

DECISION

PROCEDURES FOR THE INSPECTION OF EQUIPMENT, IN ACCORDANCE WITH PART II, PARAGRAPH 29, OF THE VERIFICATION ANNEX (PARIS RESOLUTION, SUBPARAGRAPH 12(f))

The Conference

Recalling that the Commission in its PC-VIII/18, paragraph 7.2, adopted Attachment 2 to PC-VIII/B/WP.2 entitled "Procedures for the Inspection by the Inspected State Party at the Point of Entry/Point of Exit (POE) of Approved Equipment Carried by the Inspection Team",

Bearing in mind that the Commission recommended in paragraph 39.2 of its Final Report that the Conference adopt the above mentioned procedures,

Hereby:

1. **Adopts** the procedures for the inspection by the inspected State Party at the point of entry/point of exit (POE) of approved equipment carried by the inspection team, annexed hereto.

Annex

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Annex

PROCEDURES FOR THE INSPECTION BY THE INSPECTED STATE PARTY AT THE POINT OF ENTRY/POINT OF EXIT (POE) OF APPROVED EQUIPMENT CARRIED BY THE INSPECTION TEAM

1. General provisions

- 1.1 In accordance with paragraph 29 of Part II of the Verification Annex, the inspected State Party has the right to inspect the approved equipment in the presence of inspection team members at the point of entry/point of exit, i.e. to check the identity of the approved equipment brought in or removed from the territory of the inspected State Party or Host State by the inspection team. To facilitate such identification, the Technical Secretariat (TS) shall attach documents and devices to authenticate its designation and approval of the equipment. These authentication documents would include, inter alia, the description, the technical specifications and the operational requirements of the equipment and a description of the procedures used by the Technical Secretariat for the designation, calibration and approval of the approved equipment. The inspection of the inspection team's equipment shall also ascertain to the satisfaction of the inspected State Party that the inspection team's equipment meets the description of the approved equipment for the particular type of inspection. Approved equipment is the equipment from the list of equipment approved by the Conference of the States Parties in accordance with paragraph 21(i) of Article VIII; the Technical Secretariat shall, to the extent possible, select that equipment which is specifically designed for the specific kind of inspection.
- 1.2 If the inspection of the approved equipment by the inspected State Party indicates that the equipment meets the description of the approved equipment for the particular type of inspection, there shall be no restriction by the inspected State Party, apart from those pursuant to the provisions of Article IX and Part X of the Verification Annex, on the inspection team bringing onto the inspection site the approved equipment which the Technical Secretariat, in accordance with paragraph 28 of Part II of the Verification Annex, has determined to be necessary to fulfil the inspection requirements. This is without prejudice to the provisions in relation to the use of the equipment by the inspection team.

2. Role of the inspected State Party

- 2.1 The inspected State Party has the right to inspect each individual item of approved equipment carried by the inspection team. This is without prejudice to paragraph 11 (d) of Part II of the Verification Annex on the inviolability of approved equipment. In executing this right, the inspected State Party may use any appropriate procedure consistent with paragraph 4 below. The inspected State Party has the right to exclude equipment that does not meet the description of the approved equipment for the particular type of inspection or that lacks the authentication documents and devices issued by the TS.

- 2.2 The representative of the inspected State Party shall take into account any suggestions which the inspection team leader may have in relation to the application of a specific procedure for inspecting the approved equipment, in accordance with paragraph 3.2 below.

3. Role of the inspection team

- 3.1 Inspection team personnel shall be present during the inspection of the approved equipment at all times, shall observe fully the inspection, and shall discharge this responsibility without unnecessary delay.
- 3.2 If by virtue of the particular procedure chosen by the inspected State Party, the inspection team leader concludes that the inspection of approved equipment by the inspected State Party may render that equipment inoperable or interfere in any way with its function(s), the inspection team leader shall so inform the representative of the inspected State Party.

4. Inspection of approved equipment

Pursuant to paragraph 1.1 above, subject to paragraphs 4.2 and 4.3 below, and within a period that will enable the inspection team and the inspected State Party to conduct the in-country activities within the times prescribed by the Convention for the particular type of inspection, the inspection of the approved equipment by the inspected State Party shall follow the principles set out below:

- 4.1 No inspection procedure chosen by the inspected State Party shall render the approved equipment inoperable or interfere, in any way, with its function(s).
- 4.2 The inspection of the approved equipment by the inspected State Party may, inter alia, include:
- (a) inspection of the certificates, authentication documents and devices provided by the TS for each item of approved equipment;
 - (b) without compromising the functionality of the approved equipment, visual inspection and other non-destructive tests and checks suitable to establish that the equipment meets the description of the approved equipment for the particular type of inspection, which may include the utilisation of the procedures used by the Technical Secretariat for designation, calibration and approval of the equipment as specified in the documents attached to the equipment by the Technical Secretariat.
- 4.3 Both the hardware and software of approved equipment may be inspected in accordance with paragraphs 4.1 and 4.2 above. Such inspection shall not alter any data which is stored in the approved equipment and which is necessary for its proper performance.

5. Resolution after exclusion or possible misuse of equipment, if any

- 5.1 Any equipment that has been excluded by the inspected State Party at the POE in accordance with paragraph 29 of Part II of the Verification Annex shall be retained at the POE under joint control or joint seal and returned to the inspection team upon its departure from the point of exit.
- 5.2 In a case where the inspected State Party has demonstrated during the post-inspection activities that the equipment has been modified or used for purposes not in accordance with those which the Technical Secretariat has determined to be necessary to fulfil the inspection requirements and the matter cannot be resolved in consultations between the representative of the inspected State Party and the inspection team leader, the equipment shall be retained at the point of exit under joint control or joint seal until the matter can be resolved in the presence of a representative of the Technical Secretariat.

6. Recording of the inspection of approved equipment at the POE in the inspection report

The procedures and measures undertaken at the POE during the inspection of the approved equipment carried by the inspection team shall be duly recorded in the inspection report, to include, inter alia:

- (a) the exclusions of equipment, if any, and the reasons provided for this by the inspected State Party;
- (b) a reference to any discussion between the inspection team personnel and the inspected State Party on a method to inspect the equipment, or the scope of that inspection; and
- (c) a reference to any other incidents in relation to the inspection of the approved equipment by the inspected State Party.

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