

ARTICLE VI

ASSISTANCE AND PROTECTION AGAINST BIOLOGICAL AND TOXIN WEAPONS

1. For the purposes of this Article, “Assistance” means the coordination and delivery to States Parties of protection against biological and toxin weapons, including, *inter alia*, any of the following: detection equipment [including biosensors]; alarm equipment; protective equipment; decontamination equipment and decontaminants; prophylactic, diagnostic and/or therapeutic medical measures and materials, and/or advice on any of these protective measures.
2. Nothing in this Protocol shall be interpreted as impeding the right of any State Party to conduct research into, develop, produce, acquire, transfer or use means of protection against biological and toxin weapons, for purposes not prohibited under the Convention.
3. Each State Party undertakes to facilitate, and shall have the right to participate in [, subject to protection of confidential proprietary information and national security information] [and under non-discriminatory and equitable commercial terms,] the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against biological and toxin weapons.
4. The Technical Secretariat shall establish, not later than 180 days after entry into force of this Protocol and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against biological and toxin weapons as well as such information as may be provided by States Parties.
5. The Technical Secretariat shall also, within the resources available to it, and at the request of a State Party, provide expert advice and assist the State Party in identifying how its programmes for the development and improvement of a protective capacity against biological and toxin weapons could be implemented.
6. Nothing in this Protocol shall be interpreted as impeding the right of States Parties to request and provide assistance bilaterally and to conclude individual agreements with other States Parties concerning the emergency procurement of assistance.
7. Each State Party undertakes to provide assistance to the extent possible through the Organization and to this end may elect to take one or more of the following measures:
 - (a) To contribute to the voluntary fund for assistance to be established by the Conference at its first session;
 - (b) To conclude, if possible not later than 180 days after this Protocol enters into force for it, agreements with the Organization concerning the procurement, upon demand, of assistance;

(c) To declare, not later than 180 days after this Protocol enters into force for it, the kind of assistance it might provide in response to an appeal by the Organization. If, however, a State Party subsequently is unable to provide the assistance envisaged in its declaration, it is still under the obligation to provide assistance in accordance with this Article.

8. Each State Party has the right to request and, subject to the procedure set forth in paragraphs 9, 10, 11 and 12 to receive assistance and protection against the use or threat of use of biological and toxin weapons if it considers that:

(a) Biological and toxin weapons have been used against it;

(b) It is threatened by imminent actions that are prohibited for States Parties by Article I of the Convention;

(c) It has credible reason to believe it is confronted by imminent actions or serious threat with respect to actions that are prohibited for States Parties by Article I of the Convention.

9. The request for assistance, substantiated by relevant information, shall be submitted to the Director-General, who shall transmit it immediately to the Executive Council and to all States Parties, requesting those States Parties which have volunteered assistance, in accordance with subparagraphs 7 (b) and (c) to begin preparations to dispatch emergency assistance in case of use of biological and toxin weapons, or humanitarian assistance in case of serious threat of use of biological and toxin weapons to the State Party concerned, not later than 12 hours after receipt of the request. [Requests for assistance when a State Party considers that biological or toxin weapons have been used against it shall [not be considered or otherwise acted upon by the Director-General or the Executive Council unless a field investigation request from the State Party making the Article VI request is submitted] [also be accompanied, either simultaneously or within 12 hours, by a request for a field investigation pursuant to Article III, section G].]

10. The Director-General shall initiate, not later than [12] hours after receipt of a request for assistance, from a State Party, an examination of the request in order to provide foundation for further action by the Organization. The Director-General shall complete the examination within [72] hours and forward a report to the Executive Council and to States Parties. If necessary, the time required for completion of the examination may be extended by periods of [72] hours with reports being submitted at the end of each [72] hour period, to the Executive Council and to all States Parties. The examination shall, as appropriate and in conformity with the request and the information accompanying the request, establish relevant facts related to the request as well as make recommendations on the type and scope of [supplementary] assistance and protection needed. In the case of request for assistance when a State Party considers that biological or toxin weapons have been used against it, the Director-General shall, when possible, incorporate into the examination report relevant factual information from the affected area(s) [and [, if appropriate,] progress reports [of the]

[from any] investigation team which [is] [may be] conducting [the] [a] field investigation in the State Party concerned].

11. The Executive Council shall meet not later than [24] hours after receiving an examination report to consider the situation and shall take a decision by simple majority within the following [24] hours on whether to instruct the Technical Secretariat to provide [supplementary] assistance. The Technical Secretariat shall immediately transmit to all States Parties and relevant international organizations the examination report and the decision taken by the Executive Council. When so decided by the Executive Council, the Director-General shall provide assistance immediately. For this purpose, the Director-General may cooperate with the requesting State Party, other States Parties and relevant international organizations. The States Parties shall make the fullest possible efforts to provide assistance.

12. If the information available from the ongoing examination or other reliable sources would give sufficient proof that there are humans, animals or plants affected by the use of biological and toxin weapons and immediate action is indispensable, the Director-General shall notify all States Parties and shall take emergency measures of assistance, using the resources the Conference has placed at his/her disposal for such contingencies. The Director-General shall keep the Executive Council informed of actions undertaken pursuant to this paragraph.