

I. SCOPE AND LIMITS

Note: The need to define confidentiality in the convention can be questioned. But for the sake of considering this important concept thoroughly, it is necessary to evaluate its scope and limits.

The following should be considered confidential: any information (or data relevant to security, intellectual property or know-how) which brought to the attention of another party (another country, an industrial firm, a research and development organization), either separately or in association with some other information or data, could afford it a special advantage of a military, scientific, technical, industrial, commercial or financial nature.

The concept of confidentiality and the special measures for ensuring its protection may be determined:

- With respect to the recipients of the information: national authorities, States parties, the Organization, the Executive Council, the Technical Secretariat (as a whole, central level, international inspectorate);
- In accordance with the various aspects of the verification régimes: initial and annual declarations, model agreements, routine inspections, challenge inspection, instrument monitoring;
- In respect of application to different fields: military facilities, small-scale production facilities (and laboratories authorized for schedule [1] chemicals); chemical, agro-chemical, pharmaceutical industries; distributors, middlemen, wholesalers.

This first assessment shows that there is no simple, single concept of confidentiality which can be defined, since each element of it is specific.

The outcome of national and multilateral trial inspections should make it possible to undertake a functional analysis with a view to identifying each of the elements in which confidentiality is involved, in what way it is involved and thus how it may be protected (especially with respect to the collection of, storage of, transmission of, access to, and use of data).

II. PROPOSED AMENDMENTS AND ADDITIONS TO THE PROVISIONS OF DOCUMENT CD/881

Note: This section is intended to identify all the parts of the text where insertion of additional provisions or amendment of existing provisions might be deemed necessary. This implies by definition a substantial amount of redundancy. If this approach to dealing with confidentiality in the convention text were to be pursued, insertions would of course have to be limited to what appears essential.

2.1. Provisions related to articles IV and V

Page 19, paragraph 9: Add the following sentence:

The sole purpose of the Inspectors' activities and the verification methods used shall be to provide sufficient facts to verify compliance with the provisions of the Convention.