entry/exit visas to inspectors/inspection assistants

- 2.22 The Conference at its Fifth Session noted the report 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 (C-V/DG.4, dated 2 May 2000), as well as the Note by the Director-General on the availability of visas to inspectors and inspection assistants in the case of a challenge inspection or an investigation of alleged use (C-V/DG.3, dated 28 April 2000). The Conference requested the Council to continue to monitor the fulfilment by States Parties of this important obligation under the Convention throughout the subsequent period, and to report back to it at its Sixth Session.

Legislation, cooperation, and legal assistance

- 2.23 The Conference at its Fifth Session noted with concern from the relevant information contained in the annex to the report by the Director-General on the status of submission of initial declarations and notifications, submitted to the Conference at that session (C-V/DG.4, dated 2 May 2000), that the proportion of States Parties which had fulfilled the requirements of the Convention in relation to legislation, cooperation, and assistance had barely increased since the Fourth Session of the Conference, and urged all States Parties which had not implemented their obligations under Article VII of the Convention, including enacting penal legislation with respect to prohibited activities, and informing the Organisation of the legislative and administrative measures taken, to do so promptly. The Conference requested the Council to continue to monitor the fulfilment by States Parties of this important obligation under the Convention throughout the subsequent period, and to report back to it at its Sixth Session. In this context the Conference adopted the decision on national implementation measures (C-V/DEC.20, dated 19 May 2000). This decision requested the Council, in concert with the Director-General and the Secretariat, to, *inter alia*, assist States Parties in their efforts to fulfil their obligations under

Article VII, paragraphs 1 and 5, and also to report to the Conference at its Sixth Session on progress achieved on this item.

Reports on the implementation of the inspection and verification requirements of the Convention

- 2.24 The Council at its Twentieth Session noted the 1999 verification implementation report (EC-XIX/HP/DG.1, dated 15 March 2000).
- 2.25 The Council at its Twenty-Second Session noted the 2000 mid-year verification implementation report on the period 1 January - 30 June 2000 (EC-XXII/HP/DG.1, dated 25 September 2000, and its corrigendum contained in EC-XXII/DG.4, dated 22 November 2000).
- 2.26 The Council at its Twenty-Second Session took note of the Note by the Director-General containing a summary of inspections by year and by State Party (EC-XXII/DG.7, dated 30 November 2000).

Implementation of Articles X and XI

- 2.27 The Council at its Twenty-Second Session noted the report by the Director-General on the status of implementation of Articles X and XI of the Convention as of 31 October 2000 (EC-XXII/DG.6, dated 28 November 2000 and Corr.1, dated 3 April 2001).

3. MATTERS REFERRED TO THE COUNCIL BY THE CONFERENCE AT ITS FIFTH SESSION

Implementation of Section B of Part IX of the Verification Annex

- 3.1 The Conference at its Fifth Session referred this issue back to the Council with a view to a recommendation being made to the Conference at its Sixth Session.

Authentication and certification procedure for the Central OPCW Analytical Database and on-site databases

- 3.2 The Conference at its Fifth Session, taking note of the Note by the Director-General on the authentication and certification procedure for the Central OPCW Analytical Database and on-site databases (C-V/DG.7, dated 12 May 2000, and Corr.1, dated 19 May 2000), considered the draft decision on this subject (C-V/DEC/CRP.21, dated 12 May 2000). The Conference referred this issue back to the Council for further consideration at its next regular session, with a view to the Council making a recommendation to the Conference at its Sixth Session. The Council's action in this regard is reflected in subparagraph 4.1 below.

Guidelines on the designation of laboratories for the analysis of authentic samples

- 3.3 In the context of the request by the Council at its Nineteenth Session for the Director-General to prepare and distribute the revised criteria for the retention of designation status for deliberation by States Parties as soon as possible, the Conference at its Fifth Session considered a draft decision on guidelines for assessing whether laboratories may retain their designated status. The Conference referred this issue back to the Council for further consideration as a priority issue at its Twentieth Session, and mandated it to take a decision on this issue.
- 3.4 In the light of the above-mentioned request by the Conference at its Fifth Session the Council at its Twentieth Session adopted the decision entitled guidelines on the designation of laboratories for the analysis of authentic samples (EC-XX/DEC.3, dated 28 June 2000). This decision requires the Director-General, in relation to the designation of laboratories for the analysis of authentic samples, to take into account the guidelines annexed to it.

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

- 3.5 The Conference at its Fifth Session referred this issue back to the Council for further consideration, with a view to the Council reporting to the Conference at its Sixth Session, and also to decisions being taken promptly. Many delegations requested that consultations on the draft decision be intensified with a view to it being adopted by the Conference at its Sixth Session.

Draft medium-term plan

- 3.6 In the light of the encouragement offered at its Fourth Session for the Secretariat to continue to refine the draft medium-term plan, the Conference at its Fifth Session noted that the draft medium-term plan 2001 - 2004 (EC-XIX/DEC/CRP.9, dated 3 April 2000), which was received by the Council at its Nineteenth Session, would be further considered by the Council.

Application of the provisions on transfers of Schedule 3 chemicals to States not party to the Convention

- 3.7 The Conference at its Fifth Session requested the Council, with regard to the application of the provisions on transfers of Schedule 3 chemicals, to prepare a recommendation to be considered by the Conference at its Sixth Session.

Applicable concentration limits for mixtures of chemicals containing Schedule 2A and 2A* chemicals

- 3.8 The Conference at its Fifth Session requested the Director-General to task the Scientific Advisory Board to study all relevant aspects of the applicable concentration limits for mixtures of chemicals containing Schedule 2A and 2A* chemicals and to

report the results to the Council for consideration with a view to a decision being submitted for the consideration of States Parties at the Sixth Session of the Conference of the States Parties.

4. MATTERS REQUIRING CONSIDERATION/ACTION BY THE CONFERENCE AT ITS SIXTH SESSION

Authentication and certification procedure for the Central OPCW Analytical Database and on-site databases

- 4.1 In the light of the decision by the Conference at its Fifth Session to refer this matter to the Council for further consideration, the Council at its Twentieth Session, subject to the Secretariat receiving no objection from a member of the Council by 21 July 2000, adopted the decision on the authentication and certification procedure for the Central OPCW Analytical Database and on-site databases, and referred it to the Conference at its Sixth Session for consideration and adoption (EC-XX/DEC.5, dated 24 July 2000). In this decision the Council recommended that the Conference, at its Sixth Session, adopt the amended authentication and certification procedure for the Central OPCW Analytical Database and on-site databases annexed to the above Council decision, and further recommended that the Conference delegate to the Council the authority to amend this procedure in future, should it be required.

Relationship agreement between the OPCW and the United Nations

- 4.2 In the light of the decision of the Conference at its Fourth Session, and of the correspondence with the Legal Counsel of the United Nations (EC-MXI/2, dated 18 August 2000), the Council at its Eleventh Meeting adopted the decision concerning the draft relationship agreement between the United Nations and the OPCW (EC-MXI/DEC.1, dated 1 September 2000). In this decision the Council recommended that the Conference at its Sixth Session approve the annexed draft agreement concerning the relationship between the United Nations and the OPCW as soon as possible, and authorised the Director-General, pending approval by the General Assembly of the United Nations and by the Conference, to sign the annexed draft agreement concerning the relationship between the United Nations and the OPCW for provisional application.

Agreements on privileges and immunities of the OPCW

- 4.3 The Council adopted the decision recommending that the Conference at its Sixth Session approve the agreement between the Government of the Portuguese Republic and the Organisation for the Prohibition of Chemical Weapons on the privileges and immunities of the OPCW (EC-XXI/DEC.1, dated 4 October 2000).
- 4.4 The Council adopted the decision recommending that the Conference at its Sixth Session approve the agreement between the Government of the Republic of Panama and the Organisation for the Prohibition of Chemical Weapons on the privileges and immunities of the OPCW (EC-XXI/DEC.2, dated 4 October 2000).

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

- 4.5 At its Twenty-Third Session the Council adopted the decision on the request by the Russian Federation for approval to use a chemical weapons production facility (filling of hydrocyanic acid into munitions) at OJSC “Orgsteklo”, Dzerzhinsk, for purposes not prohibited under the Convention (EC-XXIII/DEC.2, dated 21 February 2001), in the context of the report by the Director-General making a recommendation in relation to the same request (EC-XXIII/DG.5, dated 22 January 2001).

5. OTHER DECISIONS OR ACTIONS OF THE COUNCIL

Criteria for determining specialised equipment in CWPFs

- 5.1 The Council at its Nineteenth Session noted the report of the facilitator on the criteria for determining specialised equipment at a chemical weapons production facility (EC-XIX/CRP.4*, dated 3 April 2000). The Council also noted the intention of the Secretariat to use the criteria specified in this report for all inspections of CWPFs.

Mixtures containing Schedule 2 or Schedule 3 chemicals

- 5.2 At the Nineteenth Session of the Council, in relation to the application of paragraphs 31 and 32 of Part VII and paragraph 26 of Part VIII of the Verification Annex with respect to mixtures containing Schedule 2 or Schedule 3 chemicals, the facilitator introduced the draft decision (EC-XIX/DEC/CRP.12, dated 5 April 2000) and, with reference to the definition of consumer goods, clarified that the phrase “packaged for retail sale for personal use” would mean any item to be sold to an individual consumer for his or her own use. The term “packaged for individual use” would refer to items which are not necessarily sold to personal consumers, but which still remain destined for individual use. In each case the critical element is the packaging of the scheduled chemical as an ingredient in an item for personal or individual use. This creates the proliferation barrier, since the packaging makes the recovery of the scheduled chemical too difficult to be attractive to a proliferator. The Council adopted the decision on the implementation of restrictions on transfers of Schedule 2 and Schedule 3 chemicals to and from States not party to the Convention (EC-XIX/DEC.11, dated 2 May 2000). The Council acknowledged that security concerns could arise for unforeseen reasons at some time in the future in the application of this decision and that, should this occur, it should be informed of the issue immediately. In taking this decision there was an understanding that its application merits review, in the light of experience gained, at the first special session of the Conference convened under Article VIII, paragraph 22. The delegation of the Islamic Republic of Iran made a statement in relation to this decision (EC-XIX/NAT.8, dated 2 May 2000).

Rounding rule in relation to declarations of scheduled chemicals

- 5.3 The Council at its Nineteenth Session adopted the decision on the rounding rule in relation to declarations of Schedule 2 and Schedule 3 chemicals (EC-XIX/DEC.5, dated 7 April 2000). The Council, having adopted the above-mentioned decision, agreed that the Secretariat should compile this decision with other declaration-related decisions and, after consultation, issue the decisions in the Declaration Handbook on or after 1 April 2001 for implementation by States Parties.

Selection of DOC/PSF plant sites for inspection

- 5.4 The Council at its Nineteenth Session was unable to adopt the draft decision on the selection of DOC/PSF plant sites for inspection (EC-XIX/DEC/CRP.11, dated 4 April 2000). In this situation the decision on how to select DOC/PSF plant sites for inspection will be taken by the Director-General, in accordance with the criteria specified in the Convention.

Lists of new validated analytical data for inclusion in the Central OPCW Analytical Database

- 5.5 The Council at its Nineteenth Session adopted the decision approving the list of new validated analytical data for inclusion in the Central OPCW Analytical Database (EC-XIX/DEC.4, dated 6 April 2000), taking into account the corresponding Note by the Director-General (EC-XIX/DG.2, dated 14 February 2000, and Corr.1, dated 9 March 2000).
- 5.6 The Council at its Twenty-First Session adopted the decision approving the list of new validated data for inclusion in the Central OPCW Analytical Database (EC-XXI/DEC.3, dated 5 October 2000), taking into account the corresponding Note by the Director-General (EC-XXI/DG.2, dated 3 August 2000).
- 5.7 The Council at its Twenty-Third Session adopted the decision approving the list of new validated data for inclusion in the Central OPCW Analytical Database (EC-XXIII/DEC.3, dated 21 February 2001), in the context of the Note by the Director-General on the same subject (EC-XXIII/DG.3, also dated 18 January 2001). The Council requested the validation group to address the issue of CAS numbers for individual spectra.

Review of criteria for the conduct of OPCW proficiency testing

- 5.8 The Council at its Nineteenth Session noted the statements by several delegations, in which the Director-General's proposal at that session to revise the criteria for the designation of laboratories was fully supported. The Council requested the Director-General to prepare and distribute the revised criteria for the retention of designation status for consideration by States Parties as soon as possible.

Audited financial statements for 1999

- 5.9 The Council at its Nineteenth Session noted the audited financial statements of the OPCW and the Provident Fund of the OPCW for the period ended 31 December 1999, including the report of the External Auditor and the response of the Director-General to this report (C-V/DG.2, dated 5 April 2000). The Council also noted the statement by Mr I.P. Singh on behalf of the Comptroller and Auditor General of India, the External Auditor of the OPCW (EC-XIX/4, dated 17 April 2000). The Council at its Ninth Meeting subsequently noted that no comments had been received in relation to this report.

Update on the status of the security-critical network

- 5.10 The Council at its Nineteenth Session took note of the Note by the Director-General containing an update on the security audit team II (EC-XIX/DG.7, dated 3 April 2000). Some delegations expressed the view that declaration data should be loaded onto the security-critical network only with the express consent of the respective State Party.

Destruction processes of sulfur mustard

- 5.11 The Council at its Twentieth Session noted the national paper by the United States of America on the destruction by hydrolysis of 0.5 tonnes of sulfur mustard (HD) (EC-XX/NAT.2, dated 3 May 2000), and adopted the decision on the destruction by hydrolysis of 0.5 tonnes of sulfur mustard for destruction technology assessment (EC-XX/DEC.1, dated 27 June 2000).
- 5.12 The Council at its Twentieth Session noted the national paper by the United States of America on the destruction by hydrolysis of 0.3 tonnes of sulfur mustard (HD) (EC-XX/NAT.1, dated 3 May 2000), and adopted the decision on the destruction by hydrolysis of 0.3 tonnes of sulfur mustard for destruction technology assessment (EC-XX/DEC.2, dated 27 June 2000).

Combined plans for destruction and verification

- 5.13 The Council at its Twentieth Session recalled the requirement of the Convention with regard to the submission of detailed annual plans for the destruction of chemical weapons (Verification Annex, Part IV(A), paragraph 29).
- 5.14 The Council at its Twenty-Second Session adopted the decision on the combined plans for destruction and verification (phase I) of the chemical weapons production facility (production of VX-type substance and filling it into munitions), OJSC "Khimprom", Novocheboksarsk, Russian Federation (EC-XXII/DEC.1, dated 6 December 2000).
- 5.15 The Council at its Twenty-Third Session adopted the decision on the combined plans for the destruction and verification of a chemical weapons production facility, in a State Party (EC-XXIII/DEC.1, dated 21 February 2001), in the context of the Note by

the Director-General on the same subject (EC-XXIII/HP/DG.1, dated 7 December 2000, and its corrigendum contained in EC-XXIII/DG.15, dated 21 February 2001).

Status of implementation of the OPCW Headquarters Agreement

- 5.16 The Director-General informed the Council at its Twentieth and Twenty-Third Sessions on the current status of implementation of the OPCW Headquarters Agreement. The Council noted the statement by the Director-General on this issue (EC-XX/DG.7, dated 28 June 2000).

Agreed detailed plans for the verification of destruction of Category 2 and 3 chemical weapons

- 5.17 The Council at its Twenty-First Session adopted the decision approving the agreed detailed plan for the verification of destruction of Category 3 chemical weapons at Maradykovsky chemical weapons destruction facility, Kirovskaya oblast, Russian Federation (EC-XXI/DEC.4, dated 5 October 2000).
- 5.18 The Council at its Twenty-First Session adopted the decision approving the agreed detailed plan for the verification of destruction of Category 3 chemical weapons at Leonidovka chemical weapons destruction facility, Penzenskaya oblast, Russian Federation (EC-XXI/DEC.5, dated 5 October 2000).

Reports by the Director-General on the financial aspects of judgements number 1987 and 1988 of the International Labour Organisation's Administrative Tribunal

- 5.19 The Council at its Eleventh Meeting took note of the Notes by the Secretariat annexing the International Labour Organisation Administrative Tribunal judgements 1987 and 1988 (S/203/2000, dated 4 August 2000), and addressing the financial implications of the ILO Administrative Tribunal judgement in the classification cases (S/209/2000*, dated 28 August 2000, and Add.1, dated 31 August 2000).
- 5.20 The Council at its Twenty-First Session considered various implications of judgements of the International Labour Organisation's Administrative Tribunal. Many regional groups, as well as a number of delegations and the Director-General, made statements regarding this matter (EC-XXI/NAT.10, EC-XXI/NAT.11, EC-XXI/NAT.12, EC-XXI/NAT.14 and EC-XXI/DG.12, all dated 5 October 2000). Two draft decisions were presented (EC-XXI/NAT.13, and EC-XXI/NAT.15, both dated 5 October 2000). In the light of this discussion, views were expressed that additional information available might be of use, and some delegations invited the Director-General to continue to inform the Council on this issue. In particular, a number of delegations requested the Secretariat to make available, in accordance with the OPCW Financial Regulations, further detailed information in respect of the sources of funding being used to finance the upgrade of posts in accordance with ILO AT judgements, as well as costs associated with such upgraded posts. The Director-

General undertook to submit the results of the new classification study and recommendations on their implementation, as soon as they are available, for an appropriate decision of the Council. The Council decided to address this issue further during the intersessional period.

Classification of posts in the OPCW

- 5.21 The Council at its Twenty-Second Session received the Note by the Secretariat on results of the second job classification study (EC-XXII/TS.2, dated 29 November 2000) and the Note by the Director-General on proposals for grade changes (EC-XXII/DG.8, dated 4 December 2000). Different views were expressed. The Council decided to further consider this item during the intersessional period, and to return to it at its Twenty-Third Session with a view to deciding on it. At its Twenty-Third Session the Council deferred consideration of this issue until its next session.
- 5.22 The Council at its Twenty-Second Session was informed by the Director-General of the results of the review of the 1998 classification exercise (S/227/2000, dated 4 December 2000).

Amendments to the Charter and Administrative Rules of the OPCW Provident Fund

- 5.23 The Council at its Twenty-First Session requested the Director-General, as soon as practicable, to propose amendments to the Charter and Administrative Rules of the OPCW Provident Fund, and to submit any such proposed amendments, together with the Charter and Administrative Rules, for its approval. Any amendments proposed by Council members could be considered at the same time.

Use of the six official languages of the OPCW

- 5.24 The Council at its Twenty-Second and Twenty-Third Sessions considered the national paper submitted by several delegations on the use of official languages of the OPCW (EC-XXII/NAT.5/Rev.1, dated 7 December 2000) and the corresponding draft decision introduced by these States Parties (EC-XXII/NAT.4/Rev.1, also dated 7 December 2000) and decided to return to this item at its next session, with a view to adopting a decision on it.

6. MATTERS UNDER CONSIDERATION BY THE COUNCIL

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

- (a) Draft OPCW programme and budget for 2002
- (b) Draft medium-term plan

- (c) Draft report of the Organisation for 2000
- (d) Report of the Council on the performance of its activities
- (e) Facility agreements
- (f) Combined plans for destruction and verification
- (g) Requests for the conversion of CWPFs for purposes not prohibited under the Convention
- (h) The meaning of “primarily for the development of CW”
- (i) Old and abandoned chemical weapons:
 - (i) guidelines to determine the usability of chemical weapons produced between 1925 and 1946
 - (ii) destruction/verification requirements for OACW
 - (iii) draft section E of the Declaration Handbook, “OCW before 1925”
 - (iv) draft section G of the Declaration Handbook, “ACW”
 - (v) attribution of costs related to inspections of old chemical weapons
- (j) Extension of the Russian Federation’s obligation to meet an intermediate deadline for the destruction of 1 percent of its Category 1 chemical weapons
- (k) Deadlines for submission of information on CWDFs
- (l) Guidelines for determining the frequency of systematic on-site inspections of CWSFs and CWPFs
- (m) Criteria for toxicity, corrosiveness, and, if applicable, other technical factors to be taken into account when converting CWPFs
- (n) Recommendations of the Scientific Advisory Board
- (o) Industry declaration issues:
 - (i) Criteria for making Schedule 2 and Schedule 3 and aggregate national data industry declarations
 - (ii) Methodology for the selection of DOC/PSF plant sites for inspection

- (iii) Past Schedule 1 production above 1 tonne per annum for purposes not prohibited under the Convention
- (iv) Implementation of section B of Part IX of the Verification Annex
- (v) Guidelines regarding boundaries of production for declaration under the provisions of Article VI
- (p) Understandings on access to records during Schedule 2, Schedule 3 and DOC/PSF plant site inspections
- (q) Assessment of the risk posed by Schedule 2 plant sites to the object and purpose of the Convention
- (r) Frequency of inspections at Schedule 1 facilities and Schedule 2 plant sites
- (s) Rounding rules in relation to Schedule 1 chemicals
- (t) Application of the provisions on transfers of Schedule 3 chemicals to States not party to the Convention
- (u) Applicable concentration limits for mixtures of chemicals containing Schedule 2A and 2A* chemicals
- (v) Guidelines for the number, intensity, duration, timing and mode of inspections of Schedule 1 (SSSF) facilities
- (w) Confidentiality issues:
 - (i) Possible national jurisdiction after national immunity is waived
 - (ii) Application of national jurisdiction
 - (iii) Compensation for losses caused by breaches of confidentiality
- (x) Effective starting date for the application of subparagraph 4.4(b) of the OPCW Staff Regulations
- (y) OPCW Staff Rules
- (z) Classification of posts
- (aa) Financial Regulations and Rules of the OPCW
- (bb) Issues related to Article XI
- (cc) Fostering of international cooperation for peaceful purposes in the field of chemical activities

- (dd) Challenge inspection:
 - (i) further operational requirements for equipment in challenge inspections
 - (ii) cost aspects of abuse of challenge inspection
 - (iii) the timing of notifications in challenge inspections
 - (iv) list of activities and elements of preliminary findings and final inspection reports
 - (v) consequences of abuse of the right to a challenge inspection
- (ee) List of new inspection equipment and revised specifications for approved inspection equipment
- (ff) Indication of specific types of equipment for specific types of inspection
- (gg) Procedures for inclusion in the inspection manual concerning the security, integrity and preservation of samples and for ensuring the protection of the confidentiality of samples transferred for off-site analysis
- (hh) Requirements for reporting information to the Council on verification activities, including inspection results
- (ii) Amendments to the Charter and Administrative Rules of the OPCW Provident Fund
- (jj) Proposal for amendments to paragraphs 12 and 14 of the Rules of Procedure of the Council
- (kk) Guidelines for on-site monitoring instruments
- (ll) Use of the six official languages of the OPCW

7. REPORTS TO THE COUNCIL

Reports to the Council on the status of consultations on clusters of issues

- 7.1 In the context of the working method for the Council devised in accordance with the decision of the Conference at its Fourth Session, and at the request of the Chairman of the Council, the following Council Vice-Chairmen and coordinators for clusters of issues reported to the Council at its Twenty-First, Twenty-Second, and Twenty-Third Sessions on informal consultations during the intersessional periods: Mr Mark Albon of South Africa, on chemical weapons issues; Mr Armin Andereya of Chile, on chemical industry and other Article VI issues; Ambassador Mihnea Ioan Motoc of

Romania, on administrative and financial issues; and Mr Amir A. Shadani of Pakistan, on legal, organisational, and other issues.

Reports of the Advisory Body on Administrative and Financial Matters

- 7.2 The Council at its Nineteenth Session noted the report of the eighth session of the Advisory Body on Administrative and Financial Matters (ABAF-VIII/1, dated 4 April 2000).
- 7.3 The Council at its Twenty-Third Session noted the report of the ninth session of the Advisory Body on Administrative and Financial Matters (ABAF-IX/1, dated 12 January 2001), which was introduced by Mr Arnoud Cals, the Chairman of the Advisory Body.

Appointments to ABAF

- 7.4 At its Nineteenth Session the Council noted the resignation of the following members of the Advisory Body: Mr B.N. Jha, and Mr John Fleming, and, in their place, approved the appointment of 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 Pawan Chopra (29 February 2000), and Mr Richard Prosen (27 March 2000).
- 7.5 The Council at its Twenty-First Session noted the resignation of the following member of the Advisory Body on Administrative and Financial Matters: Mr Victor A. Vislykh, and, in his place, approved the appointment to the Advisory Body of the following nominee, with the date of appointment retroactive to the date of the letter of nomination: Mr Vladimir A. Iossifov (8 September 2000).
- 7.6 The Council at its Twenty-Third Session noted the resignation of Mr Pawan Chopra.

Annex: Action taken by the Conference at its Fifth Session in relation to recommendations of the Council

Annex

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

1. Status of implementation of the Convention

Action taken by the Conference at its Fifth Session in relation to this item is reflected in section 2 of this report.

2. Action taken on other matters

Report of the Organisation on the year 1999

2.1 The Conference approved the “Report of the Organisation on the Implementation of the Convention (1 January - 31 December 1999)” (C-V/5, dated 17 May 2000).

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 (30 April 1999 - 2 April 2000)” (EC-XIX/5 C-V/3, dated 7 April 2000).

Recommendations of the Council to the Conference

2.3 The Conference took the following actions on the basis of recommendations and decisions of the Council:

(a) Agreements on the privileges and immunities of the OPCW

(i) The Conference, in accordance with the recommendation of the Council at its Nineteenth Session, adopted the decision approving the negotiated text of the agreement between the Government of the Republic of Kenya and the Organisation for the Prohibition of Chemical Weapons on the privileges and immunities of the OPCW (C-V/DEC.4, dated 17 May 2000).

(ii) The Conference, in accordance with the recommendation of the Council at its Nineteenth Session, adopted the decision approving the negotiated text of the agreement between the Government of the Republic of Latvia and the Organisation for the Prohibition of Chemical Weapons on the privileges and immunities of the OPCW (C-V/DEC.5, dated 17 May 2000).

(iii) The Conference, in accordance with the recommendation of the Council at its Nineteenth Session, adopted the decision approving the negotiated text of the agreement between the Government of the

United Kingdom of Great Britain and Northern Ireland and the Organisation for the Prohibition of Chemical Weapons on the privileges and immunities of the OPCW (C-V/DEC.6, dated 17 May 2000).

(b) 1986 Vienna Convention on the Law of Treaties between States and International Organisations, or between International Organisations

The Conference, in accordance with the recommendation of the Council at its Sixteenth Session, adopted the decision authorising the Director-General, on behalf of the OPCW, to deposit its instrument of accession to the 1986 Vienna Convention on the Law of Treaties between States and International Organisations, or between International Organisations, with the Secretary-General of the United Nations as the Depositary for the Convention (C-V/DEC.7, dated 17 May 2000).

(c) Methodology for selecting Schedule 3 plant sites for inspection

The Conference, in accordance with the recommendation of the Council at its Seventeenth Session, confirmed the Council's decision on the methodology for selecting Schedule 3 plant sites for inspection (EC-XVII/DEC.7, dated 1 December 1999).

(d) Reports of the External Auditor on the financial statements of the OPCW for 1998 and 1999

(i) The Conference noted the audited financial statements of the OPCW and the Provident Fund of the OPCW for the period ended 31 December 1998, and the External Auditor's report and opinion thereon (C-V/DG.1, dated 11 November 1999, and Corr.1*, dated 1 December 1999), including the response of the Director-General to the above-mentioned External Auditor's report. In accordance with OPCW Financial Regulation 13.10, these audited financial statements and the External Auditor's report and opinion thereon had been forwarded to the Conference by the Council at its Seventeenth Session.

(ii) The Conference noted the audited financial statements of the OPCW and the Provident Fund of the OPCW for the period ended 31 December 1999 and the External Auditor's report and opinion thereon (C-V/DG.2, dated 5 April 2000, and Corr.1, dated 9 May 2000), including the response of the Director-General to the above-mentioned External Auditor's report. In accordance with OPCW Financial Regulation 13.10, these audited financial statements and the External Auditor's report and opinion thereon had been forwarded to the Conference by the Council at its Nineteenth Session.

(e) Requests for the use of chemical weapons production facilities for purposes not prohibited under the Convention

- (i) The Conference, in accordance with the recommendation of the Council at its Seventeenth Session, adopted the decision approving the request by the Russian Federation to use the chemical weapons production facility (mustard gas production facility) in Berezniki, for purposes not prohibited under the Convention (C-V/DEC.8, dated 17 May 2000).
- (ii) The Conference, in accordance with the recommendation of the Council at its Seventeenth Session, adopted the decision approving the request by the Russian Federation to use the chemical weapons production facility (mustard gas production facility) in Chapaevsk, for purposes not prohibited under the Convention (C-V/DEC.9, dated 17 May 2000).
- (iii) The Conference, in accordance with the recommendation of the Council at its Seventeenth Session, adopted the decision approving the request by the Russian Federation to use the chemical weapons production facility (filling mustard gas-lewisite mixture into munitions) in Chapaevsk, for purposes not prohibited under the Convention (C-V/DEC.10, dated 17 May 2000).
- (iv) The Conference, in accordance with the recommendation of the Council at its Nineteenth Session, adopted the decision approving the request by the United Kingdom of Great Britain and Northern Ireland to use the chemical weapons production facility, ICI Valley, Rhydymwyn, North Wales, for purposes not prohibited under the Convention (C-V/DEC.11, dated 17 May 2000).
- (v) The Conference, in accordance with the recommendation of the Council at its Nineteenth Session, adopted the decision approving the request by the United Kingdom of Great Britain and Northern Ireland to use the chemical weapons production facility, ICI Randle, Runcorn, Cheshire, for purposes not prohibited under the Convention (C-V/DEC.12, dated 17 May 2000).
- (vi) The Conference, in accordance with the recommendation of the Council at its Nineteenth Session, adopted the decision approving the request by the Russian Federation to use the chemical weapons production facility (DF production), OJSC "Khimprom", Volgograd, for purposes not prohibited under the Convention (C-V/DEC.13, dated 17 May 2000).

(f) Request by the Russian Federation to grant an extension of its obligation to meet an intermediate deadline for destruction of Category 1 chemical weapons stockpiles

- (i) The Conference, in accordance with the recommendation of the Council at its Nineteenth Session adopted the decision on the request by the Russian Federation for an extension of its obligation to meet an intermediate deadline for the destruction of one percent of its Category 1 chemical weapons stockpiles in accordance with paragraph 22 of Part IV(A) of the Verification Annex to the Chemical Weapons Convention (C-V/DEC.14, dated 17 May 2000).
- (ii) The Conference, in accordance with the recommendation of the Council at its Nineteenth Session, adopted the decision on international financial assistance to the Russian Federation for the destruction of its chemical weapons (C-V/DEC.15, dated 17 May 2000).

(g) Annual report of the Office of Internal Oversight

The Conference noted that, in accordance with Financial Regulation 12.5, the annual report of the Office of Internal Oversight for the period from 1 January to 31 December 1999 (attachment to EC-XIX/DG.10, dated 4 April 2000) had been submitted to the Council at its Nineteenth Session before it was submitted to the Conference, and took cognisance of this annual report. The Conference also noted that the Director-General had accepted in full the recommendations contained in the report, and that their implementation had already been initiated.

(h) Implementation of restrictions on transfers of Schedule 2 and Schedule 3 chemicals to and from States not party to the Convention

The Conference, in accordance with the recommendation of the Council at its Nineteenth Session, adopted the decision on the implementation of restrictions on transfers of Schedule 2 and Schedule 3 chemicals to and from States not party to the Convention (C-V/DEC.16, dated 17 May 2000).

(i) Guidelines regarding low concentration limits for declarations of Schedule 2 and 3 chemicals

The Conference, in accordance with the recommendation of the Council at its Tenth Meeting, adopted the decision on guidelines regarding low concentration limits for declarations of Schedule 2 and 3 chemicals (C-V/DEC.19, dated 19 May 2000).

(j) Model facility agreement for chemical weapons destruction facilities

The Conference, in accordance with the recommendation of the Council at its Tenth Meeting, adopted the decision on the model facility agreement for chemical weapons destruction facilities (C-V/DEC.23, dated 19 May 2000).

Election of members of the Council

- 2.4 In accordance with Article VIII, paragraph 23 of the Convention, and with Rule 83 of the Rules of Procedure of the Conference, the following 21 States Parties were elected members of the Council, for a two-year term of office commencing on 12 May 2001:

Africa:	Botswana, Cameroon, Nigeria, Sudan, Tunisia
Asia:	China, India, Japan, Republic of Korea, Saudi Arabia
Eastern Europe:	Bulgaria, Croatia
Latin America and the Caribbean:	Argentina, Brazil, Mexico, Uruguay
Western Europe and Other States:	France, Germany, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America

Programme and budget of the Organisation, submitted by the Executive Council for the ensuing financial period, and all items pertaining to this budget

Programme and budget of the Organisation for 2001

- 2.5 The Conference adopted the decision on the OPCW programme and budget for 2001 (C-V/DEC.18, dated 18 May 2000).

Draft medium-term plan

- 2.6 In the light of the encouragement offered at its Fourth Session for the Secretariat to continue to refine the draft medium-term plan, the Conference noted that the draft medium-term plan 2001 - 2004 (EC-XIX/DEC/CRP.9, dated 3 April 2000), which was received by the Council at its Nineteenth Session, would be further considered by the Council.

Appointment of the Director-General

- 2.7 The Conference, noting the decision of the Council at its Tenth Meeting on the renewal of the appointment of the Director-General (EC-MX/DEC.2, dated 18 May 2000), and in accordance with Rule 16 of the Rules of Procedure of the Conference, approved the recommendations of the Council and of the General

Committee to include the appointment of the Director-General in the agenda of the Conference, as an additional agenda item.

- 2.8 The Conference adopted the decision on the renewal of the appointment of the Director-General (C-V/DEC.22, dated 19 May 2000).

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