



OPCW

Executive Council

Seventy-Sixth Session
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**ISSUES UNDER REGULAR CONSULTATION AND OUTSTANDING ISSUES ON THE
AGENDA OF THE EXECUTIVE COUNCIL**

The Chairperson of the Executive Council (hereinafter “the Council”) has consulted with the Vice-Chairpersons on the issues under regular consultation and outstanding issues on the agenda of the Council. The present document includes the resulting updates.

Annexes:

Annex 1: Issues Under Regular Consideration by the Executive Council
Annex 2: Outstanding Issues



Annex 1

ISSUES UNDER REGULAR CONSIDERATION BY THE EXECUTIVE COUNCIL¹

Issue	Mandate	Facilitator	Remarks
Open-Ended Working Group on Terrorism: H.E. Dr Olexander Horin of Ukraine, Chairperson of the Council			
	Paras. 7.10 and 7.78, RC-1/5, dated 9 May 2003; para. 9.10, RC-2/4, dated 18 April 2008; paras. 12.3 and 12.4, EC-60/3, dated 22 April 2010; para. 9.146, RC-3/3*, dated 19 April 2013	H.E. Dr Nimota Nihinlola Akanbi of Nigeria	Established by EC-XXVII/DEC.5, dated 7 December 2001; annual reporting by the DG EC-63/WP.1, dated 7 February 2011
Issues Relating to Improvement of the Methodology of the Work of the Council: H.E. Dr Olexandr Horin of Ukraine, Chairperson of the Council			
	Para. 15.3, EC-67/3, dated 27 March 2012; para. 13.3, EC-68/3, dated 4 May 2012; paras. 4.2 and 4.3, EC-71/3, dated 21 February 2013		Para. 14.1, EC-74/5, dated 11 October 2013: the Chairperson is expected to report on continuing consultations on the appointment of facilitators at the next regular session of the Council
I. Chemical Weapons Issues – Coordinator: H.E. Mr Miguel Eduardo Calahorrano Camino of Ecuador Vice-Chairperson of the Council			
I.1	General and annual plans for the destruction of chemical weapons, and annual reports on destruction	Para. 7.43, RC-1/5; para. 9.31, RC-2/4	Briefings on the progress in chemical weapons destruction are held during the formal sittings of the Council in accordance with subpara. 3(d) of C-16/DEC.11, dated 1 December 2011.

¹ In accordance with para. 13.1 of EC-73/6, dated 19 July 2013, the Director-General is to submit to each regular session of the Council an updated version of the matrix document based on the report of the Third Review Conference (RC-3/3*), containing, inter alia, mandates, recommendations, and facilitations in the various clusters of the Council. The latest version of the matrix has been issued under the symbol of EC-75/S/7, dated 18 February 2014.

I.2	Reports on progress in the destruction of chemical weapons	Subpara. 9.62(b), RC-3/3*		C-16/DEC.11; EC-67/DEC.6, dated 15 February 2012
I.3	General and annual plans for the destruction of CWPFs, annual reports on destruction, and detailed and combined plans for the conversion of CWPFs	Para. 7.53, RC-1/5; para. 9.38, RC-2/4; subpara. 9.67(b), RC-3/3*		Briefings on the progress in CWPF destruction are held during the formal sittings of the Council.
I.4	Assistance and protection against chemical weapons	Paras. 7.92, 7.93, 7.95, and 7.103, RC-1/5; para. 9.104, RC-2/4; para. 9.11, C-14/5, dated 4 December 2009; C-16/DEC.13, dated 2 December 2011	Ms Sarah Broughton (United Kingdom of Great Britain and Northern Ireland)	Annual reporting; paras. 6.25, 6.26, EC-74/5; paras. 9.19, 9.20, 9.21, C-18/5, dated 5 December 2013: in accordance with C-16/DEC.13, the Director-General is to report every two years through the Council to the Conference on the status of implementation of the International Support Network for Victims of Chemical Weapons. A briefing on the status of implementation of Article X is scheduled for EC-76.
I.5	Quality review of the verification of chemical weapons stockpiles, as well as of their destruction and its effectiveness	Paras. 7.39(i) and 7.46, RC-1/5; para. 9.48, RC-2/4		The Secretariat continues to report to the Council on measures taken and the progress made in the optimisation of the verification activities.

I.6	Status of the conversion of former CWPFs for purposes not prohibited under the Convention, and a plan for verification measures for facilities thus converted	Paras. 7.52 and 7.53, RC-1/5; para. 7.8, EC-33/3, dated 26 June 2003; para. 9.38, RC-2/4; subpara. 9.67(b), RC-3/3*		Briefings on the progress in former CWPF conversion are held during the formal sittings of the Council.
II. Chemical Industry and Other Article VI Issues – Coordinator: H.E. Mr Francesco Azzarello of Italy Vice-Chairperson of the Council				
II.1	Implementation of Section B of Part IX of the Verification Annex	Para. 7.69, RC-1/5; paras. 9.50 and 9.64, RC-2/4; para. 9.73, RC-3/3*		EC-65/WP.1, dated 10 June 2011; para. 4.3, EC-67/3; EC-73/WP.1*, dated 16 July 2013; EC-75/WP.1, dated 4 March 2014
II.2	Enhancement of OCPF declarations	Para. 9.65, RC-2/4; para. 9.94 and subparas. 9.95(f) and (g), RC-3/3*		
III. Administrative and Financial Issues – Coordinator: H.E. Mr Rajesh Nandan Prasad of India Vice-Chairperson of the Council				
III.1	Draft Programme and Budget of the OPCW Medium-Term Plan	Para. 7.127, RC-1/5 Paras. 9.143 and 9.144, RC-2/4; para. 9.149, RC-3/3*	Mr Hugues Fantou (France) Ambassador Mauricio Aguilar Robles (Honduras)	Introduced by the DG prior to the submission to the Council; facilitations are held prior to an action by the Council.
III.2	Reports on the implementation of the recommendations of the Office of Internal Oversight and of the External Auditor	Subpara. 12.2(h), C-VI/6, dated 19 May 2001; subpara. 7.2(b), EC-M-XII/3, dated 4 May 2001	Ms Sakiko Hayakawa (Japan)	Frequency of reporting will remain semi-annually (para. 7.2, EC-59/4, dated 26 February 2010).
III.3	Report of the External Auditor on the financial statements of the OPCW		Ms Sakiko Hayakawa (Japan)	
III.4	Report of the Office of Internal Oversight		Ms Sakiko Hayakawa (Japan)	

**IV. Legal, Organisational, and Other Issues – Coordinator: H.E. Mrs Odette Melono of Cameroon
Vice-Chairperson of the Council**

<p>IV.1 Full implementation of Article XI: Fostering of international cooperation for peaceful purposes in the field of chemical activities</p>	<p>Paras. 7.104 to 7.109, RC-1/5; para. 9.117, RC-2/4; para. 17.2, C-11/5, dated 8 December 2006; para. 3, C-12/DEC.10, dated 9 November 2007; paras. 1 and 5, C-14/DEC.11, dated 4 December 2009; C-16/DEC.10, dated 1 December 2011; subpara. 9.131(c), RC-3/3*</p>	<p>Mr Tariq Karim (Pakistan)</p>	<p>Para. 6.24, EC-74/5; para. 17.4, C-18/5; paras. 7.28 to 7.30, EC-75/2, dated 7 March 2014. An oral report by the facilitator and a presentation by the Secretariat on “Article XI Activities and Programme, Plan for 2014” were received by the Council at EC-75.</p>
<p>IV.2 Verification implementation reports</p>			<p>Annual consultations are held by the Council Chairperson prior to the summer Council session.</p>
<p>IV.3 Progress report on the implementation of obligations under Article VII</p>	<p>C-8/DEC.16, dated 23 October 2003; para. 9.76, RC-2/4; C-13/DEC.7, dated 5 December 2008; C-14/DEC.12, dated 4 December 2009; para. 9.103, RC-3/3*</p>	<p>Dr Zlatko Dimitroff (Bulgaria)</p>	<p>The first round of presentations on national implementation measures took place under the form of a side event in the margins of the Eighteenth Session of the Conference of the States Parties. It was concluded that such presentations should become a routine event during the annual sessions of the Conference, as a practical method for cooperation among the States Parties and between them and the Secretariat. A briefing on the status of implementation of Article VII is scheduled for EC-76.</p>

<p>IV.4 Further development of international-cooperation programmes after an evaluation of their effectiveness and with a view to maximising resource use</p>	<p>Para. 7.109, RC-1/5; para. 9.116, RC-2/4</p>		
<p>IV.5 Progress reports on the implementation of the action plan for the universality of the Convention</p>	<p>EC-M-23/DEC.3, dated 24 October 2003; para. 5, C-14/DEC.7, dated 2 December 2009; C-16/DEC.16, dated 2 December 2011; subpara. 9.39(d), RC-3/3*</p>	<p>Ambassador Dziunik Aghajanian (Armenia)</p>	

Annex 2

OUTSTANDING ISSUES²

Issue	Mandate	Facilitator	Remarks
I. Chemical Weapons Issues – Coordinator: H.E. Mr Miguel Eduardo Calahorrano Camino of Ecuador Vice-Chairperson of the Council			
I.1 Chemical weapons issues: The meaning of “primarily for the development of chemical weapons”; Declaration criteria for former facilities designed, constructed, or used since 1 January 1946 primarily for the development of chemical weapons	Para. 101, PC-XVI/37, dated 15 April 1997		
I.2 ACWs: Destruction and verification requirements for ACWs; Draft section G of the Declarations Handbook, “ACWs”	Paras. 109 and 111, PC-XVI/37 Paras. 114, PC-XVI/37		
I.3 OCWs: Guidelines for determining the usability of chemical weapons produced between 1925 and 1946;	Para. 5, Part IV(B), Verification Annex; subpara. 12(n) and para. 74, PC-XVI/37		A decision is specifically required by the Convention.

² In accordance with para. 13.1 of EC-73/6, the Director-General is to submit to each regular session of the Council an updated version of the matrix document based on the report of the Third Review Conference (RC-3/3*), containing, inter alia, mandates, recommendations, and facilitations in the various clusters of the Council.

Issue	Mandate	Facilitator	Remarks
<p>Destruction and verification requirements for OCWs; Draft section E of the Declarations Handbook, “OCWs before 1925”; New discoveries of OCWs</p>	<p>Paras. 109 and 111, PC-XVI/37 Paras. 113, PC-XVI/37 Para. 9.36, RC-2/4; subpara. 9.62(e), RC-3/3*</p>		
<p>I.4 Attribution of costs related to inspections of OCWs</p>	<p>Para. 112, PC-XVI/37; para. 7.54, RC-1/5</p>		<p>A decision is required on this issue to ensure the proper allocation of costs.</p>
<p>I.5 Guidelines for determining the frequency of systematic on-site inspections of CWPFs</p>	<p>Para. 54, Part V, Verification Annex; subpara. 12(o), Paris Resolution; para. 75, PC-XVI/37; para. 7.27 and subpara. 7.39(j), RC-1/5; para. 9.50, RC-2/4</p>		<p>A decision is required specifically by the Convention.</p>
<p>I.6 Criteria for toxicity and corrosiveness, and, if applicable, other technical factors to be taken into account in the conversion of CWPFs</p>	<p>Subpara. 71(b), Part V, the Verification Annex; subpara. 12(p), Paris Resolution; para. 76, PC-XVI/37</p>		

Issue	Mandate	Facilitator	Remarks
I.7 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	Para. 7.23, RC-1/5		
II. Chemical Industry and Other Article VI Issues – Coordinator: H.E. Mr Francesco Azzarello of Italy Vice-Chairperson of the Council			
II.1 Recommendations of the Scientific Advisory Board, including those submitted to the First, Second and Third Review Conferences: (i) The scope of the definition of “production by synthesis” under Part IX of the Verification Annex with respect to biochemical and biologically mediated processes (ii) Developments in science and technology since the First Review Conference	Paras. 7.30, 7.37, 7.69, and subpara. 7.124(b), RC-1/5; paras. 9.131 to 9.134, RC-2/4; paras. 9.141 and 9.142, RC-3/3* Para. 86, PC-XVI/37; EC-XVI/INF.3, dated 22 September 1999 Para. 9.58, RC-2/4; para 9.90, RC-3/3*		

Issue	Mandate	Facilitator	Remarks
<p>II.2 Industry declaration issues:</p> <p>(i) Harmonisation of the reporting of aggregate national data for Schedule 3 production</p> <p>(ii) Past Schedule 1 production above one tonne per year for purposes not prohibited under the Convention</p>	<p>Para. 7, C-7/DEC.14, dated 10 October 2002</p> <p>Para. 90, PC-XVI/37</p>	<p>Ambassador Robert P. Mikulak (United States of America)</p>	
<p>(iii) Transfer discrepancies</p>	<p>Referred to Industry Cluster consultations (EC-38/INF.1, dated 15 September 2004); para. 9.71, RC-2/4; para. 9.93 and subpara. 9.95(g), RC-3/3*</p>		<p>EC-53/DEC.16*, dated 27 June 2008; C-13/DEC.4, dated 3 December 2008; EC-67/S/1, dated 16 January 2012; EC-67/WP.2, dated 14 February 2012; EC-71/WP.1, dated 19 February 2013; EC-73/WP.1*; EC-75/WP.1</p>

Issue	Mandate	Facilitator	Remarks
(iv) Secure Information Exchange (SIX) project		Mr Aladdin Al Hamdawi (Iraq)	EC-75/WP.1: A security assessment took place in January 2014 under the lead of the Office of Confidentiality and Security (OCS), with the assistance of external specialists in the area of information security. The outcome of the assessment indicated areas for improvement, mainly in the central component of the system for transmission of information. In order to allow sufficient time for the implementation of the recommendations emanating from the assessment, the completion of Phase 1 has been rescheduled for the end of the second quarter of 2014, with an announcement planned during EC-76 (8 to 11 July 2014).
II.3 Frequency of inspections at Schedule 1 facilities	Paras. 23 and 30, Part VI, Verification Annex; para. 7.66, RC-1/5; paras. 77 and 78, PC-XVI/37; para. 9.56, RC-2/4	Ambassador Robert P. Mikulak (United States of America)	EC-67/WP.2
II.4 Consideration of the need to establish other measures regarding the transfer of Schedule 3 chemicals under paragraph 27 of Part VIII of the Verification Annex	Para. 27, Part VIII, Verification Annex; para. 7.73, RC-1/5; para. 9.70, RC-2.4; para. 9.92, RC-3/3*	Ambassador Robert P. Mikulak (United States of America)	EC-47/DEC.8, dated 8 November 2006

Issue	Mandate	Facilitator	Remarks
II.5 Improvement in the submission and handling of industry declarations	Subpara. 7.71(b), RC-1/5; subpara. 9.67(b), RC-2/4; paras. 9.74 and 9.84, and subpara. 9.95(g), RC-3/3*	Ambassador Robert P. Mikulak (United States of America)	EC-67/WP.2; recommendation to continue to have annual informal consultations within the Industry Cluster.
II.6 Refinements in the conduct of inspections to improve the consistency, effectiveness, and efficiency of industry inspections	Subpara. 7.71(c), RC-1/5; para. 9.67, RC-2/4	Ambassador Robert P. Mikulak (United States of America)	EC-72/WP.2, dated 6 May 2013; EC-74/WP.1: outstanding questions on mixed plant sites proposal addressed in informal consultations. EC-75/WP.1: Consultations continue with a view to achieving the support of all delegations by EC-76, enabling the Technical Secretariat to implement the agreement and maximising the efficiency of the Technical Secretariat's work in the interest of all States Parties.
II.7 Late submission of declarations	Para. 20.1, EC-37/4, dated 2 July 2004; subpara. 9.95(c), RC-3/3*	Ambassador Robert P. Mikulak (United States of America)	EC-67/WP.2; recommendation to continue to have annual informal consultations within the Industry Cluster.
III. Administrative and Financial Issues – Coordinator: H.E. Mr Rajesh Nandan Prasad of India Vice-Chairperson of the Council			
III.1 Confidentiality issues: Possible national jurisdiction after immunity is waived; Application of national jurisdiction; Compensation for losses caused by breaches of confidentiality	Paras. 115 to 117, PC-XVI/37		

Issue	Mandate	Facilitator	Remarks
III.2 OPCW Staff Rules, and amendments to Staff Regulation 3.3	Para. 7.128, RC-1/5		<p>OPCW Staff Rules: The Council was requested to appoint a facilitator to examine the issue (EC-64/2/Rev.1, dated 27 April 2011).</p> <p>Proposal for the rehiring of inspectors: Para. 14.2, EC-74/5; para. 6, EC-M-35/3; Chairperson of the Advisory Body on Administrative and Financial Matters (ABAF) is requested to consult with the other members of the ABAF with regard to the financial implications of this initiative and to report back to the Council at its next regular session, with a view to taking a decision at that meeting.</p>
III.3 Classification of posts	Para. 7.128, RC-1/5		
III.4 Guidelines regarding the long term handling of confidential information	Para. 7.118, RC-1/5; para. 9.125, RC-2/4; subpara. 9.136(d), RC-3/3*		This issue is kept on the list as a reminder, pending the provision of the report by the Secretariat in accordance with para. 5.30 of EC-61/5, and will be considered further when the proposed retention policies have been received.

IV. Legal, Organisational, and Other Issues – Coordinator: H.E. Mrs Odette Melono of Cameroon Vice-Chairperson of the Council			
IV.1	<p>Challenge inspections:</p> <ul style="list-style-type: none"> • Further operational requirements for equipment in challenge inspections • Cost aspects of abuse • Timing with regard to notifications in challenge inspections • List of activities and preliminary factual findings and elements of reports • Consequences of the abuse of the right to a challenge inspection 	<p>Paras. 90 and 91, RC-1/5; para. 9.88, RC-2/4; subparas. 9.111(c) and (e), RC-3/3* Para. 121, PC-XVI/37</p> <p>Subpara. 7.2(b), EC-M-XII/3 Para. 123, PC-XVI/37</p> <p>Para. 124, PC-XVI/37</p> <p>Added to the agenda of EC-XIX at the request of a State Party; para. 122, PC-XVI/37</p>	
IV.2	<p>Sampling procedures</p>	<p>Subpara. 12(h), Paris Resolution; para. 71, PC-XVI/37; subparas. 7.39(j) and 7.71(c), RC-1/5; para. 9.49, RC-2/4; subpara. 9.79 (d), RC-3/3*</p>	
IV.3	<p>Optimisation of verification activities and their effectiveness</p>	<p>Paras. 7.37, 7.66, and 7.71, and subpara. 7.39(i), RC-1/5; paras. 9.48 and 9.50, RC-2/4</p>	

IV.4 Memorandum of understanding between the OPCW and the World Customs Organization	The draft MoU “on cooperation” with the World Customs Organization in the combat against “illicit trafficking of substances” was submitted to the Council (EC-XXVI/DEC/CRP.5, dated 30 August 2001; EC-XXVI/DG.5, dated 3 September 2001).		The Council requested the Secretariat to contact the World Customs Organization to inquire whether it is still interested in concluding a Memorandum of Understanding with the OPCW. If so, to request the Secretariat to resubmit a proposal on such a Memorandum to the Council (EC-64/2/Rev.1).
IV.5 Guidelines for on-site monitoring instruments	Para. 13, Part III, Verification Annex; subpara. 12(j), Paris Resolution; para. 73, PC-XVI/37		

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