

- the right to take measures to protect sensitive installations, and to prevent disclosure of confidential information, not related to the Convention.

[11. (a) The requesting State Party may, subject to the agreement of the inspected State Party, send a representative who may be a national either of the requesting State Party or of a third State Party to observe the conduct of the inspection.]

(b) The inspected State Party shall then grant access to the observer in accordance with the Protocol on Inspection Procedures.

(c) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report.]

12. (a) The requesting State Party shall present a request for an on-site challenge inspection to the Director-General of the Technical Secretariat.

(b) The Director-General shall immediately ascertain that the request meets the requirements specified in the Protocol on Inspection Procedures (Part III, Section II A, para. 1), and, if necessary, assist the requesting State Party in filing the request accordingly. When the request fulfills the requirements, preparations for the inspection shall begin.

[(c) The Director-General shall [notify] [transmit the request immediately after its receipt to] the inspected State Party [not less than 12 hours prior to the planned arrival of the inspection team at the point of entry]. Contemporaneously, the members of the Executive Council [and all the other States Parties] shall be informed about the request.]

[(c) The Director-General shall transmit the request to the inspected State Party and the members of the Executive Council [] hours prior to the planned arrival of the inspection team at the point of entry.]

(d) After having been informed of the inspection request, the Executive Council shall take note of the Director-General's action on the request and shall keep the case under its consideration throughout the inspection procedure. However, its deliberations shall not delay the inspection process.

[(e) If it considers the request to be frivolous, abusive or clearly beyond the scope of the Convention as described in paragraph 8 of this Article, the Executive Council may, within [] hours after having received the inspection request, decide by [unanimity] [a majority of .. of its members] [against carrying out] [on whether to carry out] the inspection. In such a case, inspection preparations shall be stopped, no further action on the request shall be taken, and the States Parties concerned shall be informed accordingly.]