



OPCW

Executive Council

Seventy-Ninth Session
7 – 10 July 2015

EC-79/INF.1
9 April 2015
ENGLISH only

**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. Mr Álvaro Moerzinger of Uruguay, 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 Director-General EC-77/DG.3, dated 12 February 2014 At EC-75 and EC-78, the Council received a briefing on the consultations held during the intersessional period (para. 11.2, EC-75/2, dated 7 March 2014 and para. 10.2, EC-78/2, dated 19 March 2015). EC-78/DG.6, dated 5 February 2015
Issues Relating to Improvement of the Methodology of the Work of the Council: Mr Álvaro Moerzinger of Uruguay, 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		At EC-76, the Chairperson reported on his informal consultations with the regional groups on issues relating to improvement of the methodology of the work of the Council.

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-78/S/5, dated 25 February 2015.

Issue	Mandate	Facilitator	Remarks
I. Chemical Weapons Issues – Coordinator: H.E. Ms Vesela Mrden Korać of Croatia 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.
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	Mr Szymon Bocheński (Poland)	Biannual reporting; paras. 6.25 and 6.26, EC-74/5; paras. 9.19, 9.20, and 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.

Issue	Mandate	Facilitator	Remarks
			<p>At EC-76, the Council received an oral report by the facilitator on the activities held during the intersessional period and a briefing by the Secretariat on “Article X Activities and Programme, Plan for 2014” (paras. 6.37 to 6.39, EC-76/6, dated 11 July 2014). The facilitator reported on the consultations carried out during the intersessional period.</p> <p>At EC-77, the Council considered and noted a status report on the implementation of Article X as at 30 June 2014 (EC-77/DG.3, dated 12 August 2014 and Corr.1, dated 2 October 2014).</p> <p>At EC-78, the Council welcomed the appointment of a new facilitator (para. 4.3, EC-78/2)</p>
I.5 Quality review of the verification of chemical weapons stockpiles, as well as of their destruction and its effectiveness	Subpara. 7.39(i) and para. 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.

Issue	Mandate	Facilitator	Remarks
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; EC-76/WP.1, dated 8 July 2014; EC-78/WP.1, dated 17 March 2015
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 Masaru Tsuji of Japan 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*	H.E. Ambassador Eduardo Rodríguez Veltzé (Bolivia (Plurinational State of)) Mr Domingos Maria de Saldanha Melo e Alvim (Portugal)	Introduced by the Director-General 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	Mr Eric A. Smith (United States of America)	Frequency of reporting will remain semi-annual (para. 7.2, EC-59/4, dated 26 February 2010). At EC-77, the former facilitator, Ms Sakiko Hayakawa of Japan, reported on consultations held during the intersessional period (para. 8.14, EC-77/4, dated 10 October 2014). At EC-78, the Council welcomed the appointment of a new facilitator (para. 4.4, EC-78/2)

Issue	Mandate	Facilitator	Remarks
III.3 Report of the External Auditor on the financial statements of the OPCW		Mr Eric A. Smith (United States of America)	<p>At EC-77, the former facilitator, Ms Sakiko Hayakawa of Japan, reported on consultations held during the intersessional period (para. 8.12, EC-77/4).</p> <p>At EC-78, the Council welcomed the appointment of a new facilitator (para. 4.4, EC-78/2)</p>
III.4 Report of the Office of Internal Oversight		Mr Eric A. Smith (United States of America)	<p>At EC-76, the former facilitator, Ms Sakiko Hayakawa of Japan, reported on consultations held during the intersessional period (para. 8.4, EC-76/6).</p> <p>At EC-78, the Council welcomed the appointment of a new facilitator (para. 4.4, EC-78/2)</p>
IV. Legal, Organisational, and Other Issues – Coordinator: H.E. Dr Ali Gebril Werfeli of Libya Vice-Chairperson of the Council			
IV.1 Full implementation of Article XI: Fostering of international cooperation for peaceful purposes in the field of chemical activities	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*	Mrs Abeer S. Khalefah (Iraq)	EC-77/DG.20 C-19/DG.12, dated 18 September 2014; paras. 6.25 to 6.27, EC-77/4; paras. 18.2 and 18.3, C-19/5, dated 5 December 2014. An oral report by the facilitator was also made at CSP-19 (para. 18.3, C-19/5) and EC-78 (para. 4.2, EC-78/2)
IV.2 Verification implementation reports			Annual consultations are held by the Council Chairperson prior to the summer Council session.

Issue	Mandate	Facilitator	Remarks
IV.3 Progress report on the implementation of obligations under Article VII	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*	Mr Sébastien Braha (France)	At CSP-19, the Conference considered and noted a Note and reports by the Director-General on the status of implementation of Article VII of the Convention as at 31 July 2014 (para. 9.1, C-19/5). At EC-77, the Council received an oral report by the Vice-Chairperson of the Council for legal, organisational, and other issues, Ambassador Dr Ali Gebril Werfeli of Libya, regarding the informal consultations held on 24 September 2014, the briefing on the reports of the Director-General on the implementation of Article VII, and the development of the Legislative Assistance and Support Tool (LAST) (paras. 6.20 to 6.22, EC-77/4). At EC-78, the facilitator briefed the Council on the consultations held during the intersessional period (para. 4.2, EC-78/2).
IV.4 Further development of international cooperation programmes after an evaluation of their effectiveness and with a view to maximising resource use	Para. 7.109, RC-1/5; para. 9.116, RC-2/4		Facilitations are ongoing and at CSP-19 the Conference received an oral report from the facilitator.

Issue	Mandate	Facilitator	Remarks
IV.5 Progress reports on the implementation of the action plan for the universality of the Convention	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*	Ambassador Dziunik Aghajanian (Armenia)	At EC-77, the facilitator reported on the consultations carried out during the intersessional period (para. 6.30, EC-77/4). At CSP-19, the Conference received an oral report from the facilitator on the progress achieved (para 19.3, C-19/5).

Annex 2

OUTSTANDING ISSUES²

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

Issue	Mandate	Facilitator	Remarks
II. Chemical Industry and Other Article VI Issues – Coordinator: H.E. Mr Francesco Azzarello of Italy Vice-Chairperson of the Council			
<p>II.1 Recommendations of the Scientific Advisory Board, including those submitted to the First, Second, and Third Review Conferences:</p> <p>(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</p> <p>(ii) Developments in science and technology since the First Review Conference</p>	<p>Paras. 7.30, 7.37, and 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*</p> <p>Para. 86, PC-XVI/37; EC-XVI/INF.3, dated 22 September 1999</p> <p>Para. 9.58, RC-2/4; para 9.90, RC-3/3*</p>		
<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>	

Issue	Mandate	Facilitator	Remarks
(iii) Transfer discrepancies	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*		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-72/WP.2, dated 6 May 2013; EC-73/WP.1*; EC-75/WP.1; EC-76/WP.6; EC-77/WP.1, dated 7 October 2014
(iv) Secure Information Exchange (SIX) project		Mr Aladdin Al Hamdawi (Iraq)	<p>At EC-77, the facilitator reported on consultations held during the intersessional period (EC-77/WP.2, dated 7 October 2014).</p> <p>The SIX system has been available to States Parties since 1 July 2014; as at 11 March 2015, 15 States Parties had registered to use it. The Secretariat will continue to report on the use of the system through briefings during the meetings of the Industry Cluster. At EC-78, the facilitator reported on consultations held during the intersessional period (EC-78/WP.2, dated 17 March 2015).</p>
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

Issue	Mandate	Facilitator	Remarks
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
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. EC-77/WP.1
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 Secretariat to implement the agreement and maximising the efficiency of the Secretariat's work in the interest of all States Parties. EC-76/WP.1: The Secretariat has issued an S-Note on alternative approaches to verification at mixed plant sites (S/1202/2014, dated 23 July 2014).

Issue	Mandate	Facilitator	Remarks
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. EC-77/WP.1
III. Administrative and Financial Issues – Coordinator: H.E. Mr Masaru Tsuji of Japan 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		
III.2 OPCW Staff Rules, and amendments to Staff Regulation 3.3	Para. 7.128, RC-1/5		OPCW Staff Rules: The Council was requested to appoint a facilitator to examine the issue (EC-64/2/Rev.1, dated 27 April 2011).
III.3 Classification of posts	Para. 7.128, RC-1/5; C-17/DEC.7, dated 27 November 2012		The Director-General is to provide the Council at its last regular session every year with an annual report on the implementation of this decision.

Issue	Mandate	Facilitator	Remarks
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 (dated 2 July 2010), and will be considered further when the proposed retention policies have been received. The proposed retention times were under discussion within the Secretariat in 2014, and a report regarding the policies and mechanisms for their implementation is expected by the end of the second quarter of 2015.
IV. Legal, Organisational, and Other Issues – Coordinator: H.E. Dr Ali Gebril Werfeli of Libya Vice-Chairperson of the Council			
IV.1 Challenge inspections: • Further operational requirements for equipment in challenge inspections • Cost aspects of abuse	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 Subpara. 7.2(b), EC-M-XII/3		The Secretariat issued a new quality system document entitled “Standard Operating Procedure for Challenge Inspection (CI) Operations” (QDOC/INS/SOP/CI001, dated 15 November 2013).

Issue	Mandate	Facilitator	Remarks
<ul style="list-style-type: none"> <li data-bbox="226 237 651 341">• Timing with regard to notifications in challenge inspections <li data-bbox="226 533 651 676">• List of activities and preliminary factual findings and elements of reports <li data-bbox="226 756 651 860">• Consequences of the abuse of the right to a challenge inspection 	<p data-bbox="696 237 987 269">Para. 123, PC-XVI/37</p> <p data-bbox="696 533 987 564">Para. 124, PC-XVI/37</p> <p data-bbox="696 756 1151 860">Added to the agenda of EC-XIX at the request of a State Party; para. 122, PC-XVI/37</p>		<p data-bbox="1590 237 2078 493">Set out in Annex 4 to the “Standard Operating Procedure for Headquarter Activities in Preparation to Conduct a Challenge Inspection (CI) and an Investigation of Alleged Use (IAU)”, (QDOC/ODG/SOP/002, dated 13 August 2010).</p> <p data-bbox="1590 533 2063 708">Set out in paragraphs 6.8.1 and 6.8.2 of QDOC/ODG/SOP/002 and Chapters 1 and XII of the Inspection Manual (QDOC/INS/IM/01, dated 1 August 2012).</p> <p data-bbox="1590 756 1899 820">Set out in section 6.6 of QDOC/ODG/SOP/002.</p>
IV.2 Sampling procedures	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*		Set out in Chapter XIV of the Inspection Manual (QDOC/INS/IM/01).
IV.3 Optimisation of verification activities and their effectiveness	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		

Issue	Mandate	Facilitator	Remarks
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 chemicals 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		

--- 0 ---