

The effect of inspection on the operations of the facility

17. The NTI had no noticeable effect on the operation of the plant. However, without the full co-operation between the facility personnel and the inspection team, the inspection would have impeded or even halted some of the operations. Moreover, the costs of inspection, in regard to the time taken and the efforts made by the facility personnel in the preparation of the initial declaration and their participation in the conduct of the NTI, must also be taken into consideration.

Conclusions and matters to be discussed further in regard to verification on a routine basis

18. In the course of the NTI, it became clear that several provisions of the draft convention concerning verification inspection on a routine basis require further discussion.

(a) Concerning multi-purpose facilities

How is it possible to determine the number, intensity, duration and timing of a verification inspection on a routine basis if the production process of the declared schedule [2] substance:

- (i) can be shifted from one multi-purpose facility to another;
- (ii) operates in batch mode;
- (iii) is discontinuous by reason of factors relating to supply and demand?

Is there any means, other than checking mass balance at a subsequent inspection, to ascertain whether a declared activity has been carried out in the multi-purpose facility in the interval between inspections or during the inspection itself?

(b) Concerning the consultation of confidential information and protection of confidentiality

How is it possible to ensure that the inspectors respect the confidentiality of the information to which they have access and that they refrain from leaking it to competing companies?

To what extent would the inspected facility be entitled to take legal action in the event of the disclosure of its industrial secrets and, in such a case, who would be liable for the loss suffered by the facility?

(c) Concerning the inspection procedures themselves

It is well known that the process of producing a complete batch may take several days. Would it be necessary for the inspectors to monitor and observe the entire process?

To what extent would a company under inspection be required to bear the financial costs of the inspection?