



OPCW

Executive Council

Forty-Seventh Session
7 – 10 November 2006

EC-47/3
C-11/2
8 November 2006
Original: ENGLISH

**REPORT OF THE EXECUTIVE COUNCIL
ON THE PERFORMANCE OF ITS ACTIVITIES
IN THE PERIOD FROM 2 JULY 2005 TO 7 JULY 2006**



EC-47/3

C-11/2

page ii

(blank page)

TABLE OF CONTENTS

1.	ORGANISATIONAL MATTERS	1
	ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS OF THE COUNCIL	2
	ACCREDITATION OF REPRESENTATIVES TO THE COUNCIL	2
	APPLICATION OF THE RULES OF PROCEDURE OF THE COUNCIL	2
	WORKING METHODS OF THE COUNCIL	3
2.	STATUS OF IMPLEMENTATION OF THE CONVENTION.....	3
	STATEMENTS AND REPORTS BY THE DIRECTOR-GENERAL	3
	DRAFT REPORT OF THE OPCW FOR 2005.....	3
	AGREEMENTS ON THE PRIVILEGES AND IMMUNITIES OF THE OPCW	3
	UNIVERSALITY-RELATED ACTIVITIES.....	4
	VERIFICATION IMPLEMENTATION REPORT	4
	IMPLEMENTATION OF THE REGIME GOVERNING THE HANDLING OF CONFIDENTIAL INFORMATION BY THE TECHNICAL SECRETARIAT	4
	PROGRESS REPORTS ON THE IMPLEMENTATION OF THE PLAN OF ACTION REGARDING THE IMPLEMENTATION OF ARTICLE VII OBLIGATIONS	4
	REPORTS ON THE PROGRESS MADE IN MEETING THE REVISED DEADLINES FOR THE DESTRUCTION OF CHEMICAL WEAPONS	5
	EXTENSION OF DEADLINES FOR THE DESTRUCTION OF CATEGORY 1 CHEMICAL WEAPONS STOCKPILES.....	5
	ESTABLISHMENT OF A SPECIFIC DEADLINE FOR THE DESTRUCTION BY THE RUSSIAN FEDERATION OF 45% OF ITS CATEGORY 1 CHEMICAL WEAPONS	6
	REQUEST BY CHINA AND JAPAN FOR AN EXTENSION OF THE DEADLINE FOR COMPLETING THE DESTRUCTION OF THE CHEMICAL WEAPONS ABANDONED BY JAPAN IN CHINA.....	7
	DETAILED PLANS FOR VERIFICATION OF THE DESTRUCTION OF CHEMICAL WEAPONS.....	7
	DETAILED PLANS FOR THE DESTRUCTION OR CONVERSION OF CHEMICAL WEAPONS PRODUCTION FACILITIES	7
	NOTIFICATION OF CHANGES AT CHEMICAL WEAPONS PRODUCTION FACILITIES THAT HAVE BEEN OR ARE BEING CONVERTED	8
	CAPTIVE USE OF SCHEDULE 1 CHEMICALS	9
	FACILITY AGREEMENTS.....	9
	OPCW CENTRAL ANALYTICAL DATABASE	10
	READINESS FOR A CHALLENGE INSPECTION	10
	STATUS OF IMPLEMENTATION OF ARTICLE X.....	10
	STATUS OF IMPLEMENTATION OF ARTICLE XI.....	11
	ADMINISTRATIVE AND FINANCIAL MATTERS.....	11
	Programme and Budget of the OPCW for 2006, and all items pertaining to it	11
	Programme and Budget of the OPCW for 2007, and all items pertaining to it	11
	OPCW income and expenditure.....	11
	OPCW Financial Rules	12
	Consideration of a mechanism for States Parties to regularise the payment of their dues to the OPCW.....	12
	Information-security management system.....	12
	Development of the Verification Information System.....	12
	Transfers of funds between programmes	12
	Amendments to the OPCW Staff Regulations.....	12
	Implementation of the OPCW policy on tenure in 2005	12

	Classification of the new posts approved in the Programme and Budget for 2006.....	13
	Appointment of the Director-General.....	13
	Report of the Executive Council on the performance of its activities	13
	AMENDMENTS TO THE OPCW POLICY ON CONFIDENTIALITY	13
	THE OPCW'S CONTRIBUTION TO GLOBAL ANTI-TERRORISM EFFORTS	13
	ESTABLISHMENT OF AN OPCW OFFICE IN AFRICA	13
3.	OTHER DECISIONS OR ACTIONS OF THE COUNCIL	14
	ESTABLISHMENT OF AN OPEN-ENDED WORKING GROUP FOR PREPARATIONS FOR THE SECOND REVIEW CONFERENCE	14
	REPORT ON THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE OFFICE OF INTERNAL OVERSIGHT	14
	REPORT OF THE EXTERNAL AUDITOR AND THE AUDITED FINANCIAL STATEMENTS OF THE OPCW FOR 2005	14
	IMPLEMENTATION OF THE RECOMMENDATIONS OF THE EXTERNAL AUDITOR.....	15
	INSTRUMENTS SIGNED BY THE SECRETARIAT WITH THE GOVERNMENTS OF STATES PARTIES AND WITH ORGANS OF EQUIVALENT FUNCTION WITHIN OTHER INTERNATIONAL ORGANISATIONS	15
4.	MATTERS REFERRED TO THE COUNCIL BY THE CONFERENCE AT ITS TENTH SESSION	15
	ESTABLISHMENT OF AN OPEN-ENDED WORKING GROUP FOR PREPARATIONS FOR THE SECOND REVIEW CONFERENCE.....	15
	IMPLEMENTATION OF THE HEADQUARTERS AGREEMENT	15
	ESTABLISHMENT OF AN OPCW OFFICE IN AFRICA	16
	CONSIDERATION OF A MECHANISM FOR STATES PARTIES TO REGULARISE THE PAYMENTS OF THEIR DUES TO THE OPCW	16
5.	MATTERS REQUIRING CONSIDERATION OR ACTION BY THE CONFERENCE AT ITS ELEVENTH SESSION	16
	EXTENSION OF DEADLINES FOR THE DESTRUCTION OF CATEGORY 1 CHEMICAL WEAPONS STOCKPILES.....	16
	DRAFT REPORT OF THE OPCW FOR 2005.....	17
6.	MATTERS UNDER CONSIDERATION BY THE COUNCIL	17
	Chemical weapons issues:.....	17
	Chemical industry and other Article VI issues:	18
	Administrative and financial issues:	19
	Legal, organisational, and other issues:	20
7.	REPORTS TO THE COUNCIL	21
	REPORTS OF THE ADVISORY BODY ON ADMINISTRATIVE AND FINANCIAL MATTERS ...	21
	APPOINTMENTS TO THE ADVISORY BODY ON ADMINISTRATIVE AND FINANCIAL MATTERS	21
	REPORT OF THE SCIENTIFIC ADVISORY BOARD.....	21
	REPORT OF THE OFFICE OF INTERNAL OVERSIGHT FOR 2005	22
ANNEX:	ACTIONS TAKEN BY THE CONFERENCE OF THE STATES PARTIES AT ITS TENTH SESSION IN RESPONSE TO RECOMMENDATIONS MADE BY THE EXECUTIVE COUNCIL AT ITS FORTY-SECOND SESSION AND ITS TWENTY-FIFTH MEETING	23

1. ORGANISATIONAL MATTERS

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

1.2 The following table shows, by regional grouping, the composition of the Council for the period from 12 May 2005 to 11 May 2006.

Africa	Algeria, Gabon, Ghana, Kenya, Lesotho, Morocco, South Africa, Sudan, and Tunisia
Asia	China, India, Iran (Islamic Republic of), Japan, Malaysia, Pakistan, Republic of Korea, Saudi Arabia, and Sri Lanka
Eastern Europe	Poland, Romania, Russian Federation, Serbia and Montenegro, and Ukraine
Latin America and the Caribbean	Argentina, Brazil, Colombia, Cuba, Mexico, Panama, Peru, and Uruguay
Western European and Other States	France, Germany, Greece, Italy, Netherlands, New Zealand, Norway, Spain, United Kingdom of Great Britain and Northern Ireland, and United States of America

1.3 The table below lists the composition of the Council for the period from 12 May 2006 to 11 May 2007.

Africa	Algeria, Gabon, Ghana, Kenya, Lesotho, Morocco, South Africa, Sudan, and Tunisia
Asia	China, India, Iran (Islamic Republic of), Japan, Pakistan, Philippines, Republic of Korea, Saudi Arabia, and Thailand
Eastern Europe	Belarus, Bosnia and Herzegovina, Poland, Romania, and Russian Federation
Latin America and the Caribbean	Argentina, Brazil, Chile, Colombia, Cuba, Guatemala, Mexico, and Peru
Western European and Other States	Australia, Belgium, Finland, France, Germany, Ireland, Italy, Switzerland, United Kingdom of Great Britain and Northern Ireland, and United States of America

- 1.4 At its Tenth Session, the Conference of the States Parties (hereinafter “the Conference”) adopted decisions on eleven matters referred to it by the Council, and referred to the Council three matters requiring its further consideration.

Election of the Chairperson and Vice-Chairpersons of the Council

- 1.5 The Council at its Forty-Fourth Session elected Ambassador Hlengiwe Buhle Mkhize of South Africa as its Chairperson, and the representatives to the Council of Colombia, Germany, Iran (Islamic Republic of), and Russian Federation as its Vice-Chairpersons, for the period from 12 May 2006 to 11 May 2007.
- 1.6 The following table lists the dates on which the Council held its regular sessions during the period under review.

DATES OF REGULAR SESSIONS OF THE COUNCIL

Session Number	Date of Session
Forty-Second	27 – 30 September 2005
Forty-Third	6 December 2005
Forty-Fourth	14 – 17 March 2006
Forty-Fifth	16 – 19 May 2006
Forty-Sixth	4 – 7 July 2006

- 1.7 The Council held one Meeting, its Twenty-Fifth, on 9 and 11 November 2005.

Accreditation of representatives to the Council

- 1.8 The most recent examination of credentials, which the Director-General conducted and reported on to the Council at its Forty-Sixth Session in accordance with Rule 4 of its Rules of Procedure (EC-46/DG.3, dated 20 June 2006), established that the credentials of the representatives of all members of the Council met the requirements of Rule 3.

Application of the Rules of Procedure of the Council

- 1.9 During the period under review, observer States participated actively in all sessions of the Council and in its Twenty-Fifth Meeting, with an average of 27 observer States present at each session or meeting. Each request by observers to present their views was granted under Rule 22 of the Rules of Procedure of the Council.
- 1.10 The Council at its Forty-Fourth Session, bearing in mind the provisions of Rules 50 and 22 of its Rules of Procedure, considered a request from Iraq, a State not Party, and, accordingly invited it to participate in that Session as an observer. This decision of the Council was not intended to create a precedent. The Council at this same

Session noted that any possible future requests of a similar nature shall be considered on a case-by-case basis.

Working methods of the Council

- 1.11 During the period under review, the Chairperson of the Council, working in consultation with the Vice-Chairpersons and the members of the Council, reviewed and published plans of Council activities (EC-42/INF.1, dated 18 August 2005 and Rev.1, dated 14 September 2005; EC-44/INF.3, dated 10 March 2006; and EC-45/INF.1, dated 18 April 2006). The first annex to each plan lists clusters of issues under consideration by the Council.
- 1.12 The Chairpersons of the Council acted as coordinators for the Open-Ended Working Group on Terrorism, the Open-Ended Working Group on the Establishment of an OPCW Office in Africa, and the Working Group on the Implementation of the OPCW Headquarters Agreement. 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. The second annex to each plan of activities lists all key meetings and consultations during the period under review.

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, the Director-General elaborated, *inter alia*, on aspects of compliance by States Parties with the requirements of the Convention and 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 2005

- 2.2 The Council at its Forty-Sixth Session considered the draft report of the OPCW for 2005 (EC-46/CRP.2, dated 30 June 2006) and referred it to the Conference for its consideration at its Eleventh Session. Following a decision by the Conference at its Tenth Session and by the Council at its Forty-Sixth Session, the Secretariat posted this draft report on the OPCW Website, clearly indicating that the draft will need to be considered and approved by the Conference.

Agreements on the privileges and immunities of the OPCW

- 2.3 The Council at its Forty-Fourth Session considered and concluded agreements between the OPCW and two Member States on the privileges and immunities of the OPCW: the Republic of Madagascar (EC-44/DEC.6, dated 14 March 2006); and the Republic of Colombia (EC-44/DEC.7, dated 14 March 2006).

Universality-related activities

- 2.4 The Council at its Twenty-Third Meeting adopted an action plan for the universality of the Convention (EC-M-23/DEC.3, dated 24 October 2003). The plan requested the Director-General, *inter alia*, 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 Forty-Second Session noted a report in this regard, which was then submitted to the Conference at its Tenth Session (EC-42/DG.7 C-10/DG.3, dated 2 September 2005, and Corr.1, dated 9 September 2005).
- 2.5 The Council at its Twenty-Fifth Meeting adopted a decision containing a recommendation to the Conference at its Tenth Session on the implementation of this action plan for universality (EC-M-25/DEC.5, dated 9 November 2005).

Verification Implementation Report

- 2.6 The Council at its Forty-Second Session considered and noted the Supplement to the 2004 Verification Implementation Report (EC-42/HP/DG.1, dated 18 August 2005).
- 2.7 The Secretariat submitted to the Council at its Forty-Sixth Session the 2005 Verification Implementation Report, consideration of which the Council deferred to its next regular session (EC-46/HP/DG.1, dated 22 June 2006).

Implementation of the regime governing the handling of confidential information by the Technical Secretariat

- 2.8 The Council at its Forty-Fifth Session considered the report on the implementation of the regime governing the handling of confidential information by the Secretariat in 2005 (EC-45/DG.1 C-11/DG.2, dated 10 April 2006). The Council at this same Session requested the Secretariat to include, as an annex to the Declaration Handbook, a Confidentiality Supplement, to provide an introduction to the OPCW Policy on Confidentiality for National Authority personnel regarding the appropriate handling and protection of confidential material.

Progress reports on the implementation of the plan of action regarding the implementation of Article VII obligations

- 2.9 The Council at its Forty-Second Session received and noted a report from the Director-General on the implementation of the plan of action regarding the implementation of Article VII obligations (EC-42/DG.8 C-10/DG.4, dated 7 September 2005, and Corr.1, dated 26 September 2005). The Council at its Twenty-Fifth Meeting received and noted a revision of this report (EC-M-25/DG.1 C-10/DG.4/Rev.1, dated 2 November 2005, and Rev.1/Corr.1, dated 10 November 2005), and a subsequent addendum (EC-M-25/DG.1/Add.1 C-10/DG.4/Rev.1/Add.1, dated 8 November 2005).
- 2.10 The Conference at its Tenth Session, in accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.7, dated 11 November 2005), adopted a decision on follow-up to the plan of action regarding the implementation of

Article VII obligations (C-10/DEC.16, dated 11 November 2005). The Council at its Forty-Fourth, Forty-Fifth, and Forty-Sixth Sessions noted the reports by the Director-General (EC-44/DG.6, dated 1 March 2006, and Corr.1, dated 9 March 2006; EC-45/DG.8, dated 5 May 2006, and Corr.1, dated 18 May 2006; and EC-46/DG.4, dated 22 June 2006) on progress in implementing that decision (C-10/DEC.16).

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

- 2.11 The Conference at its Eighth and Ninth Sessions adopted its decisions on the revised deadlines for the destruction of chemical weapons (C-8/DEC.13, C-8/DEC.14, and C-8/DEC.15, all dated 24 October 2003; and C-9/DEC.7 and C-9/DEC.8, both dated 30 November 2004) on the understanding, *inter alia*, that the States Parties concerned would keep the Council informed, at each alternate regular session and with supporting documentation, of the status of their plans to implement their destruction obligations, and that the Director-General would report periodically to the Council on the progress made by these States Parties in destroying their chemical weapons, in accordance with their obligation under the Convention. These States Parties reported to the Council at its Forty-Second, Forty-Fourth, and Forty-Sixth Sessions on the progress they had made in meeting these revised deadlines. During the Forty-Fourth and Forty-Sixth Sessions of the Council, the Russian Federation also submitted information on plans for the destruction of its Category 1 chemical weapons (EC-44/NAT.2, dated 15 March 2006, Corr.1, dated 17 March 2006, and Corr.2, dated 27 March 2006; and EC-46/NAT.1, dated 28 July 2006). The Council at its Forty-Fourth and Forty-Sixth Sessions noted the reports submitted by the Director-General in this regard (EC-44/DG.9, dated 10 March 2006, and Corr.1, dated 14 March 2006; and EC-46/DG.5, dated 30 June 2006).

Extension of deadlines for the destruction of Category 1 chemical weapons stockpiles

- 2.12 In the light of the Libyan Arab Jamahiriya's request (EC-M-25/NAT.1, dated 13 October 2005), the Council considered and adopted a decision recommending that the Conference at its Tenth Session grant, in principle, further extensions of the intermediate phase 1, 2, and 3 deadlines for the destruction by the Libyan Arab Jamahiriya of 1%, 20%, and 45%, respectively, of its Category 1 chemical weapons stockpiles (EC-M-25/DEC.2, dated 9 November 2005). The Council also noted that, should the Libyan Arab Jamahiriya not be able to meet its obligation to destroy all of its Category 1 chemical weapons not later than 10 years after the entry into force of the Convention (29 April 2007), its request for an extension of the final deadline for the destruction of its Category 1 chemical weapons shall be submitted to the Council, in accordance with paragraph 24 of Part IV(A) of the Verification Annex to the Convention (hereinafter "the Verification Annex"), not later than 29 April 2006.
- 2.13 In light of a request by A State Party (EC-44/HP/NAT.1, dated 7 February 2006, and Add.1, dated 8 March 2006), the Council considered and adopted a decision recommending to the Conference at its Eleventh Session that, subject to certain conditions, it grant an extension of the deadline by which this State Party must destroy all of its Category 1 chemical weapons (EC-44/DEC.8, dated 15 March 2006).

- 2.14 Further to its consideration at its Forty-Fifth Session of a request by the Libyan Arab Jamahiriya for an extension of the phase 4 deadline for the destruction of all of its Category 1 chemical weapons stockpiles (EC-45/NAT.2, dated 26 April 2006), as well as of the proposal by this State Party for the establishment of specific deadlines for the destruction of 1%, 20%, and 45% of those stockpiles (EC-45/NAT.1, dated 21 April 2006), the Council at its Forty-Sixth Session approved a recommendation on these matters for consideration by the Conference at its Eleventh Session (EC-46/DEC.2, dated 4 July 2006).
- 2.15 The Council at its Forty-Fifth Session also considered a request by India for an extension of the final deadline for the destruction of all of its Category 1 chemical weapons (EC-45/HP/NAT.1, dated 19 April 2006), and approved a recommendation on this request for consideration by the Conference at its Eleventh Session (EC-45/DEC.5, dated 17 May 2006).
- 2.16 The Council reaffirmed the understanding that nothing in the decisions of the Conference C-8/DEC.13 and C-8/DEC.15, both dated 24 October 2003, shall prejudice any of the obligations the States Parties concerned by those decisions have under the terms of the Convention, including, with respect to the 100% deadline, paragraphs 26, 27, and 28 of Part IV(A) of the Verification Annex.
- 2.17 Further to its consideration of this issue at its Forty-Fifth Session, and taking into account the decision by the Conference at its Eighth Session (C-8/DEC.15), the Council considered a request by the United States of America for the establishment of a revised date for the phase 4 deadline for the destruction of its Category 1 chemical weapons (EC-45/NAT.3, dated 26 April 2006) and a draft decision on this request (EC-46/DEC/CRP.4, dated 30 June 2006), and decided to consider it further at its next regular session.
- 2.18 Further to its consideration of this issue at its Twenty-Seventh and Forty-Fifth Sessions, and taking into account the decision by the Conference at its Eighth Session (C-8/DEC.13), the Council at its Forty-Sixth Session considered a draft decision on the proposal by the Russian Federation on setting a specific date for completion of the destruction of its stockpiles of Category 1 chemical weapons (EC-46/DEC/CRP.3, dated 27 June 2006), and decided to consider it further at its next regular session.

Establishment of a specific deadline for the destruction by the Russian Federation of 45% of its Category 1 chemical weapons

- 2.19 The Conference at its Eighth Session considered and adopted a decision granting the Russian Federation, in principle, an extension of the intermediate and final deadlines for the destruction of its Category 1 chemical weapons (C-8/DEC.13). The Russian Federation submitted a proposal for a new deadline for the destruction of 45% of its Category 1 chemical weapons stockpiles (EC-44/NAT.1, dated 20 February 2006). The Council at its Forty-Fourth Session considered and approved a decision on this proposal (EC-44/DEC.9, dated 17 March 2006).

Request by China and Japan for an extension of the deadline for completing the destruction of the chemical weapons abandoned by Japan in China

- 2.20 The Council at its Forty-Sixth Session considered a request by China and Japan for an extension of the deadline for completing the destruction of the chemical weapons abandoned by Japan in China (EC-46/HP/NAT.1, dated 15 May 2006), and approved this request (EC-46/DEC.4, dated 5 July 2006).

Detailed plans for verification of the destruction of chemical weapons

- 2.21 Further to its consideration of this issue at its previous Session, the Council at its Forty-Third Session considered and approved 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-43/DEC.1, dated 6 December 2005).
- 2.22 The Council at its Forty-Fourth Session considered and approved the agreed detailed plan for the verification of destruction of chemical weapons at the Pine Bluff Binary Destruction Facility, located at Pine Bluff Arsenal, Arkansas, the United States of America (EC-44/DEC.1, dated 14 March 2006).
- 2.23 The Council at its Forty-Fourth Session also considered and approved the amendments to the agreed detailed plan for the verification of destruction of chemical weapons at the Anniston Chemical Agent Disposal Facility (ANCDF), Anniston Army Depot, the United States of America (EC-44/DEC.2, dated 14 March 2006).
- 2.24 Further to its consideration of this issue at previous sessions, the Council at its Forty-Fifth Session considered and approved the agreed detailed plan for verification of the destruction of chemical weapons at the Newport Chemical Agent Disposal Facility, Newport, the United States of America (EC-45/DEC.1, dated 16 May 2006).
- 2.25 The Council at its Forty-Fifth Session also considered and approved the agreed detailed plan for verification of the destruction of the Category 1 chemical weapons at the Kambarka chemical weapons destruction facility (CWDF), Kambarka, the Russian Federation (EC-45/DEC.2, dated 16 May 2006).
- 2.26 Further to its consideration of this issue at its Forty-Fifth Session, the Council at its Forty-Sixth Session considered and approved the agreed detailed plan for verification of the destruction of chemical weapons at the Qaf-Molla CWDF, Qaf-Molla Military Installation, Albania (EC-46/DEC.1, dated 4 July 2006).

Detailed plans for the destruction or conversion of chemical weapons production facilities

- 2.27 The Council at its Forty-Third Session considered and approved the corrections to the detailed plans for conversion and verification for the chemical weapons production facility (CWPF) (lewisite production, second train), Open Joint Stock Company (OJSC) "Sibur-Neftakhim", "Kaproaktam" plant, Dzerzhinsk, the Russian Federation (EC-43/S/1, dated 7 November 2005).

- 2.28 The Council at its Forty-Fourth Session noted the Note by the Secretariat on corrections to the detailed plan for the conversion of the CWPF (sarin production), OJSC “Khimprom”, Volgograd, the Russian Federation (EC-44/S/2, dated 10 February 2006), and approved said corrections.
- 2.29 The Council at its Thirty-Third Session requested that the Director-General inform it, at its first regular session following the conduct of an annual usual inspection by the Secretariat at those CWPFs where conversion is still in progress, of the progress made at those CWPFs. The Council at its Forty-Second, Forty-Fifth, and Forty-Sixth Sessions noted the information submitted in this regard (EC-42/R/S/1, dated 22 September 2005; EC-45/R/S/1, dated 7 April 2006; and EC-46/R/S/1, dated 14 June 2006).
- 2.30 The Council at its Forty-Fifth Session noted the Note by the Secretariat on corrections to the detailed plan for conversion of the CWPF (preparation for filling of non-chemical parts of chemical munitions), OJSC “Khimprom”, Volgograd, the Russian Federation (EC-45/S/1, dated 24 April 2006, and Corr.1, dated 14 July 2006), and approved said corrections.
- 2.31 The Council at its Forty-Sixth Session considered and approved corrections to the detailed plans for destruction for the CWPF (production of a VX-type substance and filling it into munitions), OJSC “Khimprom”, Novocheboksarsk, the Russian Federation (EC-46/S/1, dated 20 June 2006).
- 2.32 The Council at its Forty-Sixth Session also considered and approved corrections to the detailed plans for conversion for the CWPF (production of a VX-type substance and filling it into munitions), OJSC “Khimprom”, Novocheboksarsk, the Russian Federation (EC-46/S/2, dated 20 June 2006).
- 2.33 The Council at its Forty-Sixth Session also considered and approved corrections to the detailed plan for conversion for the CWPF (filling munitions with sarin, soman, and viscous soman), OJSC “Khimprom”, Volgograd, the Russian Federation (EC-46/S/3, dated 20 June 2006).

Notification of changes at chemical weapons production facilities that have been or are being converted

- 2.34 The Council at its Forty-Third Session noted the notification by the Russian Federation of changes at the former CWPF (aminomercaptan production), OJSC Khimprom, Novocheboksarsk (EC-43/DG.3, dated 7 November 2005).
- 2.35 The Council at its Forty-Third Session noted the notification by the Russian Federation of changes at the former CWPF (preparation for filling of non-chemical parts of chemical munitions), OJSC Khimprom, Novocheboksarsk (EC-43/DG.2, dated 7 November 2005, and Corr.1, dated 17 November 2005).
- 2.36 The Council at its Forty-Third Session also noted the notification by the Russian Federation of changes at the former CWPF (chloroether production), OJSC Khimprom, Novocheboksarsk (EC-43/DG.4, dated 7 November 2005, and Corr.1, dated 22 November 2005).

Captive use of Schedule 1 chemicals

- 2.37 The Council at its Twenty-Fifth Meeting considered and approved a decision containing a recommendation to the Conference at its Tenth Session on an understanding relating to the concept of “captive use” in connection with declarations of production and consumption under Part VI of the Verification Annex (EC-M-25/DEC.4, dated 9 November 2005).

Facility agreements

- 2.38 The Council at its Forty-Third Session considered and approved a facility agreement between the OPCW and the United States of America regarding on-site inspections at the Recovered Chemical Weapons Destruction Facility, the United States of America (EC-43/DEC.2, dated 6 December 2005).
- 2.39 The Council at its Forty-Third Session also considered and approved a facility agreement with the Kingdom of Norway regarding on-site inspections at a Schedule 1 protective purposes facility (EC-43/DEC.3, dated 6 December 2005).
- 2.40 The Council at its Forty-Fourth Session considered and approved a facility arrangement with Japan regarding on-site inspections at a Schedule 1 facility for protective purposes (EC-44/DEC.3, dated 14 March 2006).
- 2.41 The Council at its Forty-Fourth Session also considered and approved a facility agreement between the OPCW and the United States of America regarding on-site inspections at the Pine Bluff Binary Destruction Facility, located at Pine Bluff Arsenal, Arkansas, the United States of America (EC-44/DEC.4, dated 14 March 2006).
- 2.42 The Council at its Forty-Fourth Session also received a Note on amendments to the facility agreement regarding on-site inspections at the ANCDF, Anniston, Alabama, the United States of America (EC-44/S/1*, dated 1 December 2005). The said amendments were submitted separately to the Council at this same Session (EC-44/DEC.5, dated 14 March 2006), which considered and approved them.
- 2.43 The Council at its previous sessions considered a facility agreement between the OPCW and the United States of America regarding on-site inspections at the Newport Chemical Agent Disposal Facility, Newport, the United States of America, and at its Forty-Fifth Session further considered and approved the agreement (EC-45/DEC.3, dated 16 May 2006).
- 2.44 The Council at its Forty-Fifth Session considered and approved a facility agreement with the Russian Federation regarding on-site inspections at the CWDF located in Kambarka, the Russian Federation (EC-45/DEC.4, dated 16 May 2006).
- 2.45 Further to its consideration at its Forty-Fifth Session of a facility agreement with Albania regarding on-site inspections at the Qaf-Molla CWDF, Qaf-Molla Military Installation, Albania, the Council at its Forty-Sixth Session further considered and approved the agreement (EC-46/DEC.3, dated 4 July 2006).

- 2.46 The Council at its Forty-Fourth Session considered a Note by the Director-General updating it on progress with Schedule 2 facility agreements (EC-44/DG.1, dated 2 December 2005), and requested the Secretariat to prepare a further update. Following consideration at its Forty-Fifth and Forty-Sixth Sessions of the Note by the Director-General that contained that update, the Council at its Forty-Sixth Session noted the Note (EC-45/DG.5, dated 25 April 2006, and Corr.1, dated 6 July 2006).

OPCW Central Analytical Database

- 2.47 The Council at its Forty-Second Session considered the Note by the Director-General on the lists of new validated data for approval by the Council for inclusion in the OPCW Central Analytical Database (OCAD) (EC-42/DG.1, dated 19 July 2005), and in the light of it approved said lists (EC-42/DEC.1, dated 29 September 2005).
- 2.48 The Council at its Forty-Fourth and Forty-Fifth Sessions considered two Notes by the Director-General on the lists of new validated data for inclusion in the OCAD (EC-44/DG.3 and EC-44/DG.4, both dated 13 February 2006), and in the light of these Notes approved said lists at its Forty-Fifth Session (EC-45/DEC.6 and EC-45/DEC.7, both dated 18 May 2006).
- 2.49 The Council at its Forty-Sixth Session considered the Note by the Director-General on the lists of new validated data for approval by the Council for inclusion in the OCAD (EC-46/DG.1, dated 7 June 2006), and in the light of it approved said lists (EC-46/DEC.5, dated 5 July 2006).

Readiness for a challenge inspection

- 2.50 The First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter “the First Review Conference”) requested the Secretariat to “continue maintaining a high standard of readiness to conduct a challenge inspection in accordance with the provisions of the Convention, to keep the Council informed about its readiness, and to report any problems that might arise in relation to maintaining the necessary level of readiness to conduct a challenge inspection” (paragraph 7.91 of RC-1/5, dated 9 May 2003). It also requested the Council to continue deliberations on a number of issues related to challenge inspections that had yet to be resolved, in order to expeditiously resolve them. In response, the Council at its Forty-Sixth Session had before it a Note submitted to it by the Director-General on the readiness of the Secretariat to conduct a challenge inspection (EC-46/DG.6, dated 26 June 2006), and decided to defer consideration of this item to its next regular session.

Status of implementation of Article X

- 2.51 The Council at its Twenty-Fifth Meeting considered and adopted a decision containing a recommendation to the Conference at its Tenth Session on the formulation, specification, or renewal of offers of assistance under subparagraph 7(c) of Article X (EC-M-25/DEC.1, dated 9 November 2005).

- 2.52 The Council at its Forty-Fifth Session considered and noted the report by the Director-General on the status of implementation of Article X of the Convention (EC-45/DG.10/Rev.1, dated 17 May 2006).

Status of implementation of Article XI

- 2.53 The Council at its Twenty-Fifth Meeting adopted a decision containing a recommendation to the Conference at its Tenth Session on the full implementation of Article XI (EC-M-25/DEC.8, dated 11 November 2005).
- 2.54 The Council at its Forty-Fifth Session considered and noted the report by the Director-General on the status of implementation of Article XI of the Convention as at 31 December 2005 (EC-45/DG.12, dated 11 May 2006).

Administrative and financial matters

Programme and Budget of the OPCW for 2006, and all items pertaining to it

- 2.55 The Council at its Forty-Second Session considered the Draft Programme and Budget for 2006, which the Director-General had submitted to it in accordance with Financial Regulation 3.4, and transmitted it, with amendments, to the Conference at its Tenth Session, together with its recommendation (EC-42/DEC.4, dated 30 September 2005).
- 2.56 The Council at its Forty-Second Session also noted the Draft Medium-Term Plan for the period from 2006 to 2008 (EC-42/S/1 C-10/S/1, dated 14 June 2005).

Programme and Budget of the OPCW for 2007, and all items pertaining to it

- 2.57 During the reporting period, the Council received the Draft Programme and Budget of the OPCW for 2007 (EC-46/CRP.1, dated 28 June 2006, and Corr.1, dated 11 August 2006), and decided to hold consultations on the matter with a view to the Council's considering it further at its next regular session and transmitting it, with any amendments it deems appropriate, to the Conference at its Eleventh Session.
- 2.58 The Council at its Forty-Sixth Session also received the Draft Medium-Term Plan for the period from 2007 to 2009 (EC-46/S/4 C-11/S/1, dated 3 July 2006).

OPCW income and expenditure

- 2.59 The Council at its Forty-First Session, having considered a recommendation made by the Advisory Body on Administrative and Financial Matters (ABAF) at its Eighteenth Session, requested that the Director-General keep the Council informed through quarterly updates on the financial and budgetary situation of the OPCW and on the use of the Working Capital Fund. The Council noted the quarterly reports by the Director-General on OPCW income and expenditure as at the following dates: 30 June 2005 (EC-42/DG.3, dated 21 July 2005); 30 September 2005 (EC-43/DG.6, dated 21 November 2005); 31 December 2005 (EC-44/DG.2, 10 February 2006); and 31 March 2006 (EC-45/DG.7, dated 25 April 2006).

OPCW Financial Rules

- 2.60 Further to its consideration at previous sessions of the Draft Financial Rules of the OPCW, which the Director-General had submitted to it (EC-42/DG.5, dated 17 August 2005), the Council at its Forty-Sixth Session considered and approved the Financial Rules of the OPCW (EC-46/DEC.6*, dated 5 July 2006).

Consideration of a mechanism for States Parties to regularise the payment of their dues to the OPCW

- 2.61 During the reporting period, the Council, pursuant to a request by the Conference at its Tenth Session, held consultations on a mechanism that would offer States Parties the flexibility to regularise the payment of their dues to the OPCW, with a view to the Council making a recommendation to the Conference at its Eleventh Session.

Information-security management system

- 2.62 The Council at its Forty-Third and Forty-Fifth Sessions respectively, noted the Notes by the Director-General on the reports of the Security Audit Team IV for the following weeks: 11 to 14 October 2005 (EC-43/DG.5, dated 18 November 2005); and 3 to 6 April 2006 (EC-45/DG.4, dated 25 April 2006).

Development of the Verification Information System

- 2.63 The Council at its Forty-Second Session noted the report by the Secretariat on the status of the Verification Information System (EC-42/S/3, dated 2 September 2005).

Transfers of funds between programmes

- 2.64 The Council at its Forty-Second Session noted the Note by the Director-General on transfers of funds during 2004 (EC-42/DG.2, dated 20 July 2005).
- 2.65 The Council at its Forty-Fifth Session noted the Note by the Director-General on transfers of funds in 2005 (EC-45/DG.2 C-11/DG.1, dated 11 April 2006).

Amendments to the OPCW Staff Regulations

- 2.66 The Council, having considered the amendments submitted by the Director-General to the OPCW Staff Regulations (EC-41/DG.11, dated 9 June 2005), recommended to the Conference at its Tenth Session that it adopt the amendments to the Staff Regulations of the OPCW annexed to EC-42/DEC.3, dated 30 September 2005.

Implementation of the OPCW policy on tenure in 2005

- 2.67 The Council considered and noted a report by the Director-General on the implementation of the OPCW policy on tenure in 2005 (EC-46/DG.9, dated 4 July 2006)

Classification of the new posts approved in the Programme and Budget for 2006

- 2.68 The OPCW Programme and Budget for 2006 provides for 521 posts for the year, an increase of 19 over the number budgeted for for 2005. In accordance with OPCW Staff Regulation 2, the Director-General prepared and submitted to the Council at its Forty-Third Session proposals for the classification of posts according to the nature of the duties and responsibilities required (EC-43/DG.7, dated 28 November 2005, Add.1, dated 5 December 2005, and Add.2, dated 23 February 2006). At that Session the Council approved the classification of the posts, with the exception of those numbered F0248 and F0251 in table 3 of the aforementioned Note. The Council at its Forty-Fourth Session considered and approved the classification of these last two posts (EC-43/DG.7/Add.2, dated 23 February 2006).

Appointment of the Director-General

- 2.69 The Council at its Forty-Second Session considered and approved a decision recommending to the Conference at its Tenth Session that it renew the appointment of the Director-General, Mr Rogelio Pfirter, for one further term of four years (EC-42/DEC.2, dated 29 September 2005).

Report of the Executive Council on the performance of its activities

- 2.70 The Council at its Forty-Second Session considered and approved its report on the performance of its activities in the period from 3 July 2004 to 1 July 2005, as amended (EC-42/4 C-10/2, dated 30 September 2005), and submitted it to the Conference at its Tenth Session.

Amendments to the OPCW policy on confidentiality

- 2.71 The Council at its Twenty-Fifth Meeting considered and approved a decision containing a recommendation to the Conference at its Tenth Session on the adoption of amendments to the OPCW Policy on Confidentiality (OPOC) (EC-M-25/DEC.3, dated 9 November 2005).

The OPCW's contribution to global anti-terrorism efforts

- 2.72 The Council at its Forty-Fifth Session received and considered a Note by the Director-General on the OPCW's contribution to global anti-terrorism efforts (EC-44/DG.8, dated 9 March 2006, and Corr.1, dated 20 March 2006).

Establishment of an OPCW Office in Africa

- 2.73 The Council at its Twenty-Fifth Meeting considered and approved a decision proposed by the African Group of States Parties containing a recommendation to the Conference at its Tenth Session on the establishment of an OPCW Office in Africa (EC-M-25/DEC.6, dated 9 November 2005).
- 2.74 The Conference at its Tenth Session adopted a decision (C-10/DEC.13, dated 10 November 2005) recommending to the Council that it establish an *ad hoc* open-ended working group to examine the administrative, financial, and legal aspects

of a proposal to establish an OPCW Office in Africa, and requested the Council to promote the process identified in paragraphs 2 and 3 of that decision with a view to forwarding a recommendation on the matter to the Conference at its Eleventh Session. During the reporting period, the working group held consultations on the matter.

3. OTHER DECISIONS OR ACTIONS OF THE COUNCIL

Establishment of an open-ended working group for preparations for the Second Review Conference

- 3.1 At the recommendation of the Conference at its Tenth Session, the Council at its Forty-Third Session decided to establish an open-ended working group for preparations for the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter “the Second Review Conference”), and requested the Chairperson of the Council to nominate a facilitator to coordinate its activities.
- 3.2 The Council at its Forty-Fifth Session welcomed the nomination of H. E. Mr Lyn Parker of the United Kingdom of Great Britain and Northern Ireland as Chairperson, and of H. E. Mr Abuelgasim Abdelwahid Shiekh Idris of the Sudan, H. E. Mrs Sandra Fuentes-Berain of Mexico, H. E. Mr Kirill Gevorgian of the Russian Federation, and H. E. Mr Bozorgmehr Ziaran of the Islamic Republic of Iran, as Vice-Chairpersons. During the reporting period, the working group initiated consultations on the preparations for the Second Review Conference.

Report on the implementation of the recommendations of the Office of Internal Oversight

- 3.3 The Council at its Forty-Second Session considered and noted the report on the implementation in the first half of 2005 of the recommendations contained in the report for 2004 of the Office of Internal Oversight (OIO) (EC-42/DG.9, dated 7 September 2005, and Corr.1, dated 13 September 2005).
- 3.4 The Council at its Forty-Fourth Session noted a further report by the Director-General on the implementation in 2005 of the recommendations contained in the 2004 annual report of the OIO (EC-44/DG.5, dated 14 February 2006, and Corr.1, dated 24 February 2006).

Report of the External Auditor and the audited financial statements of the OPCW for 2005

- 3.5 The Council at its Forty-Fifth and Forty-Sixth Sessions considered the financial statements of the OPCW for the year ending 31 December 2005, and the report of the External Auditor for the same period. The Council at its Forty-Sixth Session forwarded, together with its comments, the audited financial statements and the External Auditor’s report and opinion to the Conference at its Eleventh Session.

Implementation of the recommendations of the External Auditor

- 3.6 The Council at its Forty-Second and Forty-Fourth Sessions respectively, considered and noted the Notes by the Secretariat on the status of implementation of the recommendations of the External Auditor for 2004 (EC-42/S/2, dated 31 August 2005, and Corr.1, dated 6 September 2005; and EC-44/S/3, dated 3 March 2006).

Instruments signed by the Secretariat with the governments of States Parties and with organs of equivalent function within other international organisations

- 3.7 Further to its consideration of this matter at its Forty-Fifth Session, and mindful of the importance of Article VIII, paragraph 34, of the Convention, the Council at its Forty-Sixth Session noted the report by the Director-General on agreements and arrangements with States Parties and international organisations (EC-45/DG.11, dated 11 May 2006, and Add.1, dated 26 June 2006), and welcomed his proposal to regularly update the list of said instruments in the annual report of the OPCW (paragraph 67 of EC-46/DG.10, dated 4 July 2006).

4. MATTERS REFERRED TO THE COUNCIL BY THE CONFERENCE AT ITS TENTH SESSION

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

Establishment of an open-ended working group for preparations for the Second Review Conference

- 4.2 At the recommendation of the Conference at its Tenth Session, the Council at its Forty-Third Session decided to establish an open-ended working group for preparations for the Second Review Conference, and requested the Chairperson of the Council to nominate a facilitator to coordinate its activities.
- 4.3 The Council at its Forty-Fifth Session welcomed the nomination of H. E. Mr Lyn Parker of the United Kingdom of Great Britain and Northern Ireland as Chairperson, and of H. E. Mr Abuelgasim Abdelwahid Shiekh Idris of the Sudan, H. E. Mrs Sandra Fuentes-Berain of Mexico, H. E. Mr Kirill Gevorgian of the Russian Federation, and H. E. Mr Bozorgmehr Ziaran of the Islamic Republic of Iran, as Vice-Chairpersons. During the reporting period, the working group initiated consultations on the preparations for the Second Review Conference.

Implementation of the Headquarters Agreement

- 4.4 The Conference at its Tenth Session welcomed the establishment of the OPCW Contact Group on the Implementation of the Headquarters Agreement to find mutually satisfactory solutions to outstanding issues with the Host Country, and requested that the Council submit to the Conference at its Eleventh Session a recommendation to establish a Host Country Committee.

- 4.5 During the reporting period the contact group continued its communication with the Host Country with a view to forwarding a recommendation to the Council at its next regular session.

Establishment of an OPCW Office in Africa

- 4.6 The Conference at its Tenth Session adopted a decision (C-10/DEC.13, dated 10 November 2005) recommending to the Council that it establish an *ad hoc* open-ended working group to examine the administrative, financial, and legal aspects of a proposal to establish an OPCW Office in Africa, and requested the Council to promote the process identified in paragraphs 2 and 3 of that decision with a view to forwarding a recommendation on the matter to the Conference at its Eleventh Session. During the reporting period, the working group had held consultations on the matter.

Consideration of a mechanism for States Parties to regularise the payments of their dues to the OPCW

- 4.7 Pursuant to a request by the Conference at its Tenth Session, the Council held consultations on a mechanism that would offer States Parties the flexibility to regularise the payment of their dues to the OPCW with a view to forwarding a recommendation on this matter to the Conference at its Eleventh Session.

5. MATTERS REQUIRING CONSIDERATION OR ACTION BY THE CONFERENCE AT ITS ELEVENTH SESSION¹

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

Extension of deadlines for the destruction of Category 1 chemical weapons stockpiles

- 5.2 In light of a request by A State Party (EC-44/HP/NAT.1, dated 7 February 2006, and Add.1, dated 8 March 2006), the Council at its Forty-Fourth Session considered and adopted a decision recommending to the Conference at its Eleventh Session that, subject to certain conditions, it grant an extension of the deadline by which this State Party must destroy all of its Category 1 chemical weapons (EC-44/DEC.8, dated 15 March 2006).
- 5.3 The Council at its Forty-Fifth Session considered a request by India for an extension of the final deadline for the destruction of all of its Category 1 chemical weapons (EC-45/HP/NAT.1, dated 19 April 2006), and approved a recommendation on this request for consideration by the Conference at its Eleventh Session (EC-45/DEC.5, dated 17 May 2006).
- 5.4 Further to its consideration at its Forty-Fifth Session of a request by the Libyan Arab Jamahiriya for an extension of the phase 4 deadline for the destruction of all of its Category 1 chemical weapons stockpiles (EC-45/NAT.2, dated 26 April 2006), as

¹ This section includes only those matters that were forwarded by the Council to the Conference within the period covered by this report: 2 July 2005 to 7 July 2006.

well as of the proposal by this State Party for the establishment of specific deadlines for the destruction of 1%, 20%, and 45% of those stockpiles (EC-45/NAT.1, dated 21 April 2006), the Council at its Forty-Sixth Session approved a recommendation on these matters for consideration by the Conference at its Eleventh Session (EC-46/DEC.2, dated 4 July 2006).

Draft report of the OPCW for 2005

- 5.5 The Council at its Forty-Sixth Session considered the draft report of the OPCW for 2005 (EC-46/CRP.2, dated 30 June 2006), and referred it to the Conference for consideration at its Eleventh 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 Council Chairperson's Working Group on the preparations for the Second Review Conference, which is to be convened in accordance with Article VIII, paragraph 22, of the Convention, was established and initiated its work.
- 6.3 The Council Chairperson's Working Group on the Implementation of the Headquarters Agreement continued its work.
- 6.4 The following is a list of other matters that were still 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 and 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 Declaration Handbook, "Old Chemical Weapons before 1925";
 - (iv) draft section G of the Declaration Handbook, "Abandoned Chemical Weapons"; and
 - (v) the attribution of costs related to inspections of old chemical weapons;

- (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) assistance and protection against chemical weapons;
- (g) deadlines for the submission of information on CWDFs;
- (h) guidelines for determining the frequency of systematic on-site inspections of chemical weapons storage facilities (CWSFs) and CWPFs;
- (i) criteria for toxicity and corrosiveness, and, if applicable, other technical factors to be taken into account in regard to the conversion of CWPFs;
- (j) 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;
- (k) optimisation of verification activities at chemical weapons stockpiles, as well as of their destruction and its effectiveness; and
- (l) the status of conversion of former CWPFs for purposes not prohibited under the Convention, and a concept for verification measures for such converted facilities;

Chemical industry and other Article VI issues:

- (m) recommendations of the Scientific Advisory Board (SAB);
- (n) industry issues:
 - (i) harmonisation of the reporting of aggregate national data on the production of Schedule 3 chemicals;
 - (ii) transfer discrepancies;
 - (iii) past Schedule 1 production above 1 tonne per annum for purposes not prohibited under the Convention;
 - (iv) the implementation of section B of Part IX of the Verification Annex, including the methodology for selecting other chemical production facilities;
 - (v) understandings on access to records during Schedule 2 and Schedule 3 inspections, and inspections of plant sites producing discrete organic chemicals containing phosphorus, sulfur, or fluorine;
 - (vi) assessment of the risk posed by Schedule 2 plant sites to the object and purpose of the Convention;

- (vii) the frequency of inspections at Schedule 1 facilities and Schedule 2 plant sites;
 - (viii) verification at Schedule 1 facilities;
 - (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) consideration 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
- (o) industrial-facility agreements;

Administrative and financial issues:

- (p) 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;

- (v) the situation in relation to the classification of information held by the OPCW; and
- (vi) recommendation to adopt the ISO-17799 information-security management standard for the Security-Critical Network;
- (q) the Draft OPCW Programme and Budget for 2007;
- (r) the OPCW Interim Staff Rules and amendments to Staff Regulation 3.3;
- (s) classification of posts;
- (t) reports on the implementation of the recommendations of the OIO and of the External Auditor; and
- (u) amendments to the OPOC;

Legal, organisational, and other issues:

- (v) the full implementation of Article XI of the Convention;
- (w) the fostering of international cooperation for peaceful purposes in the field of chemical activities;
- (x) 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 findings and final inspection reports; and
 - (v) consequences of abusing the right to a challenge inspection;
- (y) the indication of specific types of equipment for certain types of inspection;
- (z) sampling procedures;
- (aa) requirements for reporting information to the Council on verification activities, including inspection results;
- (bb) the effectiveness of verification activities and their optimisation;
- (cc) proposal for amendments to Rules 12 and 14 of the Rules of Procedure of the Council;

- (dd) agreements on privileges and immunities, and agreements with international organisations; a draft memorandum of understanding between the OPCW and the World Customs Organization;
- (ee) the report of the Council on the performance of its activities;
- (ff) verification-implementation reports;
- (gg) guidelines for on-site monitoring instruments;
- (hh) the progress report on the implementation of the plan of action regarding the implementation of Article VII obligations;
- (ii) guidelines on international-cooperation programmes, to be applied during the evaluation of reports by the Secretariat on existing programmes, as well as proposals for new cooperation programmes; and
- (jj) the 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 The Council at its Forty-Second Session noted the report of the Nineteenth Session of the ABAF, which took place from 22 to 24 August 2005 (ABAF-19/1, dated 24 August 2005), and the Note by the Director-General containing the response to the recommendations made by the ABAF at that Session (EC-42/DG.10, dated 9 September 2005).
- 7.2 The Council at its Forty-Sixth Session noted the report of the Twentieth Session of the ABAF (ABAF-20/1, dated 10 May 2006, and Corr.1, dated 4 July 2006) and the Note by the Director-General containing the comments on the recommendations made by the ABAF at that Session (EC-46/DG.8, dated 4 July 2006).

Appointments to the Advisory Body on Administrative and Financial Matters

- 7.3 The Council at its Forty-Second Session approved the appointment of Mr Vijai Sharma to the ABAF, to replace Mr Pradeep Singh, retroactive to the date of Mr Sharma's letter of nomination (11 July 2005). The Council at this same Session also noted the resignation of Mr Young-Kyu Park, and approved the appointment of Mr Jae-woong Lee to the ABAF, retroactive to the date of his letter of nomination (22 August 2005).
- 7.4 The Council at its Forty-Sixth Session noted the resignation of Mr Michal Szlezak.

Report of the Scientific Advisory Board

- 7.5 The Council at its Forty-Fourth Session received the Report of the Eighth Session of the SAB (SAB-8/1, dated 10 February 2006, and Corr.1, dated 15 March 2006) which includes the second report of the SAB's temporary working group on biomedical

samples. The Council also received the Note by the Director-General on that SAB Report (EC-44/DG.7, dated 8 March 2006).

- 7.6 Following the Council's consideration at previous sessions of the additional explanatory documentation provided by the Secretariat at the request of the Council (EC-42/S/4, dated 16 September 2005) in connection with the recommendations contained in the Director-General's Note on the report of the Seventh Session of the SAB (EC-41/DG.8, dated 25 May 2005, and Corr.1, dated 29 June 2005), the Council at its Forty-Fifth Session concluded that the recommendations contained in the Note had been addressed by the report of the Forty-Fourth Session of the Council.

Report of the Office of Internal Oversight for 2005

- 7.7 The Council at its Forty-Fifth Session considered the Annual Report of the OIO for the period from 1 January to 31 December 2005 and the accompanying Note by the Director-General (EC-45/DG.3*, and Corr.1, both dated 21 April 2006), which had been submitted to it by the Director-General in accordance with Regulation 12.5 of the OPCW Financial Regulations. The Council noted the report and transmitted it, together with its comments contained in the report of the Session (EC-45/2, dated 19 May 2006), to the Conference at its Eleventh Session.

Annex:

Actions Taken by the Conference of the States Parties at its Tenth Session in response to Recommendations Made by the Executive Council at its Forty-Second Session and its Twenty-Fifth Meeting

Annex

ACTIONS TAKEN BY THE CONFERENCE OF THE STATES PARTIES AT ITS TENTH SESSION IN RESPONSE TO RECOMMENDATIONS MADE BY THE EXECUTIVE COUNCIL AT ITS FORTY-SECOND SESSION AND ITS TWENTY-FIFTH MEETING

Report of the Council on the performance of its activities

- 1.1 The Conference noted the report of the Council on the performance of its activities in the period from 3 July 2004 to 1 July 2005 (EC-42/4 C-10/2, dated 30 September 2005), which the Council at its Forty-Second Session had submitted to it. The report was introduced by the Chairperson of the Council, Ambassador Alfonso Dastis of Spain, who also introduced the recommendations that the Council had made after the cut-off date for the above report and that required the attention of the Conference.

Recommendation to the Conference concerning follow-up to the plan of action regarding the implementation of Article VII obligations

- 1.2 The Conference at its Eighth Session approved a plan of action regarding the implementation of Article VII of the Convention (C-8/DEC.16, dated 24 October 2003). At its Ninth Session the Conference approved a decision on further action under that plan (C-9/DEC.4, dated 30 November 2004). It also undertook to review at its Tenth Session the status of implementation of Article VII, and requested the Secretariat, *inter alia*, to report to it at that same Session on progress made in implementing the plan of action (C-10/DG.4/Rev.1 EC-M-25/DG.1, dated 2 November 2005; C-10/DG.4/Rev.1/Corr.1 EC-M-25/DG.1/Corr.1, dated 10 November 2005; and C-10/DG.4/Rev.1/Add.1 EC-M-25/DG.1/Add.1, dated 8 November 2005). In accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.1, dated 9 November 2005), the Conference at its Tenth Session adopted a decision on follow-up to the plan of action (C-10/DEC.16, dated 11 November 2005).

Full implementation of Article X

- 1.3 In accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.1, dated 9 November 2005), the Conference at its Tenth Session considered and adopted a decision on a format for the formulation, specification, or renewal of offers of assistance under subparagraph 7(c) of Article X (C-10/DEC.8, dated 10 November 2005).

Request by the Libyan Arab Jamahiriya for extensions of the intermediate deadlines for destruction of its Category 1 chemical weapons

- 1.4 In the light of a request by the Libyan Arab Jamahiriya (EC-M-25/NAT.1, dated 13 October 2005), and pursuant to a recommendation by the Council at its Twenty-Fifth Meeting on that request (EC-M-25/DEC.2, dated 9 November 2005), the Conference at its Tenth Session granted, in principle, further extensions of the

intermediate phase 1, 2, and 3 deadlines for the destruction by the Libyan Arab Jamahiriya of 1%, 20%, and 45%, respectively, of its Category 1 chemical weapons stockpiles (C-10/DEC.10, dated 10 November 2005). The Conference at this same Session also noted that, should the Libyan Arab Jamahiriya not be able to meet its obligation to destroy all of its Category 1 chemical weapons not later than 10 years after the entry into force of the Convention (29 April 2007), its request for an extension of the final deadline for the destruction of its Category 1 chemical weapons shall be submitted to the Council, in accordance with paragraph 24 of Part IV(A) of the Verification Annex, not later than 29 April 2006.

Ensuring the universality of the Chemical Weapons Convention

- 1.5 The Conference at its Tenth Session noted the report by the Director-General on the further implementation of the action plan for the universality of the Convention (C-10/DG.3 EC-42/DG.7, dated 2 September 2005, and Corr.1, dated 9 September 2005), and, in accordance with the recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.5, dated 9 November 2005), adopted a decision concerning the implementation of the plan of action for the universality of the Convention (C-10/DEC.11, dated 10 November 2005).

Captive use of Schedule 1 chemicals

- 1.6 In accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.4, dated 9 November 2005), the Conference at its Tenth Session considered and adopted a decision on the captive use of Schedule 1 chemicals (C-10/DEC.12, dated 10 November 2005).

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

- 1.7 At its Eighth Session the Conference referred the matter of the fostering of international cooperation for peaceful purposes in the field of chemical activities to the Council for its further consideration with a view to the Council's forwarding a proposal to the Conference at its Ninth Session for consideration and approval (paragraph 15.2 of C-8/7, dated 24 October 2003). The Council at its Thirty-Eighth Session considered the matter and, in view of its status, decided to consider it further at a future session. The Conference at its Ninth Session referred the matter back to the Council for its further consideration, with a view to the Council's forwarding a proposal to the Conference at its Tenth Session for its consideration. Having considered a recommendation on the matter by the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.8, dated 11 November 2005), the Conference at its Tenth Session adopted a decision on the full implementation of Article XI of the Convention (C-10/DEC.14, dated 11 November 2005).

OPCW Programme and Budget for 2006 and all items pertaining to it

- 1.8 In accordance with Article VIII, subparagraph 21(a), of the Convention, and with Financial Regulation 3.6(a), the Conference considered and adopted the OPCW

Programme and Budget for 2006, which the Council at its Forty-Second Session had submitted to it (C-10/DEC.5, dated 8 November 2005).

- 1.9 The Conference noted the Medium-Term Plan for 2006 to 2008 (C-10/S/1/Rev.1, dated 1 November 2005), which the Council at its Forty-Second Session had forwarded to it.

Report of the External Auditor and the audited financial statements of the OPCW for 2004

- 1.10 In accordance with Regulation 13.10 of the OPCW Financial Regulations, the Council at its Forty-Second Session forwarded to the Conference the report of the External Auditor on the audit of the OPCW's accounts and of its Provident Fund for the period ended 31 December 2004 (C-10/DG.2 EC-42/DG.4, dated 31 May 2005). The Conference at its Tenth Session considered and noted this report, as well as the Council's comments on it, which appear in paragraphs 14.2 to 14.4 of the report of its Forty-Second Session (EC-42/5, dated 30 September 2005).

Amendments to the OPCW policy on confidentiality

- 1.11 In accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.3, dated 9 November 2005), the Conference at its Tenth Session considered and adopted amendments to the OPOC (C-10/DEC.9, dated 10 November 2005).

Amendments to the OPCW Staff Regulations

- 1.12 Following consideration by the Council at its Forty-First and Forty-Second Sessions of amendments, submitted by the Director-General, to the OPCW Staff Regulations (EC-41/DG.11, dated 9 June 2005), and pursuant to Regulation 16.1 of those Regulations, the Conference at its Tenth Session considered and adopted the amendments in question (C-10/DEC.4, dated 8 November 2005).

Appointment of the Director-General

- 1.13 In accordance with a recommendation of the Council at its Forty-Second Session (EC-42/DEC.2, dated 29 September 2005), the Conference at its Tenth Session considered and adopted a decision renewing the appointment of Mr Rogelio Pfirter as Director-General of the Secretariat (C-10/DEC.7, dated 10 November 2005).

Establishment of an OPCW Office in Africa

- 1.14 In accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.6, dated 9 November 2005), the Conference at its Tenth Session considered and adopted a decision on the establishment of an OPCW Office in Africa (C-10/DEC.13, dated 10 November 2005).