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White paper on OSI reporting requirements

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White paper on reporting requirements – J Sweeney, purple team

Questions from the agenda:

1. How would results of the off-site analysis be reported (i.e., when and to whom)?
2. Does the ISP get a chance to censor this type of data if they argue it is not relevant?

Relevant Treaty (and OSI OM) guidance on reporting:

A progress inspection report must be transmitted to the EC via the DG no later than 25 days after approval of the inspection (refer to timelines white paper).

Paragraph 62, Article IV of the Treaty lists what reports should contain:

a. A description of the activities conducted by the inspection team.
b. The factual findings of the inspection team relevant to the purpose of the inspection.
c. An account of the cooperation granted during the inspection.
d. A factual description of the extent of the access granted, including the alternative means provided to the team, during the on-site inspection; and
e. Any other details relevant to the purpose of the inspection.

Paragraph 52, Article IV, refers to the DG "…notify all States Parties within 24 hours about any decision by and reports, proposals, requests and recommendations to the Executive Council pursuant to paragraphs 46 to 50." (Paragraphs 46 to 50 refer to the various decision points as to the initial, continuation, and extension periods of an OSI. Thus, at any decision point, a report of the kind listed above will need to be available from the IT so that the DG can distribute it accordingly. Other than this, and the deadline for the progress inspection report (para. 47.) there is no set guidance for reporting, with the exception of off-site sample analysis (Protocol, para. 104).

Protocol, para. 104: The Technical Secretariat shall compile the results of the laboratory analysis of samples relevant to the purpose of the inspection. Pursuant to Article IV, paragraph 63, the Director-General shall transmit any such results promptly to the inspected State Party for comments and thereafter to the Executive Council and to all other States Parties and shall include detailed information concerning the equipment and methodology employed by the designated laboratories." (Paragraph 63 refers to the DG making draft reports available to the ISP and the ISP right to provide comments. As far as I can tell, this only refers to off-site analysis.)

Operational Manual Model Text, 11.2.4. states that "…the IT should store documented observations, measurements and analysis results…in a centrally managed database." Section 11.6.4 states that the preliminary findings report

should contain a attached list of samples taken from the IA or the BOO to designated laboratories or the TS

Bottom line is that this puts an additional 2-day constraint on reporting, since the IT will have to give the ISP 48 hours to review the draft analysis report and get back to the IT before they have to submit the final report to the DG.

Answers to questions above:

Question 1.: Reporting of results is constrained by Treaty Protocol, para. 104: The TS compiles results of the analyses. These are conveyed to the DG. The DG conveys them to the IT. The IT must provide the ISP with a draft report and allow the ISP 48 hours to respond. This is the "to whom". The "when" is dictated by the constraints of the time lines related to the different inspection periods, as discussed in the companion white paper.

Question 2.: This question is covered in Article IV, para. 63. "The ISP shall have the right to provide the DG within 48 hours with its comments and explanations, and to identify any information and data which, in its view, are not related to the purpose of the inspection and should not be circulated outside the TS. The DG shall consider proposals for changes to the draft inspection report made by the ISP and shall wherever possible incorporate them. The DG shall also annex the comments and explanations provided by the ISP to the inspection report."

In other words, the ISP can voice its objections/concerns and request limits on distribution of information, but how this is handled is under the discretion of the DG, -- e.g. they cannot "censor" it.

Reporting Requirements

J Sweeney, LLNL

Purple Team

Treaty and OM Model Text Guidance

Progress inspection report – no later than 25 days after approval of inspection

- Description of activities conducted
- Factual findings relevant to purpose of insp.
- Account of coop. granted
- Factual description of extent of access granted
- Any other details relevant to purpose of insp.

[para. 62, article IV]

Treaty and OM

The DG notifies all States Parties within 24 hr about decisions and reports to the EC

(this means IT report needs to be available at decision points for initial, continuation, and extension periods)

No set guidance for reports other than off-site sampling…

Off-site samples: reporting

(protocol, para 104): TS compiles results of lab analysis – DG transmits results to ISP for comments and then to the EC and all other States Parties

Includes:

Info on equipment and methodology employed by designated labs

Off-site sample: reporting

OM model text: "…the IT should store documented observations, measurements and analysis results…In a centrally managed database."

Sect. 11.6.4 – preliminary findings report should contain an attached list of samples taken from the IA or BOO to designated laboratories or the TS

How would results of the off-site analysis be reported (i.e. when and to whom)?

Reporting of results is constrained by Treaty Protocol, para. 104: The TS compiles results of the analyses. These are conveyed to the DG. The DG conveys them to the IT. The IT must provide the ISP with a draft report and allow the ISP 48 hours to respond. This is the “to whom”. The “when” is dictated by the constraints of the time lines related to the different inspection periods, as discussed in the companion white paper.

Does the ISP get a chance to censor this type of data if they argue it is not relevant?

This question is covered in Article IV, para. 63. "The ISP shall have the right to provide the DG within 48 hours with its comments and explanations, and to identify any information and data which, in its view, are not related to the purpose of the inspection and should not be circulated outside the TS. The DG shall consider proposals for changes to the draft inspection report made by the ISP and shall wherever possible incorporate them. The DG shall also annex the comments and explanations provided by the ISP to the inspection report."

In other words, the ISP can voice its objections/concerns and request limits on distribution of information, but how this is handled is under the discretion of the DG, -- e.g. they cannot "censor" it.