



**OPCW**

**Executive Council**

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**REPORT OF THE EXECUTIVE COUNCIL  
ON THE PERFORMANCE OF ITS ACTIVITIES  
IN THE PERIOD FROM 28 JUNE 2008 TO 17 JULY 2009**



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## 1. ORGANISATIONAL MATTERS

- 1.1 The Executive Council (hereinafter “the Council”) is the executive organ of the Organisation for the Prohibition of Chemical Weapons (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 following tables show, by regional grouping, the composition of the Council for the period from 12 May 2008 to 11 May 2009, and from 12 May 2009 to 11 May 2010.

**TABLE 1: COMPOSITION OF THE COUNCIL FROM 12 MAY 2008 TO 11 MAY 2009**

<b>Regional Group</b>	<b>States Parties</b>
Africa	Algeria, Cameroon, Ghana, Lesotho, Libyan Arab Jamahiriya, Nigeria, South Africa, Sudan, and Tunisia
Asia	China, India, Iran (Islamic Republic of), Japan, Kuwait, Malaysia, Pakistan, Republic of Korea, Saudi Arabia, and Sri Lanka
Eastern Europe	Bulgaria, Czech Republic, Russian Federation, Slovakia, and the former Yugoslav Republic of Macedonia
Latin America and the Caribbean	Argentina, Brazil, Chile, Costa Rica, Cuba, Mexico, and Peru
Western European and Other States	Australia, Austria, France, Germany, Italy, Netherlands, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, and United States of America

**TABLE 2: COMPOSITION OF THE COUNCIL FROM 12 MAY 2009 TO 11 MAY 2010**

<b>Regional Group</b>	<b>States Parties</b>
Africa	Algeria, Cameroon, Libyan Arab Jamahiriya, Morocco, Mozambique, Nigeria, South Africa, Sudan, and Tunisia
Asia	China, India, Iran (Islamic Republic of), Japan, Kuwait, Pakistan, Republic of Korea, Saudi Arabia, and Sri Lanka
Eastern Europe	Poland, Russian Federation, Slovakia, the former Yugoslav Republic of Macedonia, and Ukraine
Latin America and the Caribbean	Argentina, Brazil, Chile, Costa Rica, Cuba, Mexico, Peru, and Uruguay
Western European and Other States	Australia, Austria, France, Germany, Italy, Netherlands, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, and United States of America

- 1.3 At its Thirteenth Session, the Conference of the States Parties (hereinafter “the Conference”) adopted decisions on one matter the Council had referred to it, and referred three matters to the Council for consideration.

### **Election of the Chairperson and Vice-Chairpersons of the Council**

- 1.4 At its Fifty-Fifth Session, the Council elected Ambassador Jorge Lomónaco Tonda of Mexico as its Chairperson, and Ambassador Pieter de Savornin Lohman of the Netherlands and the representatives to the Council from the Islamic Republic of Iran, the Russian Federation, and the Sudan as its Vice-Chairpersons, for the period from 12 May 2009 to 11 May 2010.
- 1.5 The following table lists the dates on which the Council held its regular sessions during the period under review.

**TABLE 3: DATES OF REGULAR SESSIONS OF THE COUNCIL**

<b>Session</b>	<b>Dates</b>
Fifty-Fourth	14 – 17 October 2008
Fifty-Fifth	17 – 20 February 2009
Fifty-Sixth	21 – 24 April 2009
Fifty-Seventh	14 – 17 July 2009

- 1.6 The Council held one meeting, its Twenty-Eighth, during the reporting period. The Meeting took place on 27 November and 4 December 2008.

### **Accreditation of representatives to the Council**

- 1.7 The most recent examination of credentials, which the Director-General conducted and reported on to the Council at its Fifty-Seventh Session, in accordance with Rule 4 of its Rules of Procedure (EC-57/DG.7, dated 8 June 2009; and Add.1, dated 9 July 2009), established that the credentials of the representatives of 39 members of the Council met the requirements of Rule 3. In accordance with Rule 5 of those Rules, representatives whose credentials had not yet been presented by the date of the aforementioned report were seated provisionally with the same rights as other representatives.

### **Application of the Rules of Procedure of the Council**

- 1.8 During the period under review, observer States Parties participated actively in all sessions of the Council and in its Twenty-Eighth Meeting, with an average of 33 present at each session or meeting. Each request by observers to present their views was granted under Rule 22 of the aforementioned Rules of Procedure.

### **Working methods of the Council**

- 1.9 During the period under review, the Chairperson of the Council, working in consultation with its Vice-Chairpersons and its members, reviewed and published plans for Council activities (EC-54/INF.1, dated 26 September 2008; EC-56/INF.1, dated 24 March 2009; and EC-57/INF.2, dated 11 June 2009). The first annex to each plan lists clusters of issues under consideration by the Council.

- 1.10 The Chairpersons of the Council acted as coordinators for the Open-Ended Working Group on Terrorism. The Vice-Chairpersons of the Council were designated as coordinators for chemical weapons issues; chemical-industry and other Article VI issues; administrative and financial issues; and legal, organisational, and other issues. Facilitators were also appointed for many of the issues requiring resolution.

## **2. STATUS OF IMPLEMENTATION OF THE CONVENTION**

### **Statements and reports by the Director-General**

- 2.1 In his opening statement to each session of the Council during the period under review, the Director-General elaborated, inter alia, on aspects of compliance by States Parties with the requirements of the Convention, and on related activities undertaken by the Secretariat. He also submitted numerous reports to the Council, either in fulfilment of various requirements of the Convention or in response to requests by the Council or the Conference.

### **Draft report of the OPCW for 2008**

- 2.2 The Council at its Fifty-Seventh Session considered the draft report of the OPCW for 2008 (EC-57/CRP.1, dated 16 April 2009 and C-14/CRP.1, dated 16 July 2009) and referred it to the Conference for its consideration at its Fourteenth Session. Following a decision by the Conference at its Tenth Session and by the Council at its Forty-Ninth, the Secretariat posted this draft report on the OPCW website, clearly indicating that the draft had yet to be considered and approved by the Conference.

### **Agreements on the privileges and immunities of the OPCW**

- 2.3 At its Fifty-Fourth Session, the Council considered and concluded an agreement between the OPCW and the Commonwealth of Dominica on the privileges and immunities of the OPCW (EC-54/DEC.8, dated 15 October 2008).
- 2.4 The Council at its Fifty-Sixth Session considered and concluded an agreement between the OPCW and the Government of the United Arab Emirates on the privileges and immunities of the OPCW (EC-56/DEC.2, dated 22 April 2009).

### **Universality-related activities**

- 2.5 At its Twenty-Third Meeting, the Council adopted an action plan for the universality of the Convention (EC-M-23/DEC.3, dated 24 October 2003). Inter alia, the plan requested the Director-General to submit to the Conference at its regular sessions an annual report on the implementation of the plan and to keep the Council regularly informed, so that the Conference and the Council might review progress and monitor its implementation effectively. The Council at its Fifty-Fourth Session noted a report in this regard for the period from 3 September 2007 to 25 September 2008, which was then submitted to the Conference at its Thirteenth Session (EC-54/DG.13 C-13/DG.5, dated 29 September 2008 and Add.1, dated 18 November 2008).

### **Verification Implementation Report**

- 2.6 The Council at its Fifty-Fourth Session noted the Note by the Director-General on comments and views received on the 2007 Verification Implementation Report (VIR) (EC-53/HP/DG.2, dated 25 June 2008), as well as a corrigendum to the 2007 VIR (EC-53/HP/DG.1/Corr.2, dated 22 September 2008).
- 2.7 Further to its consideration of this issue at its previous session, the Council at its Fifty-Fifth Session considered and noted the Supplement to the 2007 VIR (EC-54/HP/DG.1, dated 29 September 2008).
- 2.8 The Secretariat submitted to the Council at its Fifty-Seventh Session the 2008 VIR (EC-57/HP/DG.1, dated 24 April 2009 and Corr.1, dated 7 July 2009). At this same session, the Council considered and noted the report, as well as both the comments and views received on it (EC-57/DG.9, dated 11 June 2009; and EC-57/HP/DG.2, dated 24 June 2009) and the Chairperson's summary of the consultations on it (EC-57/10, dated 3 July 2009).

### **Optimisation of verification procedures**

- 2.9 Further to its consideration of this issue at its previous sessions, the Council at its Fifty-Fifth Session considered and noted a Note by the Secretariat on the optimisation and efficiency of verification activities (EC-54/S/6, dated 6 October 2008).

### **Evaluation of the programme for implementation support**

- 2.10 Further to its consideration of this issue at its Fifty-Sixth Session, the Council at its Fifty-Seventh Session further considered and noted the Note by the Secretariat on the evaluation of the programme for implementation support (EC-56/S/1, dated 7 April 2009).

### **Implementation of the regime governing the handling of confidential information by the Secretariat**

- 2.11 The Council at its Fifty-Fifth Session considered and noted a report by the Director-General on the implementation of the regime governing the handling of confidential information by the Secretariat in 2008 (EC-55/DG.6 C-14/DG.1, dated 27 January 2009).

### **Progress made in the implementation of Article VII obligations**

- 2.12 Further to a decision by the Conference at its Twelfth Session regarding the implementation of Article VII obligations (C-12/DEC.9, dated 9 November 2007), the Council at its Fifty-Fourth Session noted a Note by the Director-General on the status of implementation of Article VII as at 15 September 2008 (EC-54/DG.8, dated 23 September 2008) and submitted the Note to the Conference for consideration at its Thirteenth Session.



**Reports on the progress made in meeting the revised deadlines for the destruction of chemical weapons**

- 2.13 The Council at its Fifty-Fourth and Fifty-Sixth Sessions noted the Notes by the Director-General on the progress made by those States Parties that have been granted extensions of deadlines for the destruction of their Category 1 chemical weapons (EC-54/DG.12, dated 26 September 2008; and EC-56/DG.9, dated 16 April 2009, respectively).
- 2.14 The Council at its Fifty-Fourth, Fifty-Fifth, and Fifty-Seventh Sessions reaffirmed the obligation of possessor States Parties to destroy their chemical weapons within the extended deadlines, in accordance with the relevant decisions by the Conference at its Eleventh Session, and to that end emphasised the timely commencement of destruction activities at all chemical weapons destruction facilities (CWDFs).
- 2.15 Further to the relevant decisions by the Conference at its Eleventh Session, the Council at each session during the reporting period considered and noted reports by the possessor States Parties on the progress made in meeting the revised deadlines for the destruction of chemical weapons:
- (a) A State Party (EC-54/HP/NAT.2, dated 5 August 2008; and EC-54/HP/NAT.4, dated 29 September 2008);
  - (b) India (EC-54/HP/NAT.1, dated 7 July 2008; EC-55/HP/NAT.2, dated 14 October 2008; EC-55/HP/NAT.4, dated 12 January 2009; and EC-57/HP/NAT.2, dated 4 June 2009);
  - (c) the Libyan Arab Jamahiriya (EC-54/NAT.1, dated 22 July 2008; EC-55/NAT.2, dated 20 October 2008; EC-55/NAT.5, dated 19 January 2009; and EC-57/NAT.1, dated 17 April 2009);
  - (d) the Russian Federation (EC-54/P/NAT.3, dated 22 July 2008; EC-55/P/NAT.1, dated 13 October 2008; EC-55/P/NAT.5, dated 6 January 2009; and EC-57/P/NAT.1, dated 21 April 2009 and Corr.1, dated 18 May 2009); and
  - (e) the United States of America (EC-54/NAT.2, dated 22 July 2008; EC-55/NAT.3, dated 21 October 2008; EC-55/NAT.6, dated 16 January 2009; and EC-57/NAT.2, dated 20 April 2009).
- 2.16 Further to a decision it had taken at its Forty-Sixth Session (EC-46/DEC.4, dated 5 July 2006), the Council at its Fifty-Fourth, Fifty-Fifth, Fifty-Sixth, and Fifty-Seventh Sessions considered and noted national papers by China reporting on the progress made on the issue of chemical weapons abandoned by Japan on the territory of China (EC-54/NAT.4, dated 22 July 2008; EC-55/NAT.4, dated 20 October 2008; EC-55/NAT.8, dated 15 January 2009; and EC-57/NAT.4\*, dated 13 April 2009), and national papers by Japan reporting on the current status of abandoned chemical weapons (ACW) projects in China (EC-54/NAT.3, dated 22 July 2008; EC-55/NAT.1, dated 20 October 2008; EC-55/NAT.7, dated 16 January 2009; and EC-57/NAT.3, dated 17 April 2009).

- 2.17 The Council at its Fifty-Sixth Session considered and noted a Note by the Director-General on adjustments to the schedule for submission by States Parties of the reports on their destruction activities during the extension period after 29 April 2007 (EC-56/DG.7, dated 9 April 2009).

**Visits by representatives of the Council to chemical weapons destruction facilities**

- 2.18 The Council at its Fifty-Fourth Session considered and noted the report of the visit by the Chairperson of the Council and representatives of the Council to the Shchuchye CWDF, the Russian Federation from 8 to 11 September 2008 (EC-54/3\*, dated 6 October 2008).

**Detailed plans for verification of the destruction of chemical weapons**

- 2.19 The Council at its Fifty-Fourth Session considered and approved amendments to the agreed detailed plan for verification of the destruction of chemical weapons at the Recovered Chemical Weapons Destruction Facility, the United States of America (EC-54/DEC.1, dated 14 October 2008).
- 2.20 At this same session, the Council also considered and approved the agreed detailed plan for verification of the destruction of the Category 1 chemical weapons at the CWDF located at Shchuchye, Kurganskaya Oblast, the Russian Federation (EC-54/DEC.5, dated 15 October 2008).
- 2.21 The Council at this same session also considered and approved the agreed detailed plan for verification of the destruction of chemical weapons at the Ruwagha Chemicals Reloading System and Rabta Toxic Chemicals Destruction Facility, the Libyan Arab Jamahiriya (EC-54/DEC.2, dated 14 October 2008).
- 2.22 At its Fifty-Seventh Session, the Council considered and approved amendments to the agreed detailed plan for verification of the destruction of chemical weapons at the Ruwagha Chemicals Reloading System (RCRS) and Rabta Toxic Chemicals Destruction Facility (RTCDF), the Libyan Arab Jamahiriya (EC-57/DEC.1, dated 14 July 2009).
- 2.23 At this same session, the Council also considered and approved amendments to the agreed detailed plan for verification of the destruction of chemical weapons at the Maradykovsky CWDF, Kirovskaya Oblast, the Russian Federation (EC-57/DEC.3, dated 16 July 2009).

**Conversion of chemical weapons production facilities**

- 2.24 Further to noting a Note by the Secretariat on the corrections to the general and detailed plans for conversion of the chemical weapons production facilities (CWPFs) Rabta Pharmaceutical Factory 1 and Rabta Pharmaceutical Factory 2, the Libyan Arab Jamahiriya (EC-53/S/2, dated 11 April 2008) at its previous session, the Council at its Fifty-Fourth Session approved the required corrections to the detailed plans for conversion.

- 2.25 The Council at its Fifty-Fourth Session also noted the Note by the Director-General on the status of completion of conversion of CWPFs (EC-54/DG.17, dated 10 October 2008).
- 2.26 The Council at its Fifty-Fifth Session considered and noted a Note by the Secretariat on the update on progress in converting a former CWPF for purposes not prohibited under the Convention (EC-55/R/S/1, dated 16 January 2009).
- 2.27 At this same session, the Council also considered and noted a Note by the Director-General on the notification by A State Party on changes at the CWPF converted for purposes not prohibited under the Convention (EC-55/DG.1, dated 24 November 2008).
- 2.28 The Council at its Fifty-Sixth Session considered and noted a Note by the Director-General on notification by the Russian Federation of changes at the former CWPF (lewisite production, second train) Open Joint Stock Company “Sibur-Neftekhim”, “Kaproaktam” Plant, Dzerzhinsk, the Russian Federation (EC-56/DG.1, dated 26 February 2009 and Corr.1, dated 8 April 2009).

#### **Facility agreements**

- 2.29 The Council at its Fifty-Fourth Session considered and noted modifications to the facility agreement with the United States of America regarding verification of destruction operations at the Recovered Chemical Weapons Destruction Facility (RCWDF) (EC-54/S/1, dated 25 June 2008).
- 2.30 At this same session, the Council considered and approved a facility agreement with the Russian Federation regarding on-site inspections at the CWDF located at Shchuchye, Kurganskaya Oblast (EC-54/DEC.6, dated 15 October 2008).
- 2.31 The Council at this same session also considered and approved a facility agreement with the Libyan Arab Jamahiriya regarding on-site inspections at the RCRS and RTCDF (EC-54/DEC.7, dated 15 October 2008).
- 2.32 The Council at this same session also considered and noted modifications to the facility agreement with the Kingdom of the Netherlands for a Schedule 1 facility (EC-54/S/5, dated 23 September 2008).
- 2.33 The Council at this same session noted a Note by the Director-General updating it on Schedule 2 facility agreements (EC-54/DG.15, dated 30 September 2008).
- 2.34 Further to its consideration of this issue at its previous sessions, the Council at its Fifty-Sixth Session considered and approved a facility agreement with the United States of America regarding on-site inspections at a Schedule 1 facility (EC-56/DEC.3, dated 23 April 2009).
- 2.35 Further to its consideration of this issue at its Fifty-Fourth and Fifty-Fifth Sessions, the Council at its Fifty-Sixth Session considered and noted two Notes by the Secretariat on amendments and modifications to the facility agreement with the Islamic Republic of Iran for a Schedule 1 protective purposes facility (EC-54/S/7,

dated 13 October 2008; and EC-55/S/1, dated 23 January 2009), and approved the amendments that had been submitted separately to the Council (EC-56/DEC.4, dated 23 April 2009).

- 2.36 The Council at its Fifty-Seventh Session considered and noted modifications to the facility agreement with the Libyan Arab Jamahiriya regarding on-site inspections at the RCRS and RTCDF (EC-57/S/2, dated 11 June 2009).
- 2.37 At this same session, the Council considered and approved modifications to the facility agreement with the Russian Federation regarding on-site inspections at the Maradykovsky CWDF (EC-57/DEC.4, dated 16 July 2009).

#### **Timely submission of declarations under Article VI of the Convention**

- 2.38 Further to a decision of the Council at its Fifty-First Session (EC-51/DEC.1, dated 27 November 2007) and in accordance with the recommendation of the Second Special Session of the Conference of the States Parties to review the Operation of the Convention (hereinafter “the Second Review Conference”) (paragraph 9.60 of RC-2/4, dated 18 April 2008), the Council at its Fifty-Fifth and Fifty-Seventh Sessions noted the Notes by the Director-General on the timely submission by States Parties of declarations under Article VI of the Convention (EC-55/DG.12, dated 5 February 2009; and EC-57/DG.8, dated 11 June 2009 and Corr.1, dated 18 June 2009, respectively).

#### **Revisions to the specifications for items of approved inspection equipment**

- 2.39 The Council at its Fifty-Fourth Session considered a Note by the Director-General on revisions to the specifications for two items of approved inspection equipment (EC-54/DG.3, dated 14 August 2008 and Corr.1, dated 16 September 2008) and approved the revisions proposed (EC-54/DEC.3, dated 14 October 2008).
- 2.40 The Council at its Fifty-Seventh Session considered a Note by the Director-General on revisions to the specifications for two items of approved inspection equipment (EC-57/DG.3, dated 14 May 2009) and approved the proposed revisions to these technical specifications (EC-57/DEC.2, dated 14 July 2009).

#### **Review of operational requirements and technical specifications of the inspection equipment**

- 2.41 Further to the recommendation of the Second Review Conference (paragraph 9.147 of RC-2/4), the Council at its Fifty-Fifth Session noted the Note by the Secretariat on the review of operational requirements and technical specifications first approved by the Conference at its First Session (EC-55/S/5, dated 3 February 2009).

#### **Readiness of the Secretariat to conduct a challenge inspection**

- 2.42 The Council at its Fifty-Fourth Session noted a Note by the Director-General on the update on the Secretariat’s readiness to conduct a challenge inspection (EC-54/DG.9, dated 25 September 2008).

### **OPCW capability to analyse biomedical samples**

- 2.43 The Council at its Fifty-Fourth Session considered and noted a Note by the Secretariat on a proposal for a plan to establish an OPCW capacity for analysis of biomedical samples (EC-54/S/2, dated 30 June 2008).

### **OPCW Central Analytical Database**

- 2.44 The Council at its Fifty-Fourth Session considered a Note by the Director-General on the list of approved data recommended for removal from the OPCW Central Analytical Database (OCAD) (EC-54/DG.2, dated 25 July 2008 and Corr.1, dated 18 September 2008) and approved a draft decision thereon (EC-54/DEC.4, dated 14 October 2008).
- 2.45 The Council at its Fifty-Fifth Session considered a Note containing lists of new validated data (EC-55/DG.3, dated 16 January 2009 and Corr.1, dated 10 February 2009) and approved said lists (EC-55/DEC.1, dated 18 February 2009).
- 2.46 The Council at its Fifty-Seventh Session considered a Note by the Director-General on the list of approved data recommended for removal from the OCAD (EC-57/DG.6, dated 8 June 2009) and approved a draft decision thereon (EC-57/DEC.5, dated 16 July 2009).

### **Status of implementation of Article X**

- 2.47 The Council at its Fifty-Fourth Session noted a report by the Director-General on the status of implementation of Article X of the Convention as at 31 July 2008 (EC-54/DG.10, dated 25 September 2008).
- 2.48 At its Fifty-Fifth Session, the Council decided to consider at its next regular session a report by the Director-General on the status of implementation of Article X of the Convention as at 31 December 2008 (EC-55/DG.5, dated 26 January 2009). Accordingly, the Council at its Fifty-Sixth Session considered and noted the aforementioned report.
- 2.49 Further to a recommendation by the Second Review Conference to the Secretariat to evaluate the effectiveness of current programmes undertaken under Article X (paragraph 9.93 of RC-2/4), at its Fifty-Fifth Session the Council decided to consider at its next regular session the Note by the Secretariat on the matter (EC-55/S/2, dated 28 January 2009). Accordingly, at its Fifty-Sixth Session the Council considered and noted the aforementioned Note (EC-55/S/2; Corr.1, dated 6 March 2009; and Corr.2, dated 16 April 2009) and requested the Secretariat to make the evaluation of the effectiveness of the current Article X programmes an integral part of the status of implementation reports, taking into account the views expressed by and the needs of the States Parties.

### **Status of implementation of Article XI**

- 2.50 Further to its consideration of this issue at its previous sessions, the Council at its Fifty-Seventh Session noted a report by the Director-General on the status of

implementation of Article XI of the Convention as at 31 December 2008 (EC-55/DG.13, dated 5 February 2009).

### **Administrative and financial matters**

#### Programme and Budget of the OPCW for 2009, and all items pertaining to this Budget

- 2.51 The Council at its Fifty-Third Session received the Medium-Term Plan for the period from 2009 to 2011 (EC-53/S/4 C-13/S/1, dated 23 June 2008; Corr.1, dated 13 October 2008; and Corr.2, dated 17 October 2008).
- 2.52 Further to its consideration of this issue at its Fifty-Fourth Session, at its Twenty-Eighth Meeting the Council considered the Draft Programme and Budget for 2009, which the Director-General had submitted to it in accordance with Financial Regulation 3.4. The Council transmitted the Draft Programme and Budget for 2009, with comments, to the Conference at its Thirteenth Session, together with its recommendations (EC-M-28/DEC.1, dated 4 December 2008).

#### Draft Programme and Budget of the OPCW for 2010, and all items pertaining to this Budget

- 2.53 At its Fifty-Seventh Session, the Council received the Draft Programme and Budget of the OPCW for 2010 (EC-57/CRP.2, dated 7 July 2009), and decided to hold consultations on it with a view to considering it further at its Fifty-Eighth Session and transmitting it, with any amendments it deems appropriate, to the Conference at its Fourteenth Session. It also received the Medium-Term Plan for the period from 2010 to 2012 (EC-57/S/8 C-14/S/1, dated 10 July 2009).

#### OPCW income and expenditure

- 2.54 At its Fifty-Fourth Session, the Council considered a report by the Director-General on OPCW income and expenditure for the financial year to 30 June 2008 (EC-54/DG.1, dated 21 July 2008) and forwarded it to the Conference for consideration at its Thirteenth Session.
- 2.55 The Council at this same session also considered a Note by the Director-General on the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2008 (EC-54/DG.11, dated 25 September 2008) and forwarded it to the Conference for consideration at its Thirteenth Session.
- 2.56 The Council at its Fifty-Fifth Session noted two reports by the Director-General on OPCW income and expenditure: one for the financial year to 30 September 2008 (EC-55/DG.2, dated 9 January 2009) and one for the financial year to 31 December 2008 (EC-55/DG.11, dated 5 February 2009).
- 2.57 The Council at its Fifty-Sixth Session noted a report by the Director-General on OPCW income and expenditure for the financial year to 31 March 2009 (EC-56/DG.8, dated 15 April 2009).

Status of implementation by States Parties of agreed multi-year payment plans to regularise the payment of their outstanding annual contributions

- 2.58 Further to a decision of the Conference at its Eleventh Session (C-11/DEC.5, dated 7 December 2006), the Council at its Fifty-Fourth Session considered a Note by the Director-General on the status of implementation by States Parties of agreed multi-year payment plans (EC-54/DG.5 C-13/DG.4, dated 18 September 2008) and forwarded it to the Conference for consideration at its Thirteenth Session.
- 2.59 The Conference at its Twelfth Session approved the proposal by the Republic of Guatemala for a multi-year payment plan to regularise the payment of outstanding annual contributions (C-12/DEC.7, dated 7 November 2007). The Council at its Fifty-Fourth Session noted the Note by the Director-General on the status of implementation of the multi-year payment plan for the Republic of Guatemala (EC-54/DG.6, dated 18 September 2008).

Transfer of funds between programmes

- 2.60 The Council at its Fifty-Fifth Session noted a Note by the Director-General on transfers of funds during 2008 (EC-55/DG.7 C-14/DG.2, dated 2 February 2009).

Adjustment to the Director-General's gross salary

- 2.61 In accordance with a decision of the Conference at its First Special Session (C-SS-1/DEC.4, dated 25 July 2002), stipulating that the terms of appointment of the Director-General shall be subject to adjustments by the Council to keep them in line with those of other executive heads within the United Nations system, the Council at its Fifty-Fifth Session approved a decision adjusting the Director-General's gross salary (EC-55/DEC.2, dated 18 February 2009).

Alignment of travel-related entitlements with those in the United Nations

- 2.62 At its Fifty-Sixth Session, the Council considered and noted a Note by the Director-General on alignment of travel-related entitlements with those in the United Nations (EC-56/DG.4, dated 27 March 2009).

Long-term mechanism for the management of currency-exchange-rate risks

- 2.63 Further to its consideration of this issue at its Fifty-Fourth Session, the Council at its Fifty-Seventh Session considered and noted a Note by the Director-General on a long-term mechanism for the management of the risks associated with currency-exchange rates (EC-54/DG.14, dated 30 September 2008).

Guidelines for voluntary contributions and trust funds

- 2.64 The Council at its Fifty-Fourth Session noted the Note by the Director-General on guidelines for voluntary contributions and trust funds (EC-54/DG.4, dated 21 August 2008).

Classification of new posts and reclassification of existing posts

- 2.65 The Council at its Fifty-Fifth Session considered and approved the Note by the Director-General on the classification of new posts and reclassification of existing posts (EC-55/DG.10, dated 5 February 2009).
- 2.66 Further to its consideration of this issue at its previous session, the Council at its Fifty-Seventh Session considered and approved the Note by the Director-General on the reclassification of posts (EC-56/DG.3, dated 26 March 2009 and Add.1, dated 24 June 2009).

Introduction of the International Public Sector Accounting Standards

- 2.67 The Council at its Fifty-Seventh Session considered and noted a report by the Director-General on the introduction of the International Public Sector Accounting Standards (IPSAS) (EC-57/DG.12, dated 19 June 2009).

Report of Security Audit Team V

- 2.68 At its Fifty-Fourth and Fifty-Seventh Sessions, the Council noted the Notes by the Director-General on the report of the Security Audit Team V (SAT-V) (EC-54/DG.16, dated 7 October 2008; and EC-57/DG.1, dated 3 April 2009, respectively).

Report of the Council on the performance of its activities

- 2.69 The Council at its Fifty-Fourth Session considered and approved its draft report on the performance of its activities in the period from 30 June 2007 to 27 June 2008 (EC-54/4 C-13/2, dated 15 October 2008) and submitted it to the Conference for consideration at its Thirteenth Session.

Implementation of the Programme for Africa

- 2.70 Recalling that the Council at its Fifty-Second Session had requested the Director-General to implement the “Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention” as soon as possible, as well as to provide feedback on a regular basis on the activities and progress made in this regard, the Council at its Fifty-Fourth Session welcomed the positive steps that the Secretariat is undertaking on the implementation of the Programme for Africa (paragraph 8.1 of EC-54/5, dated 17 October 2008). In this regard, the Council at this same session noted that the African States Parties had expressed their appreciation to donor States Parties for their voluntary contributions and encouraged further voluntary contributions through the Programme for Africa.

**3. OTHER DECISIONS AND ACTIONS OF THE COUNCIL**

**Appointment of the Director-General**

- 3.1 The Chairperson of the Council, Ambassador Oksana Tomová of Slovakia, submitted to the Council at its Fifty-Sixth Session a report (EC-56/3, dated 16 April 2009)



reflecting her views on the consultations that she had started on issues related to the appointment of the Director-General. The subsequent Chairperson, Ambassador Jorge Lomónaco Tonda of Mexico, submitted to the Council at its Fifty-Seventh Session a Note (EC-57/13, dated 13 July 2009) reflecting his views on the consultations that he had held since 12 May 2009 on issues related to the appointment of the Director-General.

- 3.2 On 15 July 2009, candidates nominated by the Governments of Algeria, Finland, Germany, Indonesia, Switzerland, Turkey, and the United Kingdom of Great Britain and Northern Ireland made presentations to two consecutive informal sittings of the Council, attended by interested States Parties.
- 3.3 At its Fifty-Seventh Session, the Council considered and noted a statement by the Chairperson (EC-57/15, dated 16 July 2009) containing a road map for the appointment to the position of Director-General.

#### **Reports on the implementation of the recommendations of the Office of Internal Oversight and of the External Auditor**

- 3.4 The Council at its Fifty-Fourth Session noted a Note by the Secretariat on the status of implementation of the recommendations of the External Auditor (EC-54/S/4, dated 4 September 2008 and Corr.1, dated 30 September 2008).
- 3.5 Further to its consideration of this issue at its previous session, the Council at its Fifty-Sixth Session noted a Note by the Secretariat on the status of implementation of the recommendations of the External Auditor (EC-55/S/6, dated 6 February 2009).
- 3.6 Further to its consideration of this issue at its Fifty-Sixth Session, the Council at its Fifty-Seventh Session noted a report by the Director-General on the implementation in 2008 of the recommendations contained in the 2007 annual report of the Office of Internal Oversight (OIO) (EC-56/DG.5, dated 27 March 2009).

#### **Report of the External Auditor and the audited financial statements of the OPCW for 2007**

- 3.7 Having received at its previous session the financial statements of the OPCW and the report of the External Auditor for the year ending 31 December 2007 (EC-53/DG.10 C-13/DG.3, dated 16 June 2008), the Council at its Fifty-Fourth Session further considered and noted this document.

#### **Report of the External Auditor and the audited financial statements of the OPCW for 2008**

- 3.8 At its Fifty-Seventh Session, the Council considered and noted the financial statements of the OPCW and the report of the External Auditor for the year ending 31 December 2008 (EC-57/DG.13\* C-14/DG.4, dated 24 June 2009 and Corr.1, dated 15 July 2009).

### **Report of the Office of Internal Oversight for 2008**

- 3.9 Further to its consideration of this issue at its Fifty-Sixth Session, the Council at its Fifty-Seventh Session considered and noted the annual report of the OIO for the period from 1 January to 31 December 2008 and an accompanying Note by the Director-General (EC-56/DG.6 C-14/DG.3, dated 3 April 2009) that the Director-General had submitted to the Council in accordance with Regulation 12.5 of the OPCW Financial Regulations.

### **Status report on the Verification Information System**

- 3.10 The Council at its Fifty-Fifth Session noted the Note by the Secretariat on the status report on the Verification Information System (VIS) (EC-55/S/3, dated 30 January 2009).

## **4. MATTERS REFERRED TO THE COUNCIL BY THE CONFERENCE AT ITS THIRTEENTH SESSION**

### **Implementation of Article X**

- 4.1 At its Twelfth Session, the Conference requested the Council to conduct intensive deliberations to develop measures for emergency assistance to Member States, including with regard to the victims of chemical weapons, as provided in Article X of the Convention, and to report to the Conference at its Thirteenth Session, along with any appropriate recommendations.
- 4.2 The Conference at its Thirteenth Session requested the Council to continue further intensive deliberations in line with the above-mentioned mandate, given to it by the Conference at its Twelfth Session, and to report to the Conference at its Fourteenth Session.

### **Implementation of Article XI**

- 4.3 The Conference at its Twelfth Session requested the Council, pursuant to previous decisions, to continue its intensive consultations at regular intervals to develop concrete measures within an agreed framework to ensure the full implementation of Article XI, and to report back to the Conference for consideration at its Thirteenth Session.
- 4.4 Recalling the report of the Council at its Fifty-Fourth Session (EC-54/5, dated 17 October 2008), in particular paragraph 5.28, which noted a proposal initiated by the delegation of Cuba to convene a workshop to explore ways and means for the full implementation of Article XI, the Conference at its Thirteenth Session recommended the Council to continue and to intensify their deliberations on the elaboration of all the aspects of the workshop, taking into account all the views expressed on it, with a view to convening this workshop before the Fourteenth Session of the Conference.
- 4.5 At its Thirteenth Session, the Conference also requested the Council to continue to work, pursuant to previous decisions, to intensify consultations at regular intervals to develop concrete measures within an agreed framework to ensure the full

implementation of Article XI, and to report back to the Conference for consideration at its Fourteenth Session.

## **5. MATTERS FOR CONSIDERATION OR ACTION BY THE CONFERENCE AT ITS FOURTEENTH SESSION<sup>1</sup>**

- 5.1 For ease of reference, this section presents material that also appears elsewhere in the present report.

### **Draft report of the OPCW for 2008**

- 5.2 The Council at its Fifty-Seventh Session considered the draft report of the OPCW for 2008 (EC-57/CRP.1 and C-14/CRP.1) and forwarded it to the Conference for consideration at its Fourteenth Session.

## **6. MATTERS UNDER CONSIDERATION BY THE COUNCIL**

- 6.1 The Council's Open-Ended Working Group on Terrorism continued its work.
- 6.2 The following is a list of other matters that were under consideration by the Council at the end of the reporting period:

### Chemical weapons issues

- (a) general and annual plans for the destruction of CWPFs, annual reports on destruction, and detailed and combined plans for the conversion of CWPFs;
- (b) the meaning of "primarily for the development of chemical weapons", declaration criteria for former chemical weapons development facilities (facilities designed, constructed, or used since 1 January 1946 primarily for the development of chemical weapons);
- (c) old and abandoned chemical weapons (OACWs):
  - (i) guidelines for determining the usability of chemical weapons produced between 1925 and 1946;
  - (ii) destruction and verification requirements for OACWs;
  - (iii) draft section E of the Declarations Handbook, "Old Chemical Weapons before 1925";
  - (iv) draft section G of the Declarations Handbook, "Abandoned Chemical Weapons";
  - (v) new discoveries of old chemical weapons (OCWs); and
  - (vi) the attribution of costs related to inspections of OCWs;

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This section includes only those matters that were forwarded by the Council to the Conference within the period covered by this report: 28 June 2008 to 17 July 2009.

- (d) general and annual plans for the destruction of chemical weapons and annual reports on destruction;
- (e) reports on progress in meeting revised deadlines for the destruction of chemical weapons;
- (f) chemical weapons-related facility agreements;
- (g) assistance and protection against chemical weapons;
- (h) deadlines for the submission of information on CWDFs;
- (i) guidelines for determining the frequency of systematic on-site inspections of chemical weapons storage facilities (CWSFs) and CWPFs;
- (j) criteria for toxicity and corrosiveness and, if applicable, other technical factors to be taken into account in regard to the conversion of CWPFs;
- (k) consideration of developments in relation to additional chemicals that may be relevant to the Convention, and the assessment, inter alia, of whether these compounds should be considered in the context of the schedules of chemicals;
- (l) optimisation of verification activities at chemical weapons stockpiles, as well as of their destruction and its effectiveness;
- (m) the status of conversion of former CWPFs for purposes not prohibited under the Convention, and a concept for verification measures for such converted facilities; and
- (n) the nature of continued verification activities at converted facilities upon completion of the 10-year period following the completion of conversion;

Chemical-industry and other Article VI issues

- (o) recommendations of the Scientific Advisory Board (SAB);
- (p) developments in science and technology since the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention;
- (q) industry declaration issues:
  - (i) harmonisation of the reporting of aggregate national data (AND) on the production of Schedule 3 chemicals;
  - (ii) past Schedule 1 production above one metric tonne per year for purposes not prohibited under the Convention;
  - (iii) transfer discrepancies;

- (iv) the implementation of section B of Part IX, of the Verification Annex to the Convention (hereinafter “the Verification Annex”);
  - (v) understanding on access to records during Schedule 2, Schedule 3, and discrete organic chemical/phosphorus, sulfur, and fluorine (DOC/PSF) plant-site inspections;
  - (vi) assessment of the risk posed by Schedule 2 plant sites to the object and purpose of the Convention;
  - (vii) verification at Schedule 1 facilities;
  - (viii) the frequency of inspections at Schedule 1 facilities and Schedule 2 plant sites;
  - (ix) consideration of the need to establish other measures regarding transfers of Schedule 3 chemicals to States not Party under paragraph 27 of Part VIII of the Verification Annex;
  - (x) applicable concentration limits for mixtures of chemicals containing Schedule 2A and 2A\* chemicals;
  - (xi) guidelines for the number, intensity, duration, timing, and mode of inspections of single small-scale Schedule 1 facilities;
  - (xii) guidelines for the number, intensity, duration, timing, and mode of inspections for other Schedule 1 facilities;
  - (xiii) consideration of whether to require submissions of information when plants or plant sites that have been declared as undertaking activities in relation to Schedule 2 or Schedule 3 cease to do so;
  - (xiv) study of the issue of a *de minimis* rule for the notification of transfers of Schedule 1 chemicals;
  - (xv) improvements in the submission and handling of industry declarations;
  - (xvi) refinements in the conduct of inspections to improve the consistency, effectiveness, and efficiency of industry inspections;
  - (xvii) a study of the need for a recommendation about the future treatment of salts of Schedule 1 chemicals that are not explicitly mentioned in Schedule 1; and
  - (xviii) late submission of declarations;
- (r) industrial-facility agreements;

Administrative and financial issues

- (s) confidentiality issues:
  - (i) possible national jurisdiction after national immunity is waived;
  - (ii) the application of national jurisdiction;
  - (iii) compensation for losses caused by breaches of confidentiality;
  - (iv) guidelines regarding the long-term handling of confidential information;
- (t) the Draft OPCW Programme and Budget for 2010;
- (u) the OPCW Interim Staff Rules and amendments to Staff Regulation 3.3;
- (v) classification of posts;
- (w) reports on the implementation of the recommendations of the OIO and of the External Auditor;
- (x) study of the situation with regard to the classification of information held by the OPCW;
- (y) amendments to the OPCW Policy on Confidentiality; and
- (z) development of guidelines for the offers and utilisation of voluntary funds contributed by individual States Parties and regional and other groups;

Legal, organisational, and other issues

- (aa) the full implementation of Article XI of the Convention;
- (bb) challenge inspections:
  - (i) further operational requirements for equipment in challenge inspections;
  - (ii) costs associated with the abuse of challenge inspections;
  - (iii) the timing of notifications in connection with challenge inspections;
  - (iv) lists of activities and elements of preliminary factual findings and final inspection reports; and
  - (v) consequences of abusing the right to a challenge inspection;
- (cc) the indication of specific types of equipment for certain types of inspection;
- (dd) sampling procedures;

- (ee) requirements for reporting information to the Council on verification activities, including inspection results;
- (ff) agreements on privileges and immunities, and agreements with international organisations; a draft memorandum of understanding between the OPCW and the World Customs Organization;
- (gg) the report of the Council on the performance of its activities;
- (hh) verification-implementation reports;
- (ii) guidelines for on-site monitoring instruments;
- (jj) progress reports on the implementation of the plan of action regarding the implementation of Article VII obligations;
- (kk) further development of international-cooperation programmes after an evaluation of their effectiveness and with a view to maximising resource use; and
- (ll) progress report on the implementation of the action plan for the universality of the Convention.

## **7. REPORTS TO THE COUNCIL**

### **Reports of the Advisory Body on Administrative and Financial Matters**

- 7.1 Further to its consideration of this issue at its Fifty-Third Session, the Council at its Fifty-Fourth Session considered and noted the report of the Twenty-Fourth Session of the Advisory Body on Administrative and Financial Matters (ABAF), which took place from 2 to 5 June 2008 (ABAF-24/1, dated 5 June 2008), and the Note by the Director-General containing his comments on the recommendations made by the ABAF at that session (EC-53/DG.13, dated 20 June 2008).
- 7.2 At its Fifty-Fourth Session, the Council also considered and noted the report of the Twenty-Fifth Session of the ABAF, which took place from 1 to 4 September 2008 (ABAF-25/1, dated 4 September 2008), and the Note by the Director-General containing his comments on that report (EC-54/DG.7, dated 19 September 2008).
- 7.3 The Council at its Fifty-Seventh Session considered and noted the report of the Twenty-Sixth Session of the ABAF, which took place from 25 to 28 May 2009 (ABAF-26/1, dated 28 May 2009), and the Note by the Director-General containing comments on that report (EC-57/DG.11, dated 18 June 2009).
- 7.4 The Council at its Fifty-Sixth and Fifty-Seventh Sessions noted the Notes by the Secretariat on additional nominations for members of the ABAF, containing the curricula vitae that were made available to the Secretariat (EC-56/S/2, dated 8 April 2009; and EC-57/S/7, dated 9 July 2009, respectively).

### **Appointments to the Advisory Body on Administrative and Financial Matters**

- 7.5 At its Fifty-Fourth Session, the Council noted the resignations of Mr Dong-Gy Lee, Ms Libuse Pechata, and Mr Vijai Sharma from the ABAF.
- 7.6 Further to considering this issue at its previous session, the Council at its Fifty-Fifth Session considered the Note by the Secretariat on additional information regarding nominations of members of the ABAF (EC-55/S/4/Rev.1, dated 13 February 2009) and approved the appointments of Mr Peter Beerwerth, Ms Su-Jin Cho, Mr Milan Kerber, Mr Rajive Kumar, Mr Saïd Moussi, Mr Marthinus van Schalkwyk, and Mr El Mostafa Trifaia.
- 7.7 The Council at its Fifty-Sixth Session noted the resignations of Mr Gao Huijun and Mr Vladimir A. Iossifov from the ABAF and approved the appointments of Mr Andrei Vitalievitch Kovalenko and Mr Xiong Shuiling.
- 7.8 The Council at its Fifty-Seventh Session noted the resignation of Mr Ali Reza Hajizadeh from the ABAF and approved the appointment of Mr Ali Gholampour.

### **Reports of the Scientific Advisory Board**

- 7.9 Further to its consideration of this issue at its previous sessions, the Council at its Fifty-Fourth Session noted the report of the Eleventh Session of the SAB (SAB-11/1, dated 13 February 2008 and Corr.1, dated 5 March 2008).
- 7.10 Further to its consideration of this issue at its previous sessions, the Council at the same session also noted the Note by the Director-General in response to the report of the Eleventh Session of the SAB (EC-52/DG.11, dated 27 February 2008 and Corr.1, dated 4 March 2008).
- 7.11 Further to its consideration of this issue at its previous session, the Council at its Fifty-Sixth Session noted the report of the Twelfth Session of the SAB (SAB-12/1, dated 26 November 2008).
- 7.12 Further to its consideration of this issue at its previous session, the Council at the same session also noted the Note by the Director-General in response to the report of the Twelfth Session of the SAB (EC-55/DG.4, dated 22 January 2009).
- 7.13 Further to a recommendation by the Second Review Conference (paragraph 9.133 of RC-2/4), the Council at this same session also received a report from the Chairperson of the Council (EC-56/2/Rev.1, dated 16 April 2009) on the meeting of governmental experts to review the report of the SAB submitted to the Second Review Conference (RC-2/DG.1, dated 28 February 2008 and Corr.1, dated 5 March 2008), and welcomed the intention of the Director-General to provide it with advice on how to enhance the interaction between the SAB and States Parties, as well as the policy-making organs, in accordance with paragraph 9.134 of the report of the Second Review Conference (RC-2/4).



- 7.14 At its Fifty-Seventh Session, the Council noted the report of the Thirteenth Session of the SAB (SAB-13/1, dated 1 April 2009), and also noted the Note by the Director-General in response to the report (EC-57/DG.2, dated 13 May 2009).
- 7.15 The Council received a Note by the Director-General on the terms of office of members of the SAB (EC-57/DG.14 C-14/DG.5, dated 1 July 2009) and welcomed the proposal by the Director-General contained in this Note, to be submitted to the Conference at its Fourteenth Session.

#### **Report of the Office of Internal Oversight for 2007**

- 7.16 Further to considering this matter at its Fifty-Third Session, the Council at its Fifty-Fourth Session considered and noted the annual report of the OIO for the period from 1 January to 31 December 2007, as well as an accompanying Note by the Director-General (EC-53/DG.3, dated 2 April 2008) that he had submitted to it in accordance with Regulation 12.5 of the OPCW Financial Regulations. The Council transmitted this report and the Director-General's cover Note to the Conference for consideration at its Thirteenth Session.

#### **Report by the Committee on Relations with the Host Country**

- 7.17 At its Eleventh Session, the Conference adopted a decision establishing a Committee on Relations with the Host Country (C-11/DEC.9, dated 7 December 2006). The Council at its Fifty-Fourth Session considered and noted a report of the Committee on Relations with the Host Country on the performance of its activities in 2008 and submitted it to the Conference for consideration at its Thirteenth Session (EC-54/HCC/1, dated 14 October 2008).

#### **Annex:**

**Actions Taken by the Conference of the States Parties at its Thirteenth Session in Response to Recommendations Made by the Executive Council at its Fifty-Fourth Session and its Twenty-Eighth Meeting**

**Annex**

**ACTIONS TAKEN BY THE CONFERENCE OF THE STATES PARTIES AT  
ITS THIRTEENTH SESSION IN RESPONSE TO RECOMMENDATIONS  
MADE BY THE EXECUTIVE COUNCIL AT ITS FIFTY-FOURTH SESSION  
AND ITS TWENTY-EIGHTH MEETING**

**Report of the Council on the performance of its activities**

1. At its Thirteenth Session, the Conference noted the report of the Council on the performance of its activities in the period from 30 June 2007 to 27 June 2008 (EC-54/4 C-13/2), which the Council at its Fifty-Fourth Session had submitted to it. The report was introduced by the Chairperson of the Council, Ambassador Oksana Tomová of Slovakia, who also briefed the Conference on the developments that had taken place since the cut-off date for the report.

**OPCW Programme and Budget for 2009 and all items pertaining to this Budget**

2. In accordance with subparagraph 21(a) of Article VIII of the Convention and with Financial Regulation 3.6(a), the Conference at its Thirteenth Session considered and adopted the OPCW Programme and Budget for 2009, which the Council at its Twenty-Eighth Meeting had submitted to it (C-13/DEC.5, dated 5 December 2008).

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