

**AD HOC GROUP OF THE STATES PARTIES
TO THE CONVENTION ON THE PROHIBITION
OF THE DEVELOPMENT, PRODUCTION AND
STOCKPILING OF BACTERIOLOGICAL
(BIOLOGICAL) AND TOXIN WEAPONS
AND ON THEIR DESTRUCTION**

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VISITS

The principle that exist that some provision must be made in the Protocol for visits to fit in between Declarations and Investigations.

Types of visits

Although the different types of visits presently under discussion do not have general support, there may be utility in developing a package of visits that would range from the least demanding and intrusive to the most demanding and intrusive. Visits that could be included in that order are: Voluntary visits; Random visits; Clarification visits to declared facilities and Clarification visits to undeclared facilities. Definite distinction must also be made between Clarification visits to declared facilities and those to undeclared facilities and the best way to do it is to name them differently:

- (a) Clarification visits to declared facilities to clarify declaration problems;
- (b) Consultation visits to undeclared facilities to determine whether they should be declared.

Placement

The addressing of visits in a separate section or distributing the types of visits among the other elements with which they are connected, is an issue that should be addressed when there is more clarity on the types of visits that would be acceptable.

DISCUSSION OF TYPES OF VISITS

Voluntary visits

Provision must be made for a State Party to invite the Technical Secretariat to conduct a visit to a facility or facilities. These visits should fulfil one of the following purposes:

- (a) To promote confidence;

(b) To obtain assistance from the Technical [Secretariat] [Body] in the implementation of the Protocol in specific areas such as fulfilment of declaration obligations, biosafety standards and good laboratory or manufacturing practices;

(c) To help clarify a specific ambiguity that may be contained in a Declaration;

(d) To further the cooperation and assistance provisions of the Protocol;

(e) To resolve a specific concern regarding compliance with the Convention.

Since these visits are voluntary by nature, only essential elements such as decision making on the conduct of the visit and the mandate of the visit should be included in the text.

Proposed language for Voluntary Visits

BWC/AD HOC GROUP /43 (Part I); The text proposed in BWC/AD HOC GROUP/ FOC/2 , WP.312 and WP.311 were used as the basis for the following proposed text. Text in bold contains new proposed language.

I. VOLUNTARY VISITS

1.

Each State Party may invite the Technical [Secretariat] [Body] to undertake a visit(s) to a facility(ies) on its territory or in any other place under its jurisdiction or control. In its invitation, the inviting State Party shall indicate the purpose of the visit.

2. The purposes of voluntary visits may include *inter alia*:

(a) **To promote confidence;**

(b) **To obtain assistance from the Technical [Secretariat] [Body] in the implementation of the Protocol, such as fulfilment of declaration obligations and to obtain assistance in specific areas such as biosafety standards and good laboratory and manufacturing practices and to further the cooperation and assistance provisions of this Protocol;**

(c) **To, in the context of the Consultation, Clarification and Cooperation provisions of this Protocol, help clarify a specific ambiguity that may be contained in a Declaration or resolve a specific concern.**

3. The Director-General shall in consultation with the [Executive] [Consultative] Council consider the invitation taking into account, *inter alia*, the resource implications and the nature and purpose of the visit, the detailed agreements which have been agreed to, for the visit, and whether the objectives of the visit can be fulfilled through these arrangements.

4. The Director-General shall notify the inviting State Party of the decision no later than [5 days] after receipt of the invitation.
5. The detailed arrangements for, and contents of, a specific Voluntary Visit, such as size and composition of visiting team, duration of the visit procedures upon arrival of the visiting team at the point of entry, shall be agreed beforehand between the Director-General and the State Party concerned.
6. The Director-General shall issue a mandate for each visit which shall be completed in cooperation with the State Party to be visited.
7. The costs of the visit shall be shared by the inviting State Party and the Technical [Secretariat] [Body].

Report

8. A visit report, prepared jointly by the visit team in cooperation with the visited State Party shall be submitted to the Director-General no later than [14] days after the completion of the visit. The Director-General shall submit the report to the [Executive] [Consultative] Council for consideration.

II. RANDOM VISITS

Random visits will have utility in terms of the confirming of declarations, they could also have some utility in terms of confidence building. Random visits must be clearly less intrusive than investigations. Another problem with the structure of these visits is the selection of facilities where the present proposal would result in an unbalanced distribution. For example, Western Europe and other States declare 500 facilities - they may receive a maximum 10 visits per year thus it would take 50 years to visit each facility once, or the chance of a facility being selected for a visit is 1 in 50. Africa declares 20 facilities, thus each facility will be visited every third year or the chances of a facility being selected is 1 in 2. Another formula for selection that would ensure a more balanced distribution must, therefore, be found.

Proposed text for Random Visits

BWC/AD HOC GROUP /43 (Part I); The text proposed in BWC/AD HOC GROUP/ FOC/2 , WP.312 and WP.311 were used as the basis for the following proposed text. Text in bold contains new proposed language.

RANDOM VISITS

Purpose

1. The Technical [**Secretariat**] [**Body**] shall conduct, in accordance with this Article and the detailed provisions contained in Annex B, a limited number per year of random visits which shall be non-confrontational and confidence-building in nature to declared facilities. The **purpose of these** visits shall be to confirm, in cooperation with the State Party to be visited, that declarations are consistent with the obligations under this Protocol.
2. In the case of a facility or facilities in a place under the jurisdiction or control of a State Party but located in another State Party's territory, the States Parties concerned shall cooperate and make arrangements to allow the visit to be conducted in accordance with the provisions of this Protocol.

Selection of facilities

3. There shall be no more than [50] [**60**] random visits per calendar year **to declared facilities identified by the Technical [Secretariat] [Body] at random from all declared facilities in such a manner that over a five year period visits shall be** divided between each category of declarable facilities in approximate proportion to the total number of declared facilities in each category. No State Party shall receive more than [10] random visits in each five year period.

The mechanism of selection shall be approved by the First Conference of States Parties and may be amended by future Conferences of States Parties.

Duration

4. The duration of the visit shall be no more than [2] days unless extended by agreement between the visit team and the visited **State Party**. This time excludes the time for inspection of approved equipment, the initial briefing and the time to prepare the initial visit plan.

Equipment

5. The visiting team may bring Global Positioning Systems (GPS), cameras, tape recorders and personal computers from the list of approved equipment as specified in Appendix ... to the declared facility. Any other items of equipment may only be brought with the prior approval of the visited State Party and visited facility personnel. Any request for additional items of approved equipment shall be kept to the minimum necessary and shall be included in the notification. The visited State Party shall indicate its response in its acknowledgement of the notification.

6. GPS shall only be used to confirm the location of the facility. Tape recorders shall only be used for collecting factual information for the visit report. Photography shall be at the discretion of the visited facility. The use of additional items of equipment at the declared facility shall be with the agreement of the visited State Party and visited facility personnel.

PRE-VISIT ACTIVITIES

Mandate

7. The Director-General shall issue a standard mandate for the visit **containing the information specified in paragraph ... of Annex B.**

Notification

8. The Director-General shall notify the State Party to be visited [5] days before the arrival of the visit team. **The notification shall contain the information specified in paragraph ... of Annex B. The visit mandate shall be made** available to the State Party to be visited at the same time. The State Party to be visited shall acknowledge receipt of the notification within [12] hours **after receipt of such notification.**

Designation of visiting team

9. The Director-General shall, in accordance with **detailed provisions contained in Annex B**, designate the visit team.

OBLIGATIONS AND RIGHTS OF THE VISITED STATE PARTY

Obligation to provide access and cooperate

10. The visited State Party shall provide access to all areas, rooms and functions of the facility that relates to the declaration made by the facility. The nature and extend of access to a particular area or areas at the visited facility shall be negotiated between the visiting team and the visited State Party. The visited State Party shall cooperate with the visiting team in the achievement of the objectives of its mandate.

Obligation to provide alternative information

11. If any of the on-site measures are not possible because of national security, commercial proprietary or health and safety considerations, the visited State Party shall provide other means to demonstrate that the submitted declarations are in compliance with the obligations of this Protocol. These may include, for example, the use of a video camera, photographs or drawings.

Visited State Party rights

12. The visited State Party shall have the right, **taking into account** the obligation to cooperate with the visit team in the achievement of the objectives of the mandate, to take specific measures to protect sensitive information. Such measures may include the following:

- (a) Removal of sensitive papers from direct view;
- (b) Shrouding of sensitive displays, stores, and equipment;
- (c) Shrouding sensitive pieces of equipment, such as computer or electronic systems;
- (d) Logging off of computer systems and turning off data indicating devices;
- (e) Using random selective access techniques whereby the team is requested to select a given percentage or number of buildings of their choice to investigate; the same principle can apply to the interior and content of sensitive buildings or documents;
- (f) In exceptional cases, limiting the number of team members who have access to certain parts of a facility; and limiting the viewing angle; the reasons for such limitations shall be stated;
- (g) Limiting the time team members may spend in any area or building, while allowing the team to fulfil its mandate; and limiting the viewing angle; the reasons for such

limitations shall be stated;

(h) The visited State Party may at any time during the visit identify products and processes in which it has a proprietary interest in order to help the team respect the visited State Party's right to safeguard proprietary information. It may request that if a specific piece of information is released to the team, it should be accorded the most stringent protection measures by [the Organization].

13. The visited State Party shall receive copies of **all the written** information and data gathered about the facility by the visit team.

14. The visited State Party shall have the right to object to questions posed to the facility personnel if those questions are deemed not relevant to the visit.

15. Representatives of the visited State Party and of the facility shall **have the right to** accompany the visit team throughout the duration of the visit to the facility. The visited State Party shall cooperate with the visit team in the achievement of the objectives of the mandate.

OBLIGATIONS AND RIGHTS OF THE VISITING TEAM

Obligation to minimize inconvenience

16. The activities of the visit team shall be so arranged as to ensure the timely and effective discharge of its duties in the least intrusive manner possible, and with the least possible inconvenience to the visited State Party and disturbance to the visited facility or area.

17. The visit team shall avoid unnecessarily hampering or delaying the operation of the facility and avoid affecting its safety. In particular, the visit team shall not operate any facility equipment.

Confidentiality

18. The visit team shall collect only that information necessary to carry out its mandate.

19. The visit team shall treat all information documents and data obtained during the visit and identified as sensitive by the visited State Party, as confidential and handle such information, documents and data in accordance with the confidentiality provisions of this Protocol.

Obligation to observe facility health, safety and GMP regulations

20. In carrying out their activities, the visit team shall observe established working practices at the facility, whether instituted for the protection of personnel, animals, plants, the environment or of the processes performed or their products.

Right of Access

21. The visit team shall have the right to access to the facility **in accordance with the provisions set out in paragraphs 10 to 13 above**. The items to be examined may be chosen by the visit team.

22. **The visit team may conduct the on-site activities described in this section and Annex B.**

23. **If the visited State Party objects to questions asked by the visit team, the team leader may object and state their relevance, the questions shall then be provided in writing to the visited State Party for reply. The visit team may note in the final report any refusal to permit interviews or to allow questions to be answered without any explanations given.**

24. The visit team may request access to other parts of the facility or location in which the facility is situated. Access shall be by agreement of senior facility personnel.

ON-SITE MEASURES

25. The **visit team may conduct any of the following** on-site measures as appropriate: interviewing, visual observation, identification of key equipment and auditing.

26. Sampling and identification shall only be conducted if offered by the facility and deemed useful by the visit team. Any **such** mutually agreed sampling and analysis shall be performed by facility personnel, but in the presence of the visit team.

Additional ambiguities or other questions

27. If any ambiguities or other questions related to the visited State Party's declarations, **not included in the visit mandate**, are identified during the visit, the visited State Party and the facility shall seek to resolve these cooperatively with the assistance, if necessary, of the visit team.

Technical assistance

28. During the conduct of the visit, as appropriate and at the request of the facility representatives, the visit team may, in addition to the main purpose of the visit, give technical assistance in such areas as the fulfilment of declaration obligations, biosafety standards, and good laboratory or manufacturing practices.

Debriefing

29. Within [24] hours after completion of the visit, the visit team shall meet with representatives of the visited State Party and the personnel responsible for the visited facility, to review the findings of the visit team and clarify any ambiguities. This meeting shall not exceed 2 hours. After the meeting, the visit team shall provide to the representatives of the visited State Party its preliminary report in written form. The preliminary report shall only contain the factual findings of the visit team. In order to indicate that he has taken note of the contents of the report, the representative of the visited State Party shall sign the report.

Draft Report

30. Not later than 10 days after the visit, the visit team shall prepare a draft report in accordance with **the detailed provisions contained in Annex B, section ..., paragraph ...** . The draft report shall be considered confidential.

Final report

31. The visit team shall submit a final report, which is confidential, to the Director-General not later than 30 days after the visit in accordance with the detailed provisions contained in Annex B, paragraph

Outstanding questions regarding the declaration

32. In cases where **inaccuracies, incompleteness or ambiguities, discovered during the visit**, remain, the Director-General shall inform the [Executive] [Consultative] Council which shall consider what, if any, further action is required.

ANNEX B

RANDOM VISITS

Visit mandate

1. The visit mandate, issued in accordance with Article III, section ..., paragraph ..., shall contain at least the following:

- (a) The name of the visited State Party;
- (b) The name and location of the facility to be visited;
- (c) **The Declaration submitted by the facility;**

- (d) The names of the leader and other members of the visit team;
- (e) **The approved equipment to be used during the visit.**

Notification

2. The notification of the random visit by the Director-General shall include, *inter alia*:
- (a) The name of the State Party to be visited or host State Party;
 - (b) The name and location of the facilities to be visited;
 - (c) The point of entry where the visit team will arrive as well as the means of arrival;
 - (d) The date and estimated time of arrival of the visit team at the point of entry;
 - (e) The names of the leader and of the other members of the visit team;
 - (f) The visit mandate.

Designation of visit team

3. **The Director-General shall designate the visit team** according to the specific nature of the facility and the submitted declaration. Members of the visit team shall be drawn from the permanent staff of the Technical [Secretariat] [Body]. The size of the visit team shall be kept to the minimum necessary for the proper fulfilment of the mandate, and shall not exceed [4] [6] persons. No national or resident of the State Party to be visited shall be a member of the visit team.

Administrative arrangements

4. The visited State Party shall provide or arrange for the amenities necessary for the visiting team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, in country transportation, working space, lodging, meals and medical care. In this regard the visited State Party shall be reimbursed by the Organisation for such costs incurred by the visiting team.

ACTIVITIES UPON ARRIVAL OF THE VISIT TEAM

Inspection of approved equipment

5. The visited State Party shall have the right to inspect the equipment of the visit team, to ensure that it is properly sealed, appears on the approved list of equipment specified in

Article ..., section ..., paragraph 8 and conforms to the standards as set out in Appendix
The visited State Party may exclude equipment that **does not appear on the list of approved equipment**. **The duration of the inspection of equipment shall not exceed 4 hours**

Briefing

6. Upon arrival at the facility to be visited, and before the commencement of the visit, the visit team shall be briefed by the facility representatives and the representatives of the visited State Party. The briefing shall include the scope and a general description of activities of the facility, details of the physical layout and other relevant characteristics of the site, including a map or sketch showing all structures and significant geographic features. It shall include information concerning the safety regulations in force, including rules of observation and quarantine. It may also include an indication of areas the visited State Party considers sensitive.

7. The briefing shall also include information on any relevant changes in activities or equipment at the facility since the submission of the most recent declaration.

Visit Plan

8. After the briefing the visit team shall prepare an initial visit plan. The visit plan shall be agreed by the facility representatives and the representatives of the visited State Party.

9. The visit plan shall specify the activities to be carried out by the team, including the specific areas of the facility, documentation and personnel to which access is desired, and whether the team intends to divide into subgroups. The visit team shall not divide into more than two subgroups, unless otherwise agreed by the visited State Party. The visit plan may be changed during the course of the visit.

CONDUCT OF VISIT

Interviewing

10. The visit team **may** interview any relevant personnel with the purpose of establishing relevant facts. The visited State Party shall have the right to have representatives present during interviews. The representatives of the visited State Party may include a legal adviser and a senior member of the facility staff. The team shall only request information and data which are necessary for the fulfilment of the visit mandate, focusing on questions related to the obligations of this Protocol.

11. The visit team may ask questions about other parts of the facility and the activities conducted therein where the visit team considers that these are relevant to improving its understanding of the facility declaration.

Visual observation

12. The visit team may observe visually any part of the visited facility relevant to its mandate.

13. If direct visual observation is not possible because of national security, commercial proprietary or health and safety considerations, the visited State Party shall provide other means to demonstrate that the submitted declarations are in compliance with the obligations of this Protocol. These may include, for example, the use of a video camera, photographs or drawings.

Identification of listed key equipment

14. The visit team may identify equipment on the list of key equipment contained in Annex ... at the visited facility.

15. The visit team may also note the size and quantity of equipment at the facility, or the absence of any equipment, and compare this with information provided in the facility declarations.

Auditing

16. The visited State Party shall provide the documentation necessary to confirm the consistency of the Declaration with the requirements of the Protocol, to the visit team for examination.

17. The visited State Party shall have the right, in accordance with the provisions as set out in Article III, section ..., paragraph ..., to protect documentation and records which it considers confidential for reasons of national security or commercial sensitivity.

18. The visit team and [the Organization] shall treat as confidential all documents and print-outs or records and any other information obtained as a result of access to documentation and records, and shall handle them accordingly.

19. Auditing shall be conducted in such a way as to minimize disruption to the normal work of the facility.

POST-VISIT ACTIVITIES

Departure

20. On completion of the debriefing the visit team shall depart from the territory of the visited State Party in the minimum time possible.

Draft report

21. The draft report **pursuant to Article III, section ..., paragraph ...**, shall summarize the general activities undertaken during the visit and the factual findings of the visit team.
22. The {draft} report may make recommendations if requested and in cooperation with the facility representatives, in such areas as the fulfilment of declaration obligations, biosafety standards, and good laboratory or manufacturing practices.
23. The draft report shall immediately be submitted to the visited State Party. The visited State Party may draw to the attention of the visit team any information in the draft report which, in its view, is unrelated to the visit mandate or to its obligations concerning declarations. In these cases the visited State Party may **indicate** the information **to** be considered confidential or be deleted, and/or may make written comments which shall be [annexed to] [included, as appropriate, in] the report.
24. The visited State Party may provide any other comments to the draft report. Those comments will then become part of the final report as an addendum.

Final report

25. **The final report pursuant to Article III, section ..., paragraph ..., shall contain any written comments, which the visited State Party may make in accordance with paragraph 22 above, shall be annexed to it.**
26. **If the Director-General considers it necessary that the visited State Party redresses its declaration by revising or supplementing it or submits a new declaration, the Director-General shall attach to the final report the details of, and reasons for, the points on which the declaration concerned should be redressed or a new declaration should be submitted, which shall be submitted to the visited State Party.**
27. **Unless otherwise specified, final reports shall not be circulated outside the Technical [Secretariat] [Body]. If the facts established are of a nature to suggest that obligations undertaken under this Protocol have not been met, the Director-General shall inform the [Executive] [Consultative] Council immediately. The Director-General shall also inform the State Party concerned of his decision to submit the report to the [Executive] [Consultative] Council.**

III. CLARIFICATION VISITS

The purpose of these visits is clearly described in the Rolling Text. A clarification visit shall take place as the last element if necessary in the clarification process to clear up any ambiguity, uncertainty, anomaly or omission in a declaration submitted by a State Party. This problem could have been identified by the Technical Secretariat.

Proposed text for Clarification Visits

The text proposed in BWC/AD HOC GROUP/ FOC/2 , WP 312 and WP 311 is the basis for the following proposed text. Text in bold indicates new proposals.

CLARIFICATION PROCEDURES

CLARIFICATION VISITS

1. The Technical [Secretariat] [Body] may conduct, in accordance with the provisions of this Article and the detailed provisions contained in Annex B, visits to facilities of States Parties (hereinafter referred to as “Clarification Visits”), in order to resolve any ambiguity, uncertainty, anomaly or omission in the declarations of **such a facility** (examples of which may include failure to complete all questions in the declaration format; contradictory statements and data in the declaration format; exclusion of information that ought to have been included in the declaration format; or inclusion of information inconsistent with other data available to the Technical [Secretariat] [Body]) and to promote accuracy and comprehensiveness in future declarations.)

Pre-visit consultation

2. **When** the Technical [Secretariat] [Body], as a result of its own examination, considers that there is any ambiguity, uncertainty, anomaly or omission in a declaration submitted by a State Party, it shall in the first instance seek clarification from the State Party concerned. It shall do so in writing. The State Party concerned shall respond in writing within 20 days of receipt of such a written communication.

3. If either the **requested** State Party, or the Technical [Secretariat] [Body], considers that the matter cannot be resolved through the ordinary channels of communication, or that the written response does not resolve the matter, consultations shall be held at the offices of the National Authority of that State Party. The period of these consultations shall not exceed 48 hours after their commencement. If the **requested** State Party, facility concerned and Technical [Secretariat] [Body] agree that **a clarification visit would be more suitable**, then a visit may proceed.

4. If the consultation meeting does not resolve the matter, the Technical [Secretariat] [Body] may request **the State Party** that a clarification visit be conducted at the facility in question. Such a visit may only be requested when the Technical [Secretariat] [Body] is satisfied that a visit is justified and that all reasonable steps have been taken to clarify the situation through the processes allowed for under this Article.

5. If the State Party believes that it has made every reasonable effort to resolve the matter it may refuse the clarification visit requested by the Technical [Secretariat] [Body]. The State Party shall submit a written explanation to the Technical [Secretariat] [Body] within 48 hours of receipt of the notification of intent to conduct a clarification visit. The [Executive] [Consultative] Council shall consider such a refusal as soon as possible and decide on any further action.

6. If the consultations, referred to in paragraph **3 above**, have been requested by a State Party in accordance with paragraph **2 above**, and the matter concerned has been resolved through those consultations, the Director-General shall inform the State Party of the result of **such** consultations.

7. The Technical [Secretariat] [Body] shall carry out clarification visits only when a consultation process pursuant to paragraphs 2 to 4 above did not resolve the matter and the State Party, facility concerned and the Technical [Secretariat] [Body] agree to such a visit, to clarify a specific ambiguity, uncertainty, anomaly or omission from a declaration.

Duration

8. The period of visit shall not exceed [48] [72] hours. The “period of visit” means the consecutive period of time from the arrival of the visit team at the visited facility until the completion of their visit activities provided **for in this Article and Annex B**. The period of visit may be extended once within the maximum length of ... days by agreement between the visit team and the representatives of the visited State Party.

Equipment

9. The visiting team may bring Global Positioning Systems (GPS), cameras, tape recorders and personal computers from the list of approved equipment as specified in Appendix ... to the declared facility. Any other items of equipment may only be brought with the prior approval of the visited State Party and visited facility personnel. Any request for additional items of approved equipment shall be kept to the minimum necessary and shall be included in the notification. The visited State Party shall indicate its response in its acknowledgement of the notification.

10. GPS shall only be used to confirm the location of the facility. Tape recorders shall only be used for collecting factual information for the visit report. Photography shall be at

the discretion of the visited facility. The use of additional items of equipment at the declared facility shall be with the agreement of the visited State Party and visited facility personnel.

PRE-VISIT ACTIVITIES

Mandate

11. The Director-General shall, in consultation with the State Party to be visited, issue a mandate **containing the information specified in Annex B, paragraph ...** .

Notification

12. The Director-General shall notify the State Party to be visited of the visit at least [7] [14] days in advance of the planned arrival of the visit team at the point of entry in accordance with the provisions in Annex B of this Protocol. **The visit mandate shall be made** available to the State Party to be visited at the same time. The State Party to be visited shall acknowledge receipt of the notification within ... hours **after receipt of such notification**. The Director-General shall also notify all other States Parties of the intention to conduct a clarification visit.

OBLIGATIONS AND RIGHTS OF THE VISITED STATE PARTY

Obligation to provide access

13. **The visited State Party shall provide access to all areas, rooms and functions of the facility that relates to the declaration made by the facility. The nature and extend of access to a particular area or areas at the visited facility shall be negotiated between the visiting team and the visited State Party.**

Obligation to provide alternative clarification

14. If the visited State Party **cannot provide access to places, activities or information as specified in paragraph ... above**, it shall make every reasonable effort to provide alternative means to clarify any question raised by the visit team.

Visited State Party rights

15. The visited State Party has the right to take such measures as are necessary to protect national security and commercial proprietary information. Such measures may include the following:

- (a) Removal of sensitive papers from office spaces;
- (b) Shrouding of sensitive displays, stores, and equipment;

- (c) Shrouding sensitive pieces of equipment, such as computer or electronic systems;
- (d) Logging off of computer systems and turning off data indicating devices;
- (e) Using random selective access techniques whereby the team is requested to select a given percentage or number of buildings of their choice to investigate; the same principle can apply to the interior and content of sensitive buildings or documents;
- (f) In exceptional cases, limiting the number of team members who have access to certain parts of a facility; and limiting the viewing angle; the reasons for such limitations shall be stated;
- (g) Limiting the time team members may spend in any area or building, while allowing the team to fulfil its mandate; and limiting the viewing angle; the reasons for such limitations shall be stated;
- (h) The visited State Party may at any time during the visit identify products and processes in which it has a proprietary interest in order to help the team respect the visited State Party's right to safeguard proprietary information. It may request that if a specific piece of information is released to the team, it should be accorded the most stringent protection measures by [the Organization].

16. The visited State Party shall receive copies of **all the written** information and data gathered about the facility by the visit team.

17. The visited State Party shall have the right to object to questions posed to the facility personnel if those questions are deemed not relevant to the visit.

VISIT TEAM OBLIGATIONS AND RIGHTS

Obligation to minimize inconvenience

18. The activities of the visit team shall be so arranged as to ensure the timely and effective discharge of its duties in the least intrusive manner possible, and with the least possible inconvenience to the visited State Party and disturbance to the visited facility or area.

19. The visit team shall avoid unnecessarily hampering or delaying the operation of the facility and avoid affecting its safety. In particular, the visit team shall not operate any facility equipment.

Confidentiality

20. The visit team shall treat all information documents and data obtained during the visit and identified as sensitive by the visited State Party, as confidential and handle

such information, documents and data in accordance with the confidentiality provisions of this Protocol.

Obligation to observe facility health, safety and GMP regulations

21. In carrying out their activities, the visit team shall observe established working practises at the facility, whether instituted for the protection of personnel, animals, plants, the environment or of the processes performed or their products.

Right of Access

22. The visit team shall have the right to access to the facility **in accordance with the provisions set out in paragraphs ... to ... above.** The items to be examined may be chosen by the visit team.

23. The visit team may conduct the on-site activities described in this section and Annex B, section ..., paragraph

24. If the visited State Party objects to questions asked by the visit team, the team leader may object and state their relevance, the questions shall then be provided in writing to the visited State Party for reply. The visit team may note in the final report any refusal to permit interviews or to allow questions to be answered without any explanations given.

25. The visit team may request clarifications in connection with ambiguities that arise during a visit and which are relevant to the visit mandate. Such requests shall be made promptly to or through the representative of the visited State Party. The representative of the visited State Party shall make every reasonable effort to provide the visit team with such clarification as may be necessary to resolve the issue.

26. The visit team may request access to other parts of the facility or location in which the facility is situated. Access shall be by agreement of senior facility personnel.

Activities involved in clarification visits

27. All visits shall be conducted in accordance with the provisions in Annex B.

28. The visit team may interview facility personnel, audit documentation and records, visually observe the visited facility and carry out other activities as agreed between the visit team and the visited State Party. These activities shall be conducted in accordance with the principle of managed access and after consultations with the visited State Party.

29. Sampling shall only be conducted if offered by the visited State Party, deemed useful by the visit team and can be completed within the time frame for the visit unless otherwise agreed. Any mutually agreed sampling and analysis shall be performed by the facility personnel on facility equipment in the presence of the visit team.

Debriefing

30. Within [24] hours after completion of the visit, the visit team shall meet with representatives of the visited State Party and the personnel responsible for the visited facility, to review the findings of the visit team and clarify any ambiguities. This meeting shall not exceed 2 hours. After the meeting, the visit team shall provide to the representatives of the visited State Party its preliminary report in written form. The preliminary report shall only contain the factual findings of the visit team. In order to indicate that he has taken note of the contents of the report, the representative of the visited State Party shall sign the report.

Draft report

31. Not later than 10 days after the visit, the visit team shall prepare a draft report in accordance with **the detailed provisions contained in Annex B**. The draft report shall be considered confidential.

Final report

32. **The visit team shall submit a final report, which is confidential, to the Director-General not later than 30 days after the visit in accordance with the detailed provisions contained in Annex B, paragraph**

ANNEX B

CLARIFICATION VISITS

Visit mandate

1. **The visit mandate, issued in accordance with ..., shall contain at least the following:**

- (a) The name of the visited State Party;
- (b) The name and location of the facility to be visited;
- (c) **The anomaly, omission or other issue regarding the declaration of the facility to be visited that needs to be clarified;**

- (d) The names of the leader and other members of the visit team;
- (e) **The list of approved equipment to be used during the visit.**

Notification

2. The notification of the clarification visit by the Director-General shall include, *inter alia*:
- (a) The name of the State Party to be visited or host State Party;
 - (b) The name and location of the facility(ies) to be visited;
 - (c) The point of entry where the visit team will arrive as well as the means of arrival;
 - (d) The date and estimated time of arrival of the visit team at the point of entry;
 - (e) The names of the leader and of the other members of the visit team;
 - (f) The visit mandate.

Designation of visit team

3. **The Director-General shall designate the visit team** according to the specific nature of the facility and the issue to be clarified. Members of the visit team shall be drawn from the permanent staff of the Technical [Secretariat] [Body]. The size of the visit team shall be kept to the minimum necessary for the proper fulfilment of the mandate, and shall not exceed [4] [6] persons. No national or resident of the State Party to be visited shall be a member of the visit team.

Administrative arrangements

4. The visited State Party shall provide or arrange for the amenities necessary for the visiting team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, in country transportation, working space, lodging, meals and medical care. In this regard the visited State Party shall be reimbursed by the Organization for such costs incurred by the visiting team.

ACTIVITIES UPON ARRIVAL OF THE VISIT TEAM

Inspection of approved equipment

5. The visited State Party shall have the right to inspect the equipment of the visit team,

to ensure that it is properly sealed, appears on the approved list of equipment specified in Article ..., section ..., paragraph 8 and conforms to the standards as set out in Appendix The visited State Party may exclude equipment that **does not appear on the list of approved equipment**. **The duration of the inspection of equipment shall not exceed 4 hours**

Briefing

6. Upon arrival at the facility to be visited, and before the commencement of the visit, the visit team shall be briefed by the facility representatives and the representatives of the visited State Party. The briefing shall include the scope and a general description of activities of the facility **relevant to the visit mandate**, details of the physical layout and other relevant characteristics of the site, including a map or sketch showing all structures and significant geographic features. It shall include information concerning the safety regulations in force, including rules of observation and quarantine. It may also include an indication of areas the visited State Party considers sensitive **or not related to the visit mandate**.

Visit Plan

7. After the briefing the visit team shall prepare an initial visit plan. The visit plan shall be agreed by the facility representatives and the representatives of the visited State Party.

8. The visit plan shall specify the activities to be carried out by the team, including the specific areas of the facility, documentation and personnel to which access is desired, and whether the team intends to divide into subgroups. The visit team shall not divide into more than two subgroups, unless otherwise agreed by the visited State Party. The visit plan may be changed during the course of the visit.

CONDUCT OF VISIT

Interviewing

9. The visit team shall have the right to interview any relevant personnel with the purpose of establishing relevant facts. The visited State Party shall have the right to be presented by representatives during interviews. These representatives of the visited State Party may include a legal adviser and a senior member of the facility staff. The team shall only request information and data which are necessary for the fulfilment of the visit mandate, focusing on questions related to the obligations of this Protocol.

Visual observation

10. The visit team shall have the right to observe visually any part of the visited facility relevant to its mandate.

Auditing

11. The visited State Party shall provide the documentation necessary for the clarification of the issue specified in the visit mandate, to the visit team for examination.

12. The visited State Party shall have the right, in accordance with the provisions as set out in Article III, section ..., paragraph ..., to protect documentation and records which it considers confidential for reasons of national security or commercial sensitivity.

13. The visit team and [the Organization] shall treat as confidential all documents and print-outs or records and any other information obtained as a result of access to documentation and records, and shall handle them accordingly.

14. Auditing shall be conducted in such a way as to minimize disruption to the normal work of the facility.

POST-VISIT ACTIVITIES

Departure

15. On completion of the debriefing the visit team shall depart from the territory of the visited State Party in the minimum time possible.

Draft report

16. The draft report **pursuant to Article III, section ..., paragraph ...**, shall summarize the general activities undertaken during the visit and the factual findings of the visit team.

17. The draft report shall immediately be submitted to the visited State Party. The visited State Party may draw to the attention of the visit team any information in the draft report which, in its view, is unrelated to the visit mandate or to its obligations concerning declarations. In these cases the visited State Party may **indicate** the information **to** be considered confidential or be deleted, and/or may make written comments which shall be [annexed to] [included, as appropriate, in] the report.

18. The visited State Party may provide any other comments to the draft report. Those comments will then become part of the final report as an addendum.

Final report and its review

19. The final report pursuant to Article III, section ..., paragraph ... shall contain any written comments, which the visited State Party may make in accordance with

paragraph 22 above, shall be annexed to it.

20. If the Director-General considers it necessary that the visited State Party redresses its declaration by revising or supplementing it or submits a new declaration, the Director-General shall **notify the visited State Party as such. The Director-General shall include in the notification the final report with** the details of, and reasons for, the points on which the declaration concerned should be redressed or a new declaration should be submitted **attached.**

21. Unless otherwise specified, final reports shall not be circulated outside the Technical [Secretariat] [Body]. If the final report of a clarification visit does not resolve the issue, or the facts established are of a nature to suggest that obligations undertaken under this Protocol have not been met, the Director-General shall inform the [Executive] [Consultative] Council immediately. The Director-General shall also inform the State Party concerned of his decision to submit the report to the [Executive] [Consultative] Council.

22. If the visited State Party believes that its views have not been fairly reflected in the report, it may submit its comments on the report in writing to the Director-General who shall forward them to the requesting State Party, and to the [Executive] [Consultative] Council.

23. The [Executive] [Consultative] Council shall consider reports when:

(a) A visited State Party submits comments as specified in paragraph ... of this section, dissenting from the factual findings in the final report of a visit to a declared or undeclared facility;

(b) The Technical [Secretariat] [Body] or a requesting State Party believes that a clarification visit has not resolved the matter.

24. In all **such** cases the [Executive] [Consultative] Council shall [decide on any further action as appropriate] [if it deems it appropriate, decide by [a two-thirds majority] [a majority] of its members on necessary measures such as revision of, or addition to, the declaration concerned or submission of a new declaration and the time limit of its fulfilment]. The Director-General shall inform the visited State Party of the decision.

IV. CONSULTATION VISITS

The purpose of these visits will be to clarify whether an undeclared facility under question should have been declared or not. The scope and activities conducted during this visit would be much the same as clarification visits but the pre-visit activities as well as the visit mandate would differ. There will also be differences in the follow up activities.

Proposed text in BWC/AD HOC GROUP/FOC/2, WP.311 and WP.312 has been used as a basis for the following proposed text. Text in bold indicates new proposals.

CONSULTATION VISITS

1. The Technical [Secretariat] [Body] **may** conduct, in accordance with the provisions of this Article and the detailed provisions contained in Annex B, visits to facilities of States Parties (hereinafter referred to as “**Consultation Visits**”), in order to resolve **whether an undeclared facility should have been declared.**

Pre-visit consultation

2. If a State Party has reason to believe that a facility **in the territory or in any other place under the jurisdiction or control of another State Party**, meets the criteria for declaration as specified in Article III, section D, and that facility has not been declared, it may request **in writing the Director-General to** initiate on its behalf consultation procedures. The State Party shall submit all relevant supporting evidence in its request to the Director-General. Such evidence shall include a precise delimitation of the site where activities that should have been declared are believed to be taking place.

3. The **Director-General** shall seek written explanation from the State Party from which an explanation is sought within 48 hours of receipt of the request. The State Party shall provide an explanation in writing within 20 days of receipt of the written request for clarification. The **Director-General** may request a consultation meeting with representatives of the **requested** State Party if the written response does not resolve the matter. Such a meeting shall be held at the offices of the National Authority of the **requested** State Party. The consultation meeting shall not exceed two working days.

4. If the matter has been resolved through those consultations, the Director-General shall inform the **requested and requesting** State Parties of the result of consultations.

5. The State Party, at its discretion, may invite the Technical [Secretariat] [Body] to conduct a visit in accordance with the provisions **in this section and** Annex B, with a view to resolving the **matter.**

6. If the consultation meeting does not resolve the matter, the **Director-General** may request the State Party that a consultation visit be conducted at the facility in question. Such

a visit may only be requested when the **Director-General** is satisfied that a visit is justified and that all reasonable steps have been taken to clarify the situation through the processes allowed for under this Article.

7. If the State Party believes that it has made every reasonable effort to resolve the matter it may refuse the consultation visit requested by the **Director-General**. The State Party shall submit a written explanation to the **Director-General** within 48 hours of receipt of the notification of intent to conduct a consultation visit. The [Executive] [Consultative] Council shall consider such a refusal as soon as possible and decide on any further action.

8. The Technical [Secretariat] [Body] shall carry out consultation visits only when consultation process pursuant to paragraph ... did not resolve the matter and the State Party, facility concerned and the Technical [Secretariat] [Body] agree to such a visit, to clarify whether a specific undeclared facility should have been declared.

Duration

9. The period of visit shall not exceed [48] [72] hours. The “period of visit” means the consecutive period of time from the arrival of the visit team at the visited facility until the completion of their visit activities provided **for in this Article**. The period of visit may be extended once within the maximum length of ... days by agreement between the visit team and the representatives of the visited State Party.

Equipment

10. The visiting team may bring Global Positioning Systems (GPS), cameras, tape recorders and personal computers from the list of approved equipment as specified in Appendix ... to the visited facility. Any other items of equipment may only be brought with the prior approval of the visited State Party and visited facility personnel. Any request for additional items of approved equipment shall be kept to the minimum necessary and shall be included in the notification. The visited State Party shall indicate its response in its acknowledgement of the notification.

11. GPS shall only be used to confirm the location of the facility. Tape recorders shall only be used for collecting factual information for the visit report. Photography shall be at the discretion of the visited facility. The use of additional items of equipment at the visited facility shall be with the agreement of the visited State Party and visited facility personnel.

Mandate

12. The Director-General shall, in consultation with the State Party to be visited, issue a mandate **containing the information specified in Annex B, paragraph ...** .

Notification

13. The Director-General shall notify the State Party to be visited of the visit at least [7] [14] days in advance of the planned arrival of the visit team at the point of entry in accordance with the provisions in Annex B of this Protocol. **The visit mandate shall be made** available to the State Party to be visited at the same time. The State Party to be visited shall acknowledge receipt of the notification within ... hours **after receipt of such notification**. The Director-General shall also notify all other States Parties of the intention to conduct a consultation visit.

OBLIGATIONS AND RIGHTS OF THE VISITED STATE PARTY

Obligation to provide access

14. **The visited State Party shall provide access to all areas, rooms, personnel and functions of the facility specified in the visit mandate. The nature and extend of access to a particular area or areas at the visited facility shall be negotiated between the visiting team and the visited State Party.**

Obligation to provide alternative clarification

15. If the visited State Party **cannot provide access to places, activities or information as specified in paragraph ... above**, it shall make every reasonable effort to provide alternative means to clarify any question raised by the visit team, **or to demonstrate to the visit team that it is not related to the visit mandate.**

Visited State Party rights

16. The visited State Party has the right to take such measures as are necessary to protect national security and commercial proprietary information. Such measures may include the following:

- (a) Removal of sensitive papers from office spaces;
- (b) Shrouding of sensitive displays, stores, and equipment;
- (c) Shrouding sensitive pieces of equipment, such as computer or electronic systems;
- (d) Logging off of computer systems and turning off data indicating devices;
- (e) Using random selective access techniques whereby the team is requested to select a given percentage or number of buildings of their choice to investigate; the same principle can apply to the interior and content of sensitive buildings or documents;

(f) In exceptional cases, limiting the number of team members who have access to certain parts of a facility; and limiting the viewing angle; the reasons for such limitations shall be stated;

(g) Limiting the time team members may spend in any area or building, while allowing the team to fulfil its mandate; and limiting the viewing angle; the reasons for such limitations shall be stated;

(h) The visited State Party may at any time during the visit identify products and processes in which it has a proprietary interest in order to help the team respect the visited State Party's right to safeguard proprietary information. It may request that if a specific piece of information is released to the team, it should be accorded the most stringent protection measures by [the Organization].

17. The visited State Party shall receive copies of **all the written** information and data gathered about the facility by the visit team.

18. The visited State Party shall have the right to object to questions posed to the facility personnel if those questions are deemed not relevant to the visit.

VISIT TEAM OBLIGATIONS AND RIGHTS

Obligation to minimize inconvenience

19. The activities of the visit team shall be so arranged as to ensure the timely and effective discharge of its duties in the least intrusive manner possible, and with the least possible inconvenience to the visited State Party and disturbance to the visited facility or area.

20. The visit team shall avoid unnecessarily hampering or delaying the operation of the facility and avoid affecting its safety. In particular, the visit team shall not operate any facility equipment.

Confidentiality

21. The visit team shall treat all information documents and data obtained during the visit and identified as sensitive by the visited State Party, as confidential and handle such information, documents and data in accordance with the confidentiality provisions of this Protocol.

Obligation to observe facility health, safety and GMP regulations

22. In carrying out their activities, the visit team shall observe established working practises at the facility, whether instituted for the protection of personnel, animals, plants, the environment or of the processes performed or their products.

Right of Access

23. The visit team shall have the right to access to the facility **in accordance with the provisions set out in paragraphs 14 to 17 above**. The items to be examined may be chosen by the visit team.

24. The visit team may conduct the on-site activities described in this section and Annex B.

25. If the visited State Party objects to questions asked by the visit team, the team leader may object and state their relevance, the questions shall then be provided in writing to the visited State Party for reply. The visit team may note in the final report any refusal to permit interviews or to allow questions to be answered without any explanations given.

26. The visit team may request access to other parts of the facility or location in which the facility is situated. Access shall be by agreement of senior facility personnel.

Activities involved in consultation visits

27. All visits shall be conducted in accordance with the provisions in Annex B.

28. The visit team may interview facility personnel, audit documentation and records, visually observe the visited facility and carry out other activities as agreed between the visit team and the visited State Party. These activities shall be conducted in accordance with the principle of managed access and after consultations with the visited State Party.

29. Sampling shall only be conducted if offered by the visited State Party, deemed useful by the visit team and can be completed within the time frame for the visit unless otherwise agreed. Any mutually agreed sampling and analysis shall be performed by the facility personnel on facility equipment in the presence of the visit team.

Debriefing

30. Within [24] hours after completion of the visit, the visit team shall meet with representatives of the visited State Party and the responsible personnel from the visited facility, to review the findings of the visit team and clarify any ambiguities. This meeting shall not exceed 2 hours. After the meeting, the visit team shall provide to the

representatives of the visited State Party its preliminary report in written form. The preliminary report shall only contain the factual findings of the visit team. In order to indicate that he has taken note of the contents of the report, the representative of the visited State Party shall sign the report.

Draft report

31. Not later than 10 days after the visit, the visit team shall prepare a draft report in accordance with **the detailed provisions contained in Annex B, section ..., paragraph ...** . The draft report shall be considered confidential.

Final draft report

32. **The visit team shall submit a final draft report, which is confidential, to the Director-General not later than 30 days after the visit in accordance with the detailed provisions contained in Annex B, section ..., paragraph ...** .

ANNEX B

CONSULTATION VISITS

Visit mandate

1. **The visit mandate, issued in accordance with ..., shall contain at least the following:**

- (a) The name of the State Party to be visited;
- (b) The name and location of the facility to be visited;
- (c) The precise delimitation of the site where the activities that should have been declared are believed to be taking place;
- (d) The trigger(s) for declaration that are believed to have triggered a declaration;**
- (e) The names of the leader and other members of the visit team;
- (f) The list of approved equipment to be used during the visit.**

Notification

2. The notification of the consultation visit by the Director-General shall include, *inter*

alia:

- (a) The name of the State Party to be visited or host State Party;
- (b) The name and location of the facility(ies) to be visited;
- (c) The point of entry where the visit team will arrive as well as the means of arrival;
- (d) The date and estimated time of arrival of the visit team at the point of entry;
- (e) The names of the leader and members of the visit team;
- (f) The visit mandate.

Designation of visit team

3. **The Director-General shall designate the visit team** according to the specific nature of the facility. Members of the visit team shall be drawn from the permanent staff of the Technical [Secretariat] [Body]. The size of the visit team shall be kept to the minimum necessary for the proper fulfilment of the mandate, and shall not exceed [4] [6] persons. No national or resident of the State Party to be visited shall be a member of the visit team.

Administrative arrangements

4. The visited State Party shall provide or arrange for the amenities necessary for the visiting team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, in country transportation, working space, lodging, meals and medical care. In this regard the visited State Party shall be reimbursed by the Organization for such costs incurred by the visiting team.

ACTIVITIES UPON ARRIVAL OF THE VISIT TEAM

Inspection of approved equipment

5. The visited State Party shall have the right to inspect the equipment of the visit team, to ensure that it is properly sealed, appears on the approved list of equipment specified in Article ..., section ..., paragraph 8 and conforms to the standards as set out in Appendix The visited State Party may exclude equipment that **does not appear on the list of approved equipment. The duration of the inspection of equipment shall not exceed 4 hours.**

Briefing

6. Upon arrival at the facility to be visited, and before the commencement of the visit, the visit team shall be briefed by the facility representatives and the representatives of the

visited State Party. The briefing shall include the scope and a general description of activities of the facility **relevant to the visit mandate**, details of the physical layout and other relevant characteristics of the site, including a map or sketch showing all structures and significant geographic features. It shall include information concerning the safety regulations in force, including rules of observation and quarantine. It may also include an indication of areas the visited State Party considers sensitive **or not related to the visit mandate**.

Visit Plan

7. After the briefing the visit team shall prepare an initial visit plan. The visit plan shall be agreed by the facility representatives and the representatives of the visited State Party.

8. The visit plan shall specify the activities to be carried out by the team, including the specific areas of the facility, documentation and personnel to which access is desired, and whether the team intends to divide into subgroups. The visit team shall not divide into more than two subgroups, unless otherwise agreed by the visited State Party. The visit plan may be changed during the course of the visit.

CONDUCT OF VISIT

Interviewing

9. The visit team shall have the right to interview any relevant personnel with the purpose of establishing relevant facts. The visited State Party shall have the right to be presented by its representatives during interviews. These representatives of the visited State Party may include a legal adviser and a senior member of the facility staff. The team shall only request information and data which are necessary for the fulfilment of the visit mandate, focusing on questions related to the obligations of this Protocol.

Visual observation

10. The visit team shall have the right to observe visually any part of the visited facility relevant to its mandate.

Auditing

11. The visited State Party shall provide the documentation necessary for the clarification of the issue specified in the visit mandate, to the visit team for examination.

12. The visited State Party shall have the right, in accordance with the provisions as set out in Article III, section ..., paragraph ..., to protect documentation and records which it considers confidential for reasons of national security or commercial sensitivity.

13. The visit team and [the Organization] shall treat as confidential all documents and print-outs or records and any other information obtained as a result of access to documentation and records, and shall handle them accordingly.

14. Auditing shall be conducted in such a way as to minimize disruption to the normal work of the facility.

POST-VISIT ACTIVITIES

Departure

15. On completion of the debriefing the visit team shall depart from the territory of the visited State Party in the minimum time possible.

Draft report

16. The draft report **pursuant to Article III, section ..., paragraph ...**, shall summarize the general activities undertaken during the visit and the factual findings of the visit team.

17. The draft report shall immediately be submitted to the visited State Party. The visited State Party may draw to the attention of the visit team any information in the draft report which, in its view, is unrelated to the visit mandate or to its obligations concerning declarations. In these cases the visited State Party may request that the information be considered confidential or be deleted, and/or may make written comments which shall be [annexed to] [included, as appropriate, in] the report.

18. The visited State Party may provide any other comments to the draft report. Those comments will then become part of the final report as an addendum.

Final report and its review

19. **The final draft report pursuant to Article III, section ..., paragraph ... shall contain any written comments, which the visited State Party may make in accordance with paragraph 22 above, shall be annexed to it.**

20. The Director-General shall prepare a final report which **shall include the details of and reasons for, the visited facility to be declared or not be declared.**

21. **The final report shall be provided to the visited State Party immediately after its completion. The Director-General shall submit the final report to the [Executive] [Consultative] Council for consideration at its earliest session. The report shall also be provided to the requesting State Party and to other State Parties upon request.**

22. If the visited State Party believes that its views have not been fairly reflected in the report, it may submit its comments on the report in writing to the Director-General who shall forward them to the requesting State Party, and to the [Executive] [Consultative] Council. If the requesting State Party believes that its concerns have not been resolved it may raise the matter at the [Executive][Consultative] Council.

23. In all cases the [Executive] [Consultative] Council shall [decide on any further action as appropriate] [if it deems it appropriate, decide by [a two-thirds majority] [a majority] of its members on necessary measures such as revision of, or addition to, the declaration concerned or submission of a new declaration and the time limit of its fulfilment]. The Director-General shall inform the visited State Party of the decision. The Director-General shall also inform the requesting State Party of the decision. The visited State Party shall take the necessary measures in accordance with this decision.

GENERAL PRINCIPAL

The Director-General shall submit an annual report on the implementation of visits to the [Executive] [Consultative] Council during the last [quarterly] session of the fiscal year. In the case of a consultation visit, the final report shall be provided to the [Executive] [Consultative] Council, the requesting State Party and to all States Parties upon request. If the requesting State Party believes that its concerns have not been resolved it may raise the matter at the [Executive] [Consultative] Council.
