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# TREATY ON OPEN SKIES

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*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
June 2002*

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## TREATY ON OPEN SKIES

The States concluding this Treaty, hereinafter referred to collectively as the States Parties or individually as a State Party,

Recalling the commitments they have made in the Conference on Security and Co-operation in Europe to promoting greater openness and transparency in their military activities and to enhancing security by means of confidence- and security-building measures,

Welcoming the historic events in Europe which have transformed the security situation from Vancouver to Vladivostok,

Wishing to contribute to the further development and strengthening of peace, stability and co-operative security in that area by the creation of an Open Skies regime for aerial observation,

Recognizing the potential contribution which an aerial observation regime of this type could make to security and stability in other regions as well,

Noting the possibility of employing such a regime to improve openness and transparency, to facilitate the monitoring of compliance with existing or future arms control agreements and to strengthen the capacity for conflict prevention and crisis management in the framework of the Conference on Security and Co-operation in Europe and in other relevant international institutions,

Envisaging the possible extension of the Open Skies regime into additional fields, such as the protection of the environment,

Seeking to establish agreed procedures to provide for aerial observation of all the territories of States Parties, with the intent of observing a single State Party or groups of States Parties, on the basis of equity and effectiveness while maintaining flight safety,

Noting that the operation of such an Open Skies regime will be without prejudice to States not participating in it,

Have agreed as follows:

### ARTICLE I

#### **General Provisions**

1. This Treaty establishes the regime, to be known as the Open Skies regime, for the conduct of observation flights by States Parties over the territories of other States Parties, and sets forth the rights and obligations of the States Parties relating thereto.
2. Each of the Annexes and their related Appendices constitutes an integral part of this Treaty.

### ARTICLE II

#### **Definitions**

For the purposes of this Treaty:

1. The term “observed Party” means the State Party or group of States Parties over whose territory an observation flight is conducted or is intended to be conducted, from the time it has received notification thereof from an observing Party until completion of the procedures relating to that flight, or personnel acting on behalf of that State Party or group of States Parties.

2. The term “observing Party” means the State Party or group of States Parties that intends to conduct or conducts an observation flight over the territory of another State Party or group of States Parties, from the time that it has provided notification of its intention to conduct an observation flight until completion of the procedures relating to that flight, or personnel acting on behalf of that State Party or group of States Parties.

3. The term “group of States Parties” means two or more States Parties that have agreed to form a group for the purposes of this Treaty.

4. The term “observation aircraft” means an unarmed, fixed wing aircraft designated to make observation flights, registered by the relevant authorities of a State Party and equipped with agreed sensors. The term “unarmed” means that the observation aircraft used for the purposes of this Treaty is not equipped to carry and employ weapons.

5. The term “observation flight” means the flight of the observation aircraft conducted by an observing Party over the territory of an observed Party, as provided in the flight plan, from the point of entry or Open Skies airfield to the point of exit or Open Skies airfield.

6. The term “transit flight” means a flight of an observation aircraft or transport aircraft conducted by or on behalf of an observing Party over the territory of a third State Party en route to or from the territory of the observed Party.

7. The term “transport aircraft” means an aircraft other than an observation aircraft that, on behalf of the observing Party, conducts flights to or from the territory of the observed Party exclusively for the purposes of this Treaty.

8. The term “territory” means the land, including islands, and internal and territorial waters, over which a State Party exercises sovereignty.

9. The term “passive quota” means the number of observation flights that each State Party is obliged to accept as an observed Party.

10. The term “active quota” means the number of observation flights that each State party has the right to conduct as an observing Party.

11. The term “maximum flight distance” means the maximum distance over the territory of the observed Party from the point at which the observation flight may commence to the point at which that flight may terminate, as specified in Annex A to this Treaty.

12. The term “sensor” means equipment of a category specified in Article IV, paragraph 1 that is installed on an observation aircraft for use during the conduct of observation flights.

13. The term “ground resolution” means the minimum distance on the ground between two closely located objects distinguishable as separate objects.

14. The term “infra-red line-scanning device” means a sensor capable of receiving and visualizing thermal electro-magnetic radiation emitted in the invisible infra-red part of the optical spectrum by objects due to their temperature and in the absence of artificial illumination.

15. The term “observation period” means a specified period of time during an observation flight when a particular sensor installed on the observation aircraft is operating.

16. The term “flight crew” means individuals from any State Party who may include, if the State party so decides, interpreters and who perform duties associated with the operation or servicing of an observation aircraft or transport aircraft.

17. The term “pilot-in-command” means the pilot on board the observation aircraft who is responsible for the operation of the observation aircraft, the execution of the flight plan, and the safety of the observation aircraft.

18. The term “flight monitor” means an individual who, on behalf of the observed Party, is on board an observation aircraft provided by the observing Party during the observation flight and who performs duties in accordance with Annex G to this Treaty.

19. The term “flight representative” means an individual who, on behalf of the observing Party, is on board an observation aircraft provided by the observed Party during an observation flight and who performs duties in accordance with Annex G to this Treaty.

20. The term “representative” means an individual who has been designated by the observing Party and who performs activities on behalf of the observing Party in accordance with Annex G during an observation flight on an observation aircraft designated by a State Party other than the observing Party or the observed Party.

21. The term “sensor operator” means an individual from any State Party who performs duties associated with the functioning, operation and maintenance of the sensors of an observation aircraft.

22. The term “inspector” means an individual from any State Party who conducts an inspection of sensors or observation aircraft of another State Party.

23. The term “escort” means an individual from any State Party who accompanies the inspectors of another State Party.

24. The term “mission plan” means a document, which is in a format established by the Open Skies Consultative Commission, presented by the observing Party that contains the route, profile, order of execution and support required to conduct the observation flight, which is to be agreed upon with the observed Party and which will form the basis for the elaboration of the flight plan.

25. The term “flight plan” means a document elaborated on the basis of the agreed mission plan in the format and with the content specified by the International Civil Aviation Organization, hereinafter referred to as the ICAO, which is presented to the air traffic control authorities and on the basis of which the observation flight will be conducted.

26. The term “mission report” means a document describing an observation flight completed after its termination by the observing Party and signed by both the observing and observed Parties, which is in a format established by the Open Skies Consultative Commission.

27. The term “Open Skies airfield” means an airfield designated by the observed Party as a point where an observation flight may commence or terminate.
28. The term “point of entry” means a point designated by the observed Party for the arrival of personnel of the observing Party on the territory of the observed Party.
29. The term “point of exit” means a point designated by the observed Party for the departure of personnel of the observing Party from the territory of the observed Party.
30. The term “refuelling airfield” means an airfield designated by the observed Party used for refuelling and servicing of observation aircraft and transport aircraft.
31. The term “alternate airfield” means an airfield specified in the flight plan to which an observation aircraft or transport aircraft may proceed when it becomes inadvisable to land at the airfield of intended landing.
32. The term “hazardous airspace” means the prohibited areas, restricted areas and danger areas, defined on the basis of Annex 2 to the Convention on International Civil Aviation, that are established in accordance with Annex 15 to the Convention on International Civil Aviation<sup>1</sup> in the interests of flight safety, public safety and environmental protection and about which information is provided in accordance with ICAO provisions.
33. The term “prohibited area” means an airspace of defined dimensions, above the territory of a State party, within which the flight of aircraft is prohibited.
34. The term “restricted area” means an airspace of defined dimensions, above the territory of a State Party, within which the flight of aircraft is restricted in accordance with specified conditions.
35. The term “danger area” means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times.

### ARTICLE III

#### **Quotas**

#### SECTION I

#### **General Provisions**

1. Each State Party shall have the right to conduct observation flights in accordance with the provisions of this Treaty.
2. Each State Party shall be obliged to accept observation flights over its territory in accordance with the provisions of this Treaty.
3. Each State Party shall have the right to conduct a number of observation flights over the territory of any other State Party equal to the number of observation flights which that other State Party has the right to conduct over it.
4. The total number of observation flights that each State Party is obliged to accept over its territory is the total passive quota for that State Party. The allocation of the total passive quota to the States Parties is set forth in Annex A, Section I to this Treaty.
5. The number of observation flights that a State Party shall have the right to conduct each year over the territory of each of the other States Parties is the individual active quota of that State Party with respect to that other State Party. The sum of the individual active quotas is the total active quota of that State Party. The total active quota of a State Party shall not exceed its total passive quota.

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<sup>1</sup> Treaty Series No. 8 (1953) Cmd. 8742.

6. The first distribution of active quotas is set forth in Annex A, Section II to this Treaty.
7. After entry into force of this Treaty, the distribution of active quotas shall be subject to an annual review for the following calendar year within the framework of the Open Skies Consultative Commission. In the event that it is not possible during the annual review to arrive within three weeks at agreement on the distribution of active quotas with respect to a particular State Party, the previous year's distribution of active quotas with respect to that State Party shall remain unchanged.
8. Except as provided for by the provisions of Article VIII, each observation flight conducted by a State Party shall be counted against the individual and total active quotas of that State Party.
9. Notwithstanding the provisions of paragraphs 3 and 5 of this Section, a State Party to which an active quota has been distributed may, by agreement with the State Party to be overflowed, transfer a part or all of its total active quota to other States Parties and shall promptly notify all other States Parties and the Open Skies Consultative Commission thereof. Paragraph 10 of this Section shall apply.
10. No State Party shall conduct more observation flights over the territory of another State Party than a number equal to 50 per cent, rounded up to the nearest whole number, of its own total active quota, or of the total passive quota of that other State Party, whichever is less.
11. The maximum flight distances of observation flights over the territories of the States Parties are set forth in Annex A, Section III to this Treaty.

## SECTION II

### **Provisions for a Group of States Parties**

1. 

A Without prejudice to their rights and obligations under this Treaty, two or more States Parties which hold quotas may form a group of States Parties at signature of this Treaty and thereafter. For a group of States Parties formed after signature of this Treaty, the provisions of this Section shall apply no earlier than six months after giving notice to all other States Parties, and subject to the provisions of paragraph 6 of this Section.

B A group of States Parties shall co-operate with regard to active and passive quotas in accordance with the provisions of either paragraph 2 or 3 of this Section.
2. 

A The members of a group of States Parties shall have the right to redistribute amongst themselves their active quotas for the current year, while retaining their individual passive quotas. Notification of the redistribution shall be made immediately to all third States Parties concerned.

B An observation flight shall count as many observation flights against the individual and total active quotas of the observing Party as observed Parties belonging to the group are overflowed. It shall count one observation flight against the total passive quota of each observed Party.

C Each State Party in respect of which one or more members of a group of States Parties hold active quotas shall have the right to conduct over the territory of any member of the group 50 per cent more observation flights, rounded up to the nearest whole number, than its individual active quota in respect of that member of the group or to conduct two such overflights if it holds no active quota in respect of that member of the group.

D In the event that it exercises this right the State Party concerned shall reduce its active quotas in respect of other members of the group in such a way that the total sum of observation flights it conducts over their territories shall not exceed the sum of the individual active quotas that the State Party holds in respect of all the members of the group in the current year.

E The maximum flight distances of observation flights over the territories of each member of the group shall apply. In case of an observation flight conducted over

several members, after completion of the maximum flight distance for one member all sensors shall be switched off until the observation aircraft reaches the point over the territory of the next member of the group of States Parties where the observation flight is planned to begin. For such follow-on observation flight the maximum flight distance related to the Open Skies airfield nearest to this point shall apply.

3. A A group of States Parties shall, at its request, be entitled to a common total passive quota which shall be allocated to it and common individual and total active quotas shall be distributed in respect of it.
  - B In this case, the total passive quota is the total number of observation flights that the group of States Parties is obliged to accept each year. The total active quota is the sum of the number of observation flights that the group of States Parties has the right to conduct each year. Its total active quota shall not exceed the total passive quota.
  - C An observation flight resulting from the total active quota of the group of States Parties shall be carried out on behalf of the group.
  - D Observation flights that a group of States Parties is obliged to accept may be conducted over the territory of one or more of its members.
  - E The maximum flight distances of each group of States Parties shall be specified pursuant to Annex A, Section III and Open Skies airfields shall be designated pursuant to Annex E to this Treaty.
4. In accordance with the general principles set out in Article X, paragraph 3, any third State Party that considers its rights under the provisions of Section I, paragraph 3 of this Article to be unduly restricted by the operation of a group of States Parties may raise this problem before the Open Skies Consultative Commission.
5. The group of States Parties shall ensure that procedures are established allowing for the conduct of observation flights over the territories of its members during one single mission, including refuelling if necessary. In the case of a group of States Parties established pursuant to paragraph 3 of this Section, such observation flights shall not exceed the maximum flight distance applicable to the Open Skies airfields at which the observation flights commence.
6. No earlier than six months after notification of the decision has been provided to all other States Parties:
  - A a group of States Parties established pursuant to the provisions of paragraph 2 of this Section may be transformed into a group of States Parties pursuant to the provisions of paragraph 3 of this Section;
  - B a group of States Parties established pursuant to the provisions of paragraph 3 of this Section may be transformed into a group of States Parties pursuant to the provisions of paragraph 2 of this Section;
  - C a State Party may withdraw from a group of States Parties; or
  - D a group of States Parties may admit further States Parties which hold quotas.
7. Following entry into force of this Treaty, changes in the allocation or distribution of quotas resulting from the establishment of or an admission to or a withdrawal from a group of States Parties according to paragraph 3 of this Section shall become effective on 1 January following the first annual review within the Open Skies Consultative Commission occurring after the six-month notification period. When necessary, new Open Skies airfields shall be designated and maximum flight distances established accordingly.



## ARTICLE IV

### Sensors

1. Except as otherwise provided for in paragraph 3 of this Article, observation aircraft shall be equipped with sensors only from amongst the following categories:
  - A optical panoramic and framing cameras;
  - B video cameras with real-time display;
  - C infra-red line-scanning devices; and
  - D sideways-looking synthetic aperture radar.
2. A State Party may use, for the purposes of conducting observation flights, any of the sensors specified in paragraph 1 above, provided that such sensors are commercially available to all States Parties, subject to the following performance limits:
  - A in the case of optical panoramic and framing cameras, a ground resolution of no better than 30 centimetres at the minimum height above ground level determined in accordance with the provisions of Annex D, Appendix 1, obtained from no more than one panoramic camera, one vertically-mounted framing camera and two obliquely-mounted framing cameras, one on each side of the aircraft, providing coverage, which need not be continuous, of the ground up to 50 kilometres of each side of the flight path of the aircraft;
  - B in the case of video cameras, a ground resolution of no better than 30 centimetres determined in accordance with the provisions of Annex D, Appendix 1;
  - C in the case of infra-red line-scanning devices, a ground resolution of no better than 50 centimetres at the minimum height above ground level determined in accordance with the provisions of Annex D, Appendix 1, obtained from a single device; and
  - D in the case of sideways-looking synthetic aperture radar, a ground resolution of no better than three metres calculated by the impulse response method, which, using the object separation method, corresponds to the ability to distinguish on a radar image two corner reflectors, the distance between the centres of which is no less than five metres, over a swath width of no more than 25 kilometres, obtained from a single radar unit capable of looking from either side of the aircraft, but not both simultaneously.
3. The introduction of additional categories and improvements to the capabilities of existing categories of sensors provided for in this Article shall be addressed by the Open Skies Consultative Commission pursuant to Article X of this Treaty.
4. All sensors shall be provided with aperture covers or other devices which inhibit the operation of sensors so as to prevent collection of data during transit flights or flights to points of entry or from points of exit over the territory of the observed Party. Such covers or such other devices shall be removable or operable only from outside the observation aircraft.
5. Equipment that is capable of annotating data collected by sensors in accordance with Annex B, Section II shall be allowed on observation aircraft. The State Party providing the observation aircraft for an observation flight shall annotate the data collected by sensors with the information provided for Annex B, Section II to this Treaty.
6. Equipment that is capable of displaying data collected by sensors in real-time shall be allowed on observation aircraft for the purposes of monitoring the functioning and operation of the sensors during the conduct of an observation flight.
7. Except as required for the operation of the agreed sensors, or as required for the operation of the observation aircraft, or as provided for in paragraphs 5 and 6 of this Article, the collection, processing, retransmission or recording of electronic signals from electro-magnetic waves are prohibited on board the observation aircraft and equipment for such operations shall not be on that observation aircraft.

8. In the event that the observation aircraft is provided by the observing Party, the observing Party shall have the right to use an observation aircraft equipped with sensors in each sensor category that do not exceed the capability specified in paragraph 2 of this Article.

9. In the event that the observation aircraft used for an observation flight is provided by the observed Party, the observed Party shall be obliged to provide an observation aircraft equipped with sensors from each sensor category specified in paragraph 1 of this Article, at the maximum capability and in the numbers specified in paragraph 2 of this Article, subject to the provisions of Article XVIII, Section II, unless otherwise agreed by the observing and observed Parties. The package and configuration of such sensors shall be installed in such a way so as to provide coverage of the ground provided for in paragraph 2 of this Article. In the event that the observation aircraft is provided by the observed Party, the latter shall provide a sideways-looking synthetic aperture radar with a ground resolution of no worse than six metres, determined by the object separation method.

10. When designating an aircraft as an observation aircraft pursuant to Article V of this Treaty, each State Party shall inform all other States Parties of the technical information on each sensor installed on such aircraft as provided for in Annex B to this Treaty.

11. Each State Party shall have the right to take part in the certification of sensors installed on observation aircraft in accordance with the provisions of Annex D. No observation aircraft of a given type shall be used for observation flights until such type of observation aircraft and its sensors has been certified in accordance with the provisions of Annex D to this Treaty.

12. A State Party designating an aircraft as an observation aircraft shall, upon 90-day prior notice to all other States Parties and subject to the provisions of Annex D to this Treaty, have the right to remove, replace or add sensors, or amend the technical information it has provided in accordance with the provisions of paragraph 10 of this Article and Annex B to this Treaty. Replacement and additional sensors shall be subject to certification in accordance with the provisions of Annex D to this Treaty prior to their use during an observation flight.

13. In the event that a State Party or group of States Parties, based on experience with using a particular observation aircraft, considers that any sensor or its associated equipment installed on an aircraft does not correspond to those certified in accordance with the provisions of Annex D, the interested States Parties shall notify all other States Parties of their concern. The State Party that designated the aircraft shall:

- A take the steps necessary to ensure that the sensor and its associated equipment installed on the observation aircraft correspond to those certified in accordance with the provisions of Annex D, including, as necessary, repair, adjustment or replacement of the particular sensor or its associated equipment; and
- B at the request of an interested State Party, by means of a demonstration flight set up in connection with the next time that the aforementioned observation aircraft is used, in accordance with the provisions of Annex F, demonstrate that the sensor and its associated equipment installed on the observation aircraft correspond to those certified in accordance with the provisions of Annex D. Other States Parties that express concern regarding a sensor and its associated equipment installed on an observation aircraft shall have the right to send personnel to participate in such a demonstration flight.

14. In the event that, after the steps referred to in paragraph 13 of this Article have been taken, the States Parties remain concerned as to whether a sensor or its associated equipment installed on an observation aircraft correspond to those certified in accordance with the provisions of Annex D, the issue may be referred to the Open Skies Consultative Commission.

## ARTICLE V

### **Aircraft designation**

1. Each State Party shall have the right to designate as observation aircraft one or more types or models of aircraft registered by the relevant authorities of a State Party.
2. Each State Party shall have the right to designate types or models of aircraft as observation aircraft or add new types or models of aircraft to those designated earlier by it, provided that it notifies all other States Parties 30 days in advance thereof. The notification of the designation of aircraft of a type or model shall contain the information specified in Annex C to this Treaty.
3. Each State Party shall have the right to delete types or models of aircraft designated earlier by it, provided that it notifies all other States Parties 90 days in advance thereof.
4. Only one exemplar of a particular type and model of aircraft with an identical set of associated sensors shall be required to be offered for certification in accordance with the provisions of Annex D to this Treaty.
5. Each observation aircraft shall be capable of carrying the flight crew and the personnel specified in Article VI, Section III.

## ARTICLE VI

### **Choice of Observation Aircraft, General Provisions for the Conduct of Observation Flights, and Requirements for Mission Planning**

#### SECTION I

### **Choice of Observation Aircraft and General Provisions for the Conduct of Observation Flights**

1. Observation flights shall be conducted using observation aircraft that have been designated by a State Party pursuant to Article V. Unless the observed Party exercises its right to provide an observation aircraft that it has itself designated, the observing Party shall have the right to provide the observation aircraft. In the event that the observing Party provides the observation aircraft, it shall have the right to provide an aircraft that it has itself designated or an aircraft designated by another State Party. In the event that the observed Party provides the observation aircraft, the observing Party shall have the right to be provided with an aircraft capable of achieving a minimum unrefuelled range, including the necessary fuel reserves, equivalent to one-half of the flight distance, as notified in accordance with paragraph 5, sub-paragraph G of this Section.
2. Each State Party shall have the right, pursuant to paragraph 1 of this Section, to use an observation aircraft designated by another State Party for observation flights. Arrangements for the use of such aircraft shall be worked out by the States Parties involved to allow for active participation in the Open Skies regime.
3. States Parties having the right to conduct observation flights may co-ordinate their plans for conducting observation flights in accordance with Annex H to this Treaty. No State Party shall be obliged to accept more than one observation flight at any time during the 96-hour period specified in paragraph 9 of this Section, unless that State Party has requested a demonstration flight pursuant to Annex F to this Treaty. In that case, the observed Party shall be obliged to accept an overlap for the observation flights of up to 24 hours. After having been notified of the results of the co-ordination of plans to conduct observation flights, each State Party over whose territory observation flights are to be conducted shall inform other States Parties, in accordance with the provisions of Annex H, whether it will exercise, with regard to each specific observation flight, its right to provide its own observation aircraft.

4. No later than 90 days after signature of this Treaty, each State Party shall provide notification to all other States Parties:
  - A of the standing diplomatic clearance number for Open Skies observation flights, flights of transport aircraft and transit flights; and
  - B of which language or languages of the Open Skies Consultative Commission specified in Annex L, Section I, paragraph 7 to this Treaty shall be used by personnel for all activities associated with the conduct of observation flights over its territory, and for completing the mission plan and mission report, unless the language to be used is the one recommended in Annex 10 to the Convention on International Civil Aviation, Volume II, paragraph 5.2.1.1.2.
5. The observing Party shall notify the observed Party of its intention to conduct an observation flight, no less than 72 hours prior to the estimated time of arrival of the observing Party at the point of entry of the observed Party. States Parties providing such notifications shall make every effort to avoid using the minimum pre-notification period over weekends. Such notification shall include:
  - A the desired point of entry and, if applicable, Open Skies airfield where the observation flight shall commence;
  - B the date and estimated time of arrival of the observing Party at the point of entry and the date and estimated time of departure for the flight from the point of entry to the Open Skies airfield, if applicable, indicating specific accommodation needs;
  - C the location specified in Annex E, Appendix 1, where the conduct of the pre-flight inspection is desired and the date and start time of such pre-flight inspection in accordance with the provisions of Annex F;
  - D the mode of transport and, if applicable, type and model of the transport aircraft used to travel to the point of entry in the event that the observation aircraft used for the observation flight is provided by the observed Party;
  - E the diplomatic clearance number for the observation flight or for the flight of the transport aircraft used to bring the personnel in and out of the territory of the observed Party to conduct an observation flight;
  - F the identification of the observation aircraft, as specified in Annex C;
  - G the approximate observation flight distance; and
  - H the names of the personnel, their gender, date and place of birth, passport number and issuing State Party, and their function.
6. The observed Party that is notified in accordance with paragraph 5 of this Section shall acknowledge receipt of the notification within 24 hours. In the event that the observed Party exercises its right to provide the observation aircraft, the acknowledgement shall include the information about the observation aircraft specified in paragraph 5, subparagraph F of this Section. The observing Party shall be permitted to arrive at the point of entry at the estimated time of arrival as notified in accordance with paragraph 5 of this Section. The estimated time of departure for the flight from the point of entry to the Open Skies airfield where the observation flight shall commence and the location, the date and the start time of the pre-flight inspection shall be subject to confirmation by the observed Party.
7. Personnel of the observing Party may include personnel designated pursuant to Article XIII by other States Parties.
8. The observing Party, when notifying the observed Party in accordance with paragraph 5 of this Section, shall simultaneously notify all other States Parties of its intention to conduct the observation flight.
9. The period from the estimated time of arrival at the point of entry until completion of the observation flight shall not exceed 96 hours, unless otherwise agreed. In the event that the observed Party requests a demonstration flight pursuant to Annex F to the Treaty, it shall extend the 96-hour period pursuant to Annex F, Section III, paragraph 4, if additional time is required by the observing Party for the unrestricted execution of the mission plan.

10. Upon arrival of observation aircraft at the point of entry, the observed Party shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors to confirm that they are in their proper position pursuant to Annex E, unless otherwise agreed by all States Parties involved.

11. In the event that the observation aircraft is provided by the observing Party, upon the arrival of the observation aircraft at the point of entry or at the Open Skies airfield where the observation flight commences, the observed Party shall have the right to carry out the pre-flight inspection pursuant to Annex F, Section I. In the event that, in accordance with paragraph 1 of this Section, an observation aircraft is provided by the observed Party, the observing Party shall have the right to carry out the pre-flight inspection of sensors pursuant to Annex F, Section II. Unless otherwise agreed, such inspections shall terminate no less than four hours prior to the scheduled commencement of the observation flight set forth in the flight plan.

12. The observing Party shall ensure that its flight crew includes at least one individual who has the necessary linguistic ability to communicate freely with the personnel of the observed Party and its air traffic control authorities in the language or languages notified by the observed Party in accordance with paragraph 4 of this Section.

13. The observed Party shall provide the flight crew, upon its arrival at the point of entry or at the Open Skies airfield where the observation flight commences, with the most recent weather forecast and air navigation information and information on flight safety, including Notices to Airmen. Updates of such information shall be provided as requested. Instrument procedures, and information about alternate airfields along the flight route, shall be provided upon arrival of the mission plan in accordance with the requirements of Section II of this Article.

14. While conducting observation flights pursuant to this Treaty all observation aircraft shall be operated in accordance with the provisions of this Treaty and in accordance with the approved flight plan. Without prejudice to the provisions of Section II, paragraph 2 of this Article, observation flights shall also be conducted in compliance with:

- A published ICAO standards and recommended practices; and
- B published national air traffic control rules, procedures and guidelines on flight safety of the State Party whose territory is being overflown.

15. Observation flights shall take priority over any regular air traffic. The observed Party shall ensure that its air traffic control authorities facilitate the conduct of observation flights in accordance with this Treaty.

16. On board the aircraft the pilot-in-command shall be the sole authority for the safe conduct of the flight and shall be responsible for the execution of the flight plan.

17. The observed Party shall provide:

- A a calibration target suitable for confirming the capability of sensors in accordance with the procedures set forth in Annex D, Section III to this Treaty, to be overflown during the demonstration flight or the observation flight upon the request of either Party, for each sensor that is to be used during the observation flight. The calibration target shall be located in the vicinity of the airfield at which the pre-flight inspection is conducted pursuant to Annex F to this Treaty;
- B customary commercial aircraft fuelling and servicing for the observation aircraft or transport aircraft at the point of entry, at the Open Skies airfield, at any refuelling airfield, and at the point of exit specified in the flight plan, according to the specifications that are published about the designated airfield;
- C meals and the use of accommodation for the personnel of the observing Party; and
- D upon the request of the observing Party, further services, as may be agreed upon between the observing and observed Parties, to facilitate the conduct of the observation flight.

18. All costs involved in the conduct of the observation flight, including the costs of the recording media and the processing of the data collected by sensors, shall be reimbursed in accordance with Annex L, Section I, paragraph 9 to this Treaty.

19. Prior to the departure of the observation aircraft from the point of exit, the observed Party shall confirm that the covers for sensor apertures or other devices that inhibit the operation of sensors are in their proper position pursuant to Annex E to this Treaty.

20. Unless otherwise agreed, the observing Party shall depart from the point of exit no later than 24 hours following completion of the observation flight, unless weather conditions or the airworthiness of the observation aircraft or transport aircraft do not permit, in which case the flight shall commence as soon as practicable.

21. The observing Party shall compile a mission report of the observation flight using the appropriate format developed by the Open Skies Consultative Commission. The mission report shall contain pertinent data on the date and time of the observation flight, its route and profile, weather conditions, time and location of each observation period for each sensor, the approximate amount of data collected by sensors, and the result of inspection of covers for sensor apertures or other devices that inhibit the operation of sensors in accordance with Article VII and Annex E. The mission report shall be signed by the observing and observed Parties at the point of exit and shall be provided by the observing Party to all other States Parties within seven days after departure of the observing Party from the point of exit.

## SECTION II

### **Requirements for Mission Planning**

1. Unless otherwise agreed, the observing Party shall, after arrival at the Open Skies airfield, submit to the observed Party a mission plan for the proposed observation flight that meets the requirements of paragraphs 2 and 4 of this Section.

2. The mission plan may provide for an observation flight that allows for the observation of any point on the entire territory of the observed Party, including areas designated by the observed Party as hazardous airspace in the source specified in Annex I. The flight path of an observation aircraft shall not be closer than, but shall be allowed up to, ten kilometres from the border with an adjacent State that is not a State Party.

3. The mission plan may provide that the Open Skies airfield where the observation flight terminates, as well as the point of exit, may be different from the Open Skies airfield where the observation flight commences or the point of entry. The mission plan shall specify, if applicable, the commencement time of the observation flight, the desired time and place of planned refuelling stops or rest periods, and the time of continuation of the observation flight after a refuelling stop or rest period within the 96-hour period specified in Section I, paragraph 9 of this Article.

4. The mission plan shall include all information necessary to file the flight plan and shall provide that:

- A the observation flight does not exceed the relevant maximum flight distance as set forth in Annex A, Section I;
- B the route and profile of the observation flight satisfies observation flight safety conditions in conformity with ICAO standards and recommended practices, taking into account existing differences in national flight rules, without prejudice to the provisions of paragraph 2 of this Section;
- C the mission plan takes into account information on hazardous airspace, as provided in accordance with Annex I;
- D the height above ground level of the observation aircraft does not permit the observing Party to exceed the limitation on ground resolution for each sensor, as set forth in Article IV, paragraph 2;

- E the estimated time of commencement of the observation flight shall be no less than 24 hours after the submission of the mission plan, unless otherwise agreed;
  - F the observation aircraft flies a direct route between the co-ordinates or navigation fixes designated in the mission plan in the declared sequence; and
  - G the flight path does not intersect at the same point more than once, unless otherwise agreed, and the observation aircraft does not circle around a single point, unless otherwise agreed. The provisions of this subparagraph do not apply for the purposes of taking off, flying over calibration targets, or landing by the observation aircraft.
5. In the event that the mission plan filed by the observing Party provides for flights through hazardous airspace, the observed party shall:
- A specify the hazard to the observation aircraft;
  - B facilitate the conduct of the observation flight by co-ordination or suppression of the activity specified pursuant to sub-paragraph A of this paragraph; or
  - C propose an alternative flight altitude, route, or time.
6. No later than four hours after submission of the mission plan, the observed Party shall accept the mission plan or propose changes to it in accordance with Article VIII, Section I, paragraph 4 and paragraph 5 of this Section. Such changes shall not preclude observation of any point on the entire territory of the observed Party, including areas designated by the observed Party as hazardous airspace in the source specified in Annex I to this Treaty. Upon agreement, the mission plan shall be signed by the observing and observed Parties. In the event that the Parties do not reach agreement on the mission plan within eight hours of the submission of the original mission plan, the observing Party shall have the right to decline to conduct the observation flight in accordance with the provisions of Article VIII of this Treaty.
7. If the planned route of the observation flight approaches the border of other States Parties or other States, the observed Party may notify that State or those States of the estimated route, date and time of the observation flight.
8. On the basis of the agreed mission plan the State Party providing the observation aircraft shall, in co-ordination with the other State Party, file the flight plan immediately, which shall have the content specified in Annex 2 to the Convention on International Civil Aviation and shall be in the format specified by ICAO Document No. 444-RAC/501/12, "Rules of the Air and Air Traffic Services", as revised or amended.

### SECTION III

#### **Special Provisions**

1. In the event that the observation aircraft is provided by the observing Party, the observed Party shall have the right to have on board the observation aircraft two flight monitors and one interpreter, in addition to one flight monitor for each sensor control station on board the observation aircraft, unless otherwise agreed. Flight monitors and interpreters shall have the rights and obligations specified in Annex G to this Treaty.
2. Notwithstanding paragraph 1 of this Section, in the event that an observing Party uses an observation aircraft which has a maximum take-off gross weight of no more than 35,000 kilograms for an observation flight distance of no more than 1,500 kilometres as notified in accordance with Section I, paragraph 5, sub-paragraph G of this Article, it shall be obliged to accept only two flight monitors and one interpreter on board the observation aircraft, unless otherwise agreed.
3. In the event that the observation aircraft is provided by the observed Party, the observed Party shall permit the personnel of the observing Party to travel to the point of entry of the observed Party in the most expeditious manner. The personnel of the observing Party may elect to travel to the point of entry using ground, sea, or air transportation, including transportation by an aircraft owned by any State Party. Procedures regarding such travel are set forth in Annex E to this Treaty.

4. In the event that the observation aircraft is provided by the observed Party, the observing Party shall have the right to have on board the observation aircraft two flight representatives and one interpreter, in addition to one flight representative for each sensor control station on the aircraft, unless otherwise agreed. Flight representatives and interpreters shall have the rights and obligations set forth in Annex G to this Treaty.

5. In the event that the observing State Party provides an observation aircraft designated by a State Party other than the observing or observed Party, the observing Party shall have the right to have on board the observation aircraft two representatives and one interpreter, in addition to one representative for each sensor control station on the aircraft, unless otherwise agreed. In this case, the provisions on flight monitors set forth in paragraph 1 of this Section shall also apply. Representatives and interpreters shall have the rights and obligations set forth in Annex G to this Treaty.

## ARTICLE VII

### **Transit Flights**

1. Transit flights conducted by an observing Party to and from the territory of an observed Party for the purposes of this Treaty shall originate on the territory of the observing Party or of another State Party.

2. Each State Party shall accept transit flights. Such transit flights shall be conducted along internationally recognized Air Traffic Services routes, unless otherwise agreed by the States Parties involved, and in accordance with the instructions of the national air traffic control authorities of each State Party whose airspace is transited. The observing Party shall notify each State Party whose airspace is to be transited at the same time that it notifies the observed Party in accordance with Article VI.

3. The operation of sensors on an observation aircraft during transit flights is prohibited. In the event that, during the transit flight, the observation aircraft lands on the territory of a State Party, that State Party shall, upon landing and prior to departure, inspect the covers of sensor apertures or other devices that inhibit the operation of sensors to confirm that they are in their proper position.

## ARTICLE VIII

### **Prohibitions, Deviations from Flight Plans and Emergency Situations**

#### SECTION I

##### **Prohibition of Observation Flights and Changes to Mission Plans**

1. The observed Party shall have the right to prohibit an observation flight that is not in compliance with the provisions of this Treaty.

2. The observed Party shall have the right to prohibit an observation flight prior to its commencement in the event that the observing Party fails to arrive at the point of entry within 24 hours after the estimated time of arrival specified in the notification provided in accordance with Article VI, Section I, paragraph 5, unless otherwise agreed between the States Parties involved.

3. In the event that an observed State Party prohibits an observation flight pursuant to this Article or Annex F, it shall immediately state the facts for the prohibition in the mission plan. Within seven days the observed Party shall provide to all State Parties, through diplomatic channels, a written explanation for this prohibition in the mission report provided pursuant to Article VI, Section I, paragraph 21. An observation flight that has been prohibited shall not be counted against the quota of either State Party.



4. The observed Party shall have the right to propose changes to the mission plan as a result of any of the following circumstances:
  - A the weather conditions affect flight safety;
  - B the status of the Open Skies airfield to be used, alternate airfields, or refuelling airfields prevents their use; or
  - C the mission plan is inconsistent with Article VI, Section II paragraphs 2 and 4.
5. In the event that the observing Party disagrees with the proposed changes to the mission plan, it shall have the right to submit alternatives to the proposed changes. In the event that agreement on a mission plan is not reached within eight hours of the submission of the original mission plan, and if the observing Party considers the changes to the mission plan to be prejudicial to its rights under this Treaty with respect to the conduct of the observation flight, the observing Party shall have the right to decline to conduct the observation flight, which shall not be recorded against the quota of either State Party.
6. In the event that an observing Party declines to conduct an observation flight pursuant to this Article or Annex F, it shall immediately provide an explanation of its decision in the mission plan prior to the departure of the observing Party. Within seven days after departure of the observing Party, the observing Party shall provide to all other States Parties, through diplomatic channels, a written explanation for this decision in the mission report provided pursuant to Article VI, Section I, paragraph 21.

## SECTION II

### **Deviations from the Flight Plan**

1. Deviations from the flight plan shall be permitted during the observation flight if necessitated by:
  - A weather conditions affecting flight safety;
  - B technical difficulties relating to the observation aircraft;
  - C a medical emergency of any person on board; or
  - D air traffic control instructions related to circumstances brought about by force majeure.
2. In addition, if weather conditions prevent effective use of optical sensors and infra-red line-scanning devices, deviations shall be permitted provided that:
  - A flight safety requirements are met;
  - B in cases where national rules so require, permission is granted by air traffic control authorities; and
  - C the performance of the sensors does not exceed the capabilities specified in Article IV, paragraph 2, unless otherwise agreed.
3. The observed Party shall have the right to prohibit the use of a particular sensor during a deviation that brings the observation aircraft below the minimum height above ground level for operating that particular sensor, in accordance with the limitation on ground resolution specified in Article 4, paragraph 2. In the event that a deviation requires the observation aircraft to alter its flight path by more than 50 kilometres from the flight path specified in the flight plan, the observed Party shall have the right to prohibit the use of all the sensors installed on the observation aircraft beyond that 50-kilometre limit.
4. The observing Party shall have the right to curtail an observation flight during its execution in the event of sensor malfunction. The pilot-in-command shall have the right to curtail an observation flight in the event of technical difficulties affecting the safety of the observation aircraft.

5. In the event that a deviation from the flight plan permitted by paragraph 1 of this Section results in curtailment of the observation flight, or a curtailment occurs in accordance with paragraph 4 of this Section, an observation flight shall be counted against the quotas of both States Parties unless the curtailment is due to:

- A sensor malfunction on an observation aircraft provided by the observed Party;
- B technical difficulties relating to the observation aircraft provided by the observed Party;
- C a medical emergency of a member of the flight crew of the observed Party or of flight monitors; or
- D air traffic control instructions related to circumstances brought about by force majeure.

In such cases the observing Party shall have the right to decide whether to count it against the quotas of both States Parties.

8. The data collected by the sensors shall be retained by the observing Party only if the observation flight is counted against the quotas of both States Parties.

7. In the event that a deviation is made from the flight plan, the pilot-in-command shall take action in accordance with the published national flight regulations of the observed Party. Once the factors leading to the deviation have ceased to exist, the observation aircraft may, with the permission of the air traffic control authorities, continue the observation flight in accordance with the flight plan. The additional flight distance of the observation aircraft due to the deviation shall not count against the maximum flight distance.

8. Personnel of both States Parties on board the observation aircraft shall be immediately informed of all deviations from the flight plan.

9. Additional expenses resulting from provisions of this Article shall be reimbursed in accordance with Annex L, Section I, paragraph 9 to this Treaty.

### SECTION III

#### **Emergency Situations**

1. In the event that an emergency situation arises, the pilot-in-command shall be guided by “Procedures for Air Navigation Services—Rules of the Air and Air Traffic Services”, ICAO Document No. 4444-RAC/501/12, as revised or amended, the national flight regulations of the observed Party, and the flight operation manual of the observation aircraft.

2. Each observation aircraft declaring an emergency shall be accorded the full range of distress and navigational facilities of the observed Party in order to ensure the most expeditious recovery of the aircraft to the nearest suitable airfield.

3. In the event of an aviation accident involving the observation aircraft on the territory of the observed Party, search and rescue operations shall be conducted by the observed Party in accordance with its own regulations and procedures for such operations.

4. Investigation of an aviation accident or incident involving an observation aircraft shall be conducted by the observed Party, with the participation of the observing Party, in accordance with the ICAO recommendations set forth in Annex 13 to the Convention on International Civil Aviation (“Investigation of Aviation Accidents”) as revised or amended and in accordance with the national regulations of the observed Party.

5. In the event that the observation aircraft is not registered with the observed Party, at the conclusion of the investigation all wreckage and debris of the observation aircraft and sensors, if found and recovered, shall be returned to the observing Party or to the Party to which the aircraft belongs, if so requested.

## ARTICLE IX

### **Sensor output from observation flights**

#### SECTION I

##### **General Provisions**

1. For the purposes of recording data collected by sensors during observation flights, the following recording media shall be used:

- A in the case of optical panoramic and framing cameras, black and white photographic film;
- B in the case of video cameras, magnetic tape;
- C in the case of infra-red line-scanning devices, black and white photographic film or magnetic tape; and
- D in the case of sideways-looking synthetic aperture radar, magnetic tape.

The agreed format in which such data is to be recorded and exchanged on other recording media shall be decided within the Open Skies Consultative Commission during the period of provisional application of this Treaty.

2. Data collected by sensors during observation flights shall remain on board the observation aircraft until completion of the observation flight. The transmission of data collected by sensors from the observation aircraft during the observation flight is prohibited.

3. Each roll of photographic film and cassette or reel of magnetic tape used to collect data by a sensor during an observation flight shall be placed in a container and sealed in the presence of the States Parties as soon as is practicable after it has been removed from the sensor.

4. Data collected by sensors during observation flights shall be made available to States Parties in accordance with the provisions of this Article and shall be used exclusively for the attainment of the purposes of this Treaty.

5. In the event that, on the basis of data provided pursuant to Annex B, Section I to this Treaty, a data recording medium to be used by a State Party during an observation flight is incompatible with the equipment of another State Party for handling that data recording medium, the States Parties involved shall establish procedures to ensure that all data collected during observation flights can be handled, in terms of processing, duplication and storage, by them.

#### SECTION II

##### **Output from Sensors that use Photographic Film**

1. In the event that output from duplicate optical cameras is to be exchanged, the cameras, film and film processing shall be of an identical type.

2. Provided that the data collected by a single optical camera is subject to exchange, the States Parties shall consider, within the Open Skies Consultative Commission during the period of provisional application of this Treaty, the issue of whether the responsibility for the development of the original film negative shall be borne by the observing Party or by the State Party providing the observation aircraft. The State Party developing the original film negative shall be responsible for the quality of processing the original negative film and producing the duplicate positive or negative. In the event that State Parties agree that the film used during the observation flight conducted on an observation aircraft provided by the observed Party shall be processed by the observing Party, the observed Party shall bear no responsibility for the quality of the processing of the original negative film.

3. All the film used during the observation flight shall be developed:
  - A in the event that the original film negative is developed at a film processing facility arranged for by the observed Party, no later than three days, unless otherwise agreed after the arrival of the observation aircraft at the point of exit; or
  - B in the event that the original film negative is developed at a film processing facility arranged for by the observing Party, no later than ten days after the departure of the observation aircraft from the territory of the observed Party.
  
4. The State Party that is developing the original film negative shall be obliged to accept at the film processing facility up to two officials from the other State Party to monitor the unsealing of the film cassette or container and each step in the storage, processing, duplication and handling of the original film negative, in accordance with the provisions of Annex K, Section II to this Treaty. The State Party monitoring the film processing and duplication shall have the right to designate such officials from among its nationals present on the territory on which the film processing facility arranged for by the other State Party is located, provided that such individuals are on the list of designated personnel in accordance with Article XIII, Section I of this Treaty. The State Party developing the film shall assist the officials of the other State Party in their functions provided for in this paragraph to the maximum extent possible.
  
5. Upon completion of an observation flight, the State Party that is to develop the original film negative shall attach a 21-step sensitometric test strip of the same film type used during the observation flight or shall expose a 21-step optical wedge onto the leader or trailer of each roll or original film negative used during the observation flight. After the original film negative has been processed and duplicate film negative or positive has been produced, the States Parties shall assess the image quality of the 21-step sensitometric test strips or images of the 21-step optical wedge against the characteristics provided for that type of original film negative or duplicate film negative or positive in accordance with the provisions of Annex K, Section I to this Treaty.
  
6. In the event that only one original film negative is developed:
  - A the observing Party shall have the right to retain or receive the original film negative; and
  - B the observed Party shall have the right to select and receive a complete first generation duplicate or part thereof, either positive or negative, of the original film negative. Unless otherwise agreed, such duplicate shall be:
    - (i) of the same format and film size as the original film negative;
    - (ii) produced immediately after development of the original film negative; and
    - (iii) provided to the officials of the observed Party immediately after the duplicate has been produced.
  
7. In the event that two original film negatives are developed:
  - A if the observation aircraft is provided by the observing Party, the observed Party shall have the right, at the completion of the observation flight, to select either of the two original film negatives, and the original film negative not selected shall be retained by the observing Party; or
  - B if the observation aircraft is provided by the observed Party, the observing Party shall have the right to select either of the original film negatives, and the original film negative not selected shall be retained by the observed Party.

### SECTION III

#### **Output from Sensors that use other Recording Media**

1. The State Party that provides the observation aircraft shall record at least one original set of data collected by sensors using other recording media.
2. In the event that only one original set is made:
  - A if the observation aircraft is provided by the observing Party, the observing party shall have the right to retain the original set and the observed Party shall have the right to receive a first generation duplicate copy; or
  - B if the observation aircraft is provided by the observed Party, the observing Party shall have the right to receive the original set and the observed Party shall have the right to receive a first generation duplicate copy.
3. In the event that two original sets are made:
  - A if the observation aircraft is provided by the observing Party, the observed Party shall have the right, at the completion of the observation flight, to select either of the two sets of recording media, and the set not selected shall be retained by the observing Party; or
  - B if the observation aircraft is provided by the observed Party, the observing Party shall have the right to select either of the two sets of recording media, and the set not selected shall be retained by the observed Party.
4. In the event that the observation aircraft is provided by the observing Party, the observed Party shall have the right to receive the data collected by a sideways-looking synthetic aperture radar in the form of either initial phase information or a radar image, at its choice.
5. In the event that the observation aircraft is provided by the observed Party, the observing party shall have the right to receive the data collected by a sideways-looking synthetic aperture radar in the form of either initial phase information or a radar image, at its choice.

### SECTION IV

#### **Access to Sensor Output**

Each State Party shall have the right to request and receive from the observing Party copies of data collected by sensors during an observation flight. Such copies shall be in form of first generation duplicates produced from the original data collected by sensors during an observation flight. The State Party requesting copies shall also notify the observed Party. A request for duplicates of data shall include the following information:

- A the observing Party;
- B the observed Party;
- C the date of the observation flight;
- D the sensor by which the data was collected;
- E the portion or portions of the observation period during which the data was collected; and
- F the type and format of duplicate recording medium, either negative or positive film, or magnetic tape.

## ARTICLE X

### **Open Skies Consultative Commission**

1. In order to promote the objectives and facilitate the implementation of the provisions of this Treaty, the States Parties hereby establish an Open Skies Consultative Commission.
2. The Open Skies Consultative Commission shall take decisions or make recommendations by consensus. Consensus shall be understood to mean the absence of any objection by any State Party to the taking of a decision or the making of a recommendation.
3. Each State Party shall have the right to raise before the Open Skies Consultative Commission, and have placed on its agenda, any issue relating to this Treaty, including any issue related to the case when the observed Party provides an observation aircraft.
4. Within the framework of the Open Skies Consultative Commission the States Parties to this Treaty shall:
  - A consider questions relating to compliance with the provisions of this Treaty;
  - B seek to resolve ambiguities and differences of interpretation that may become apparent in the way this Treaty is implemented;
  - C consider and take decisions on applications for accession to this Treaty; and
  - D agree as to those technical and administrative measures, pursuant to the provisions of this Treaty, deemed necessary following the accession to this Treaty by other States.
5. The Open Skies Consultative Commission may propose amendments to this Treaty for consideration and approval in accordance with Article XVI. The Open Skies Consultative Commission may also agree on improvements to the viability and effectiveness of this Treaty, consistent with its provisions. Improvements relating only to modification of the annual distribution of active quotas pursuant to Article III and Annex A, to updates and additions to the categories or capabilities of sensors pursuant to Article IV, to revision of the share of costs pursuant to Annex L, Section I, paragraph 9, to arrangements for the sharing and availability of the data pursuant to Article IX, Sections III and IV and to the handling of mission reports pursuant to Article VI, Section I, paragraph 21, as well as to minor matters of an administrative or technical nature, shall be agreed upon within the Open Skies Consultative Commission and shall not be deemed to be amendments to this Treaty.
6. The Open Skies Consultative Commission shall request the use of the facilities and administrative support of the Conflict Prevention Centre of the Conference on Security and Co-operation in Europe, or other existing facilities in Vienna, unless it decides otherwise.
7. Provisions for the operation of the Open Skies Consultative Commission are set forth in Annex L to this Treaty.

## ARTICLE XI

### **Notifications and Reports**

The States Parties shall transmit notifications and reports required by this Treaty in written form. The States Parties shall transmit such notifications and reports through diplomatic channels or, at their choice, through other official channels, such as the communications network of the Conference on Security and Co-operation in Europe.

## ARTICLE XII

### **Liability**

A State Party shall, in accordance with international law and practice, be liable to pay compensation for damage to other States Parties, or to their natural or juridical persons or their property, caused by it in the course of the implementation of this Treaty.

## ARTICLE XIII

### **Designation of Personnel and Privileges and Immunities**

#### SECTION I

##### **Designation of Personnel**

1. Each State Party shall, at the same time that it deposits its instrument of ratification to either of the Depositaries, provide to all other States Parties, for their review, a list of designated personnel who will carry out all duties relating to the conduct of observation flights for that State Party, including monitoring the processing of the sensor output. No such list of designated personnel shall include more than 400 individuals at any time. It shall contain the name, gender, date of birth, place of birth, passport number, and function for each individual included. Each State Party shall have the right to amend its list of designated personnel until 30 days after entry into force of this Treaty and once every six months thereafter.

2. In the event that any individual included on the original or any amended list is unacceptable to a State Party reviewing the list, that State Party shall, no later than 30 days after receipt of each list, notify the State Party providing that list that such individual shall not be accepted with respect to the objecting State Party. Individuals not declared unacceptable within that 30-day period shall be deemed accepted. In the event that a State Party subsequently determines that an individual is unacceptable, that State Party shall so notify the State Party that designated such individual. Individuals who are declared unacceptable shall be removed from the list previously submitted to the objecting State Party.

3. The observed Party shall provide visas and any other documents as required to ensure that each accepted individual may enter and remain on the territory of that State Party for the purpose of carrying out duties relating to the conduct of observation flights, including monitoring the processing of the sensor output. Such visas and any other necessary documents shall be provided either:

- A no later than 30 days after the individual is deemed to be accepted, in which case the visa shall be valid for a period of no less than 24 months; or
- B no later than one hour after the arrival of the individual at the point of entry, in which case the visa shall be valid for the duration of that individual's duties; or
- C at any other time, by mutual agreement of the States Parties involved.

#### SECTION II

##### **Privileges and Immunities**

1. In order to exercise their functions effectively, for the purpose of implementing this Treaty and not for their personal benefit, personnel designated in accordance with the provisions of Section I, paragraph 1 of this Article shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 29; Article 30, paragraph 2; Article 31, paragraphs 1, 2 and 3; and Articles 34 and 35 of the Vienna Convention on Diplomatic Relations of 18 April 1961<sup>1</sup>, hereinafter referred to as the Vienna Convention.

<sup>1</sup>Treaty Series No. 19 (1965) Cmnd. 2565.

In addition, designated personnel shall be accorded the privileges enjoyed by diplomatic agents pursuant to Article 36, paragraph 1, sub-paragraph B of the Vienna Convention, except in relation to articles, the import or export of which is prohibited by law or controlled by quarantine regulations.

2. Such privileges and immunities shall be accorded to designated personnel for the entire period between arrival on and departure from the territory of the observed Party, and thereafter with respect to acts previously performed in the exercise of their official functions. Such personnel shall also, when transiting the territory of other States Parties, be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1 of the Vienna Convention.

3. The immunity from jurisdiction may be waived by the observing Party in those cases when it would impede the course of justice and can be waived without prejudice to this Treaty. The immunity of personnel who are not nationals of the observing Party may be waived only by the States Parties of which such personnel are nationals. Waiver must always be express.

4. Without prejudice to their privileges and immunities or the rights of the observing Party set forth in this Treaty, it is the duty of designated personnel to respect the laws and regulations of the observed Party.

5. The transportation means of the personnel shall be accorded the same immunities from search, requisition, attachment or execution as those of a diplomatic mission pursuant to Article 22, paragraph 3 of the Vienna Convention, except as otherwise provided for in this Treaty.

#### ARTICLE XIV

##### **Benelux**

1. Solely for the purposes of Articles II to IX and Article XI, and of Annexes A to I and Annex K to this Treaty, the Kingdom of Belgium, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands shall be deemed a single State Party, hereinafter referred to as the Benelux.

2. Without prejudice to the provisions of Article XV, the above-mentioned States Parties may terminate this arrangement by notifying all other States Parties thereof. This arrangement shall be deemed to be terminated on the next 31 December following the 60-day period after such notification.

#### ARTICLE XV

##### **Duration and Withdrawal**

1. This Treaty shall be of unlimited duration.

2. A State Party shall have the right to withdraw from this Treaty. A State Party intending to withdraw shall provide notice of its decision to withdraw to either Depositary at least six months in advance of the date of its intended withdrawal and to all other States Parties. The Depositaries shall promptly inform all other States Parties of such notice.

3. In the event that a State Party provides notice of its decision to withdraw from this Treaty in accordance with paragraph 2 of this Article, the Depositaries shall convene a conference of the States Parties no less than 30 days and no more than 60 days after they have received such notice, in order to consider the effect of the withdrawal on this Treaty.



## ARTICLE XVI

### **Amendments and Periodic Review**

1. Each State Party shall have the right to propose amendments to this Treaty. The text of each proposed amendment shall be submitted to either Depositary, which shall circulate it to all States Parties for consideration. If so requested by no less than three States Parties within a period of 90 days after circulation of the proposed amendment, the Depositaries shall convene a conference of the States Parties to consider the proposed amendment. Such a conference shall open no earlier than 30 days and no later than 60 days after receipt of the third of such requests.
2. An amendment to this Treaty shall be subject to the approval of all States Parties, either by providing notification, in writing, of their approval to a Depositary within a period of 90 days after circulation of the proposed amendment, or by expressing their approval at a conference convened in accordance with paragraph 1 of this Article. An amendment so approved shall be subject to ratification in accordance with the provisions of Article XVII, paragraph 1, and shall enter into force 60 days after the deposit of instruments of ratification by the States Parties.
3. Unless requested to do so earlier by no less than three States Parties, the Depositaries shall convene a conference of the States Parties to review the implementation of this Treaty three years after entry into force of this Treaty and at five-year intervals thereafter.

## ARTICLE XVII

### **Depositaries, Entry into Force and Accession**

1. This Treaty shall be subject to ratification by each State Party in accordance with its constitutional procedures. Instruments of ratification and instruments of accession shall be deposited with the Government of Canada or the Government of the Republic of Hungary or both, hereby designated the Depositaries. The Treaty shall be registered by the Depositaries pursuant to Article 102 of the Charter of the United Nations.
2. This Treaty shall enter into force 60 days after the deposit of 20 instruments of ratification, including those of the Depositaries, and of States Parties whose individual allocation of passive quotas as set forth in Annex A is eight or more.
3. This Treaty shall be open for signature by Armenia, Azerbaijan, Georgia, Kazakhstan, Kirgistan, Moldova, Tajikistan, Turkmenistan and Uzbekistan and shall be subject to ratification by them. Any of these States which do not sign this Treaty before it enters into force in accordance with the provisions of paragraph 2 of this Article may accede to it at any time by depositing an instrument of accession with one of the Depositaries.
4. For six months after entry into force of this Treaty, any other State participating in the Conference on Security and Co-operation in Europe may apply for accession by submitting a written request to one of the Depositaries. The Depositary receiving such a request shall circulate it promptly to all States Parties. The States applying for accession to this Treaty may also, if they so wish, request an allocation of a passive quota and the level of this quota.

The matter shall be considered at the next regular meeting of the Open Skies Consultative Commission and decided in due course.

5. Following six months after entry into force of this Treaty, the Open Skies Consultative Commission may consider the accession to this Treaty of any State which, in the judgement of the Commission, is able and willing to contribute to the objectives of this Treaty.
6. For any State which has not deposited an instrument of ratification by the time of entry into force, but which subsequently ratifies or accedes to this Treaty, this Treaty shall enter into force 60 days after the date of deposit of its instrument of ratification or accession.
7. The Depositaries shall promptly inform all States Parties of:
  - A the date of deposit of each instrument of ratification and the date of entry into force of this Treaty;
  - B the date of an application for accession, the name of the requesting State and the result of the procedure;
  - C the date of deposit of each instrument of accession and the date of entry into force of this Treaty for each State that subsequently accedes to it;
  - D the convening of a conference pursuant to Article XV and XVI;
  - E any withdrawal in accordance with Article XV and its effective date;
  - F the date of entry into force of any amendments to this Treaty; and
  - G any other matters of which the Depositaries are required by this Treaty to inform the States Parties.

## ARTICLE XVIII

### **Provisional Application and Phasing of Implementation of the Treaty**

In order to facilitate the implementation of this Treaty, certain of its provisions shall be provisionally applied and others shall be implemented in phases.

## SECTION I

### **Provisional Application**

1. Without detriment to Article XVII, the signatory States shall provisionally apply the following provisions of this Treaty:
  - A Article VI, Section I, paragraph 4;
  - B Article X, paragraphs 1, 2, 3, 6 and 7;
  - C Article XI;
  - D Article XIII, Section I, paragraphs 1 and 2;
  - E Article XIV; and
  - F Annex L, Section I.
2. This provisional application shall be effective for a period of 12 months from the date when this Treaty is opened for signature. In the event that this Treaty does not enter into force before the period of provisional application expires, that period may be extended if all the signatory States so decide. The period of provisional application shall in any event terminate when this Treaty enters into force. However, the States Parties may then decide to extend the period of provisional application in respect of signatory States that have not ratified this Treaty.

## SECTION II

### Phasing of Implementation

1. After entry into force, this Treaty shall be implemented in phases in accordance with the provisions set forth in this Section. The provisions of paragraphs 2 to 6 of this Section shall apply during the period from entry into force of this Treaty until 31 December of the third year following the year during which entry into force takes place.
2. Notwithstanding the provisions of Article IV, paragraph 1, no State Party shall during the period specified in paragraph 1 above use an infra-red line-scanning device if one is installed on an observation aircraft, unless otherwise agreed between the observing and observed Parties. Such sensors shall not be subject to certification in accordance with Annex D. If it is difficult to remove such sensor from the observation aircraft, then it shall have covers or other devices that inhibit its operation in accordance with the provisions of Article IV, paragraph 4 during the conduct of observation flights.
3. Notwithstanding the provisions of Article IV, paragraph 9, no State Party shall, during the period specified in paragraph 1 of this Section, be obliged to provide an observation aircraft equipped with sensors from each sensor category, at the maximum capability and in the numbers specified in Article IV, paragraph 2, provided that the observation aircraft is equipped with:
  - A a single optical panoramic camera; or
  - B not less than a pair of optical framing cameras.
4. Notwithstanding the provisions of Annex B, Section II, paragraph 2, sub-paragraph A to this Treaty, data recording media shall be annotated with data in accordance with existing practice of States Parties during the period specified in paragraph 1 of this Section.
5. Notwithstanding the provisions of Article VI, Section I, paragraph 1, no State Party during the period specified in paragraph 1 of this Section shall have the right to be provided with an aircraft capable of achieving any specified unrefuelled range.
6. During the period specified in paragraph 1 of this Section, the distribution of active quotas shall be established in accordance with the provisions of Annex A, Section II, paragraph 2 to this Treaty.
7. Further phasing in respect of the introduction of additional categories of sensors or improvements to the capabilities of existing categories of sensors shall be addressed by the Open Skies Consultative Commission in accordance with the provisions of Article IV, paragraph 3 concerning such introduction or improvement.

## ARTICLE XIX

### Authentic Texts

The originals of this Treaty, of which the English, French, German, Italian, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositaries. Duly certified copies of this Treaty shall be transmitted by the Depositaries to all the States Parties.

In Witness Whereof the undersigned duly authorized, have signed this Treaty.

Done at Helsinki, this twenty-fourth day of March one thousand nine hundred and ninety-two.

**[Here follows the signatures]**

## ANNEX A

### Quotas and Maximum Flight Distances

#### SECTION I

##### Allocation of Passive Quotas

1. The allocation of individual passive quotas is set forth as follows and shall be effective only for those States Parties having ratified the Treaty:

For the Federal Republic of Germany	12
For the United States of America	42
For the Republic of Belarus and the Russian Federation group of States Parties	42
For Benelux	6
For the Republic of Bulgaria	4
For Canada	12
For the Kingdom of Denmark	6
For the Kingdom of Spain	4
For the French Republic	12
For the United Kingdom of Great Britain and Northern Ireland	12
For the Hellenic Republic	4
For the Republic of Hungary	4
For the Republic of Iceland	4
For the Italian Republic	12
For the Kingdom of Norway	7
For the Republic of Poland	6
For the Portuguese Republic	2
For Romania	6
For the Czech and Slovak Federal Republic	4
For the Republic of Turkey	12
For Ukraine	12

2. In the event that an additional State ratifies or accedes to the Treaty in accordance with the provisions of Article XVII and Article X, paragraph 4, sub-paragraph C, and taking into account Article X, paragraph 4, sub-paragraph D, an allocation of passive quotas to such a State shall be considered during the regular session of the Open Skies Consultative Commission following the date of deposit of its instrument of ratification or accession.

#### SECTION II

##### First distribution of Active Quotas for Observation Flights

1. The first distribution of active quotas pursuant to Article III, Section I, paragraph 6 of the Treaty shall be such that each State Party shall be obliged to accept over its territory a number of observation flights no greater than 75 per cent, rounded down to the nearest whole number, of the individual passive quota allocation as set forth in Section I, paragraph 1 of this Annex. On this basis, and for those States Parties which have conducted negotiations in the framework of the Open Skies Conference in Vienna, the first distribution in respect of each other shall be valid from the date of entry into force of the Treaty until 31 December following the year during which the Treaty has entered into force and shall be effective only for those States Parties having ratified the Treaty. This first distribution is set forth as follows:

The Federal Republic of Germany shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Ukraine;

The United States of America shall have the right to conduct eight observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight, shared with Canada, over the territory of Ukraine;

The Republic of Belarus and the Russian Federation group of States Parties shall have the right to conduct two observation flights over the territory of Benelux, as referred to in Article XIV of the Treaty, two observation flights over the territory of Canada, two observation flights over the territory of the Kingdom of Denmark, three observation flights over the territory of the French Republic, three observation flights over the territory of the Federal Republic of Germany, one observation flight over the territory of the Hellenic Republic, two observation flights over the territory of the Italian Republic, two observation flights over the territory of the Kingdom of Norway, two observation flights over the territory of the Republic of Turkey, three observation flights over the territory of the United Kingdom of Great Britain and Northern Ireland, and four observation flights over the territory of the United States of America;

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, referred to as the Benelux, shall have the right to conduct one observation flight over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of the Republic of Poland;

The Republic of Bulgaria shall have the right to conduct one observation flight over the territory of the Hellenic Republic, one observation flight over the territory of the Italian Republic, and one observation flight over the territory of the Republic of Turkey;

Canada shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, one observation flight over the territory of the Czech and Slovak Federal Republic, one observation flight over the territory of the Republic of Poland, and one observation flight, shared with the United States of America, over the territory of Ukraine;

The Kingdom of Denmark shall have the right to conduct one observation flight over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of the Republic of Poland;

The Kingdom of Spain shall have the right to conduct one observation flight over the territory of the Czech and Slovak Federal Republic;

The French Republic shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Romania;

The United Kingdom of Great Britain and Northern Ireland shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Ukraine;

The Hellenic Republic shall have the right to conduct one observation flight over the territory of the Republic of Bulgaria, and one observation flight over the territory of Romania;

The Republic of Hungary shall have the right to conduct one observation flight over the territory of Romania, and one observation flight over the territory of Ukraine;

The Italian Republic shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, one observation flight over the territory of the Republic of Hungary, and one observation flight, shared with the Republic of Turkey, over the territory of Ukraine;

The Kingdom of Norway shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation Group of States Parties and one observation flight over the territory of the Republic of Poland;

The Republic of Poland shall have the right to conduct one observation flight over the territory of the Federal Republic of Germany, one observation flight over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Ukraine;

Romania shall have the right to conduct one observation flight over the territory of the Republic of Bulgaria, one observation flight over the territory of the Hellenic Republic, one observation flight over the territory of the Republic of Hungary, and one observation flight over the territory of Ukraine;

The Czech and Slovak Federal Republic shall have the right to conduct one observation flight over the territory of the Federal Republic of Germany, and one observation flight over the territory of Ukraine;

The Republic of Turkey shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, one observation flight over the territory of the Republic of Bulgaria and two observation flights, one of which is shared with the Italian Republic, over the territory of Ukraine;

Ukraine shall have the right to conduct one observation flight over the territory of the Czech and Slovak Federal Republic, one observation flight over the territory of the Republic of Hungary, one observation flight over the territory of the Republic of Poland, one observation flight over the territory of Romania, and two observation flights over the territory of the Republic of Turkey.

2. Following this first distribution and until the date of full implementation of the Treaty specified in Article XVIII to that effect for the use of active quotas, annual distributions shall be based on the 75 per cent rule established in paragraph 1 of this Section in relation to the allocation of individual passive quotas.

3. From the date of full implementation of the Treaty each State Party shall accept during subsequent distributions of active quotas over its territory, if so requested, a number of observation flights up to the full amount of its individual passive quota. Whenever possible or requested and unless otherwise agreed, those distributions shall be based on a proportionate increase of the active quotas distributed in the first distribution.

4. In the event that an additional State ratifies or accedes to the Treaty in accordance with the provisions of Article XVII, the distribution of active quotas to such State shall be considered during the regular session of the Open Skies Consultative Commission following the date of the deposit of its instrument of ratification or accession, subject to the following provisions:

- A the ratifying or acceding State shall have the right to request observation flights over the territories of States Parties within the passive quota allocated to that State in accordance with the provisions of Section I, paragraph 3 of this Annex, and within the passive quotas of the States Parties requested for observation flights, unless otherwise agreed by the States Parties involved; and
- B all States Parties shall have at the same time the right to request observation flights over the territory of that signing or acceding State within their active quotas and within the passive quota allocated to that State.

### SECTION III

#### **Maximum Flight Distances of Observation Flights**

The maximum flight distances of observation flights over the territories of observed Parties commencing from each Open Skies airfield are as follows:

The Federal Republic of Germany	
Wunstorf	1,200 kilometres
Landsberg-Lech	1,200 kilometres
The United States of America	
Washington-Dulles	4,900 kilometres
Travis AFB	4,000 kilometres
Elmendorf AFB	3,000 kilometres
Lincoln-Municipal	4,800 kilometres

The Republic of Belarus and the Russian Federation group of States Parties	
Kubinka	5,000 kilometres
Ulan Ude	5,000 kilometres
Vorkuta	6,500 kilometres
Magadan	6,500 kilometres
Benelux	
Zaventem/Melsbroek	945 kilometres
The Republic of Bulgaria	
Sofia	660 kilometres
Burgas	660 kilometres
Canada	
Ottawa	5,000 kilometres
Iqaluit	6,000 kilometres
Yellowknife	5,000 kilometres
The Kingdom of Denmark	
Metropolitan	800 kilometres
Faroe Islands	250 kilometres
Greenland	5,600 kilometres
The Kingdom of Spain	
Getafe	1,300 kilometres
Gando	750 kilometres
Valencia	1,300 kilometres
Valladolid	1,300 kilometres
Moron	1,300 kilometres
The French Republic	
Orleans-Bricy	1,400 kilometres
Nice-Cote D'Azur	800 kilometres
Toulouse-Blagnac	700 kilometres
The United Kingdom of Great Britain and Northern Ireland	
Brize Norton	1,150 kilometres
Scampton	1,150 kilometres
Leuchars	1,150 kilometres
with Scilly Islands	1,500 kilometres
with Shetland Islands	1,500 kilometres
The Hellenic Republic	
Thessaloniki	900 kilometres
Elefsis	900 kilometres
with Crete, Karpathos, Rhodes, Kos Islands	1,100 kilometres
The Republic of Hungary	
Budapest-Ferihegy	860 kilometres
The Republic of Iceland	1,500 kilometres
The Italian Republic	
Milano-Malpensa	1,130 kilometres
Palermo-Punta Raisi	1,400 kilometres
The Kingdom of Norway	
Oslo-Gardermoen	1,700 kilometres

Tromsøe-Langnes	1,700 kilometres
The Republic of Poland Warszawa-Okecie	1,400 kilometres
The Portuguese Republic Lisboa	1,200 kilometres
Sta. Maria	1,700 kilometres
Porto Santo	1,030 kilometres
Romania Bucharest-Otopeni	900 kilometres
Timisoara	900 kilometres
Bacau	900 kilometres
The Czech and Slovak Federal Republic Praha	600 kilometres
Bratislava	700 kilometres
Kosice	400 kilometres
The Republic of Turkey Eskisehir	1,500 kilometres
Diyarbakir	1,500 kilometres
Ukraine Borispol	2,100 kilometres

## ANNEX B

### Information on Sensors

#### SECTION I

##### Technical Information

1. Pursuant to Article IV, paragraph 10, each State Party shall inform all other States Parties of the applicable technical information listed in this Section on each sensor installed on the observation aircraft designated by that State Party pursuant to Article V of the Treaty.
2. The following technical information shall be provided for optical panoramic and framing cameras:
  - A type and model;
  - B field of view along and across the flight path, or scan angles, in degrees;
  - C frame size, in millimetres by millimetres;
  - D exposure times, in seconds;
  - E types and colours of optical filters used and their filter factor;
  - F for each lens:
    - (i) name;
    - (ii) focal length, in millimetres;
    - (iii) maximum relative aperture of the lens;
    - (iv) resolving power at a contrast ratio of 1000 to 1 or the equivalent modulation of 1.0, at the maximum relative aperture, in lines per millimetre;



- G minimum and maximum photographic time intervals, in seconds, or cycle rates, in frames per second, if applicable;
- H maximum velocity over height ratio, if applicable;
- I for optical framing cameras, the maximum angle measured from the horizontal, or the minimum angle measured from the vertical, in degrees; and
- J maximum altitude for operation on metres, if applicable.

3. The following technical information shall be provided for video cameras:

- A type and model;
- B field of view, along and across the flight path, in degrees;
- C for the lens:
  - (i) focal length, in millimetres;
  - (ii) maximum relative aperture;
  - (iii) resolving power at a contrast ratio of 1000 to 1 or the equivalent modulation of 1.0, at the maximum relative aperture, in lines per millimetre;
- D detector element size, in micrometres, or equivalent information on the tube;
- E number of detector elements;
- F system light sensitivity, in lux or watts per square centimetre; and
- G spectral bandwidth, in nanometres.

4. The following technical information shall be provided for infra-red line-scanning devices:

- A type and model;
- B field of view or scan angles, in degrees;
- C minimum instantaneous field of view, along and across the flight path, in milliradians;
- D spectral bandwidth, in micrometres;
- E minimum resolvable temperature difference, in degrees Celsius;
- F temperature of detector during operation, in degrees Celsius;
- G time required from switch-on for the system to start up and cool down to its normal operating temperature, in minutes;

- H maximum operating time, if applicable;
  - I maximum velocity over height ratio; and
  - J maximum altitude for operation in metres, if applicable.
5. The following technical information shall be provided for sideways-looking synthetic aperture radar:
- A type and model;
  - B radar frequency bands, and specific operating frequency, in megahertz;
  - C polarisations;
  - D number of radar pulses, per metre or second;
  - E near range angular limit of operation, in degrees from vertical;
  - F swath width, in kilometres;
  - G ground resolution in range and azimuth, in the slant plane, in metres;
  - H maximum altitude for operation in metres, if applicable; and
  - I transmitter output power, in watts.
6. The following technical information shall be provided for sensors that record data on photographic film:
- A the types of film that may be used with each sensor;
  - B width of film, in millimetres;
  - C film resolution at a contrast ratio of 1000 to 1 or the equivalent modulation of 1.0, in lines per millimetre; and
  - D capacity of magazine for each type of film, in metres.
7. The following technical information shall be provided for sensors that record data on other recording media:
- A type and model of the data recording equipment;
  - B type and format of data recording media;
  - C bandwidth, in hertz, if applicable;
  - D data recording rate, in megabits per second, if applicable;
  - E capacity of recording media, in minutes or megabits; and
  - F format for storage of data collected by sensors and data annotation.

## SECTION II

### **Annotation of Data**

1. The following items of information shall be annotated on data collected by sensors during an observation period on the leader of each roll of the original film negative or at the beginning of each other recording medium in accordance with the provisions of Appendix 1 to this Annex:

- A observation flight reference number;
- B date of observation flight;
- C sensor description;
- D sensor configuration; and
- E focal length, if applicable.

2. The following items of information shall be recorded manually or electronically from the navigation and avionics systems of the observation aircraft and annotated on data collected by sensors during an observation period in a manner that does not obscure detail, in accordance with the provisions of Appendix 1 to this Annex:

A for optical cameras:

- (i) at the start of the observation period and at any intermediate location during the observation period where there is a significant change of height above ground level, heading or groundspeed, and at intervals to be determined by the Open Skies Consultative Commission within the period of provisional application:
  - (a) height above ground level;
  - (b) location;
  - (c) true heading; and
  - (d) scan angle;
- (ii) on every frame of photographic film:
  - (a) frame number;
  - (b) time; and
  - (c) roll angle;

B for video cameras and infra-red line-scanning devices, at the start of the observation period and at any intermediate location during the observation period where there is a significant change of height above ground level, heading or groundspeed, and at intervals to be determined by the Open Skies Consultative Commission within the period of provisional application:

- (i) date and time;
- (ii) height above ground level;
- (iii) location;
- (iv) true heading; and
- (v) scan angle;

C for sideways-looking synthetic aperture radar:

- (i) at the start of the observation period and at any intermediate location during the observation period where there is a significant change of height above ground level, heading or groundspeed, and at intervals to be determined by the Open Skies Consultative Commission within the period of provisional application:
  - (a) date and time;
  - (b) height above ground level;
  - (c) location;
  - (d) true heading;
  - (e) look down angle to the nearest point of the swath width;
  - (f) swath width; and
  - (g) polarisations;
- (ii) each time they are measured in order to ensure correct processing of the image:
  - (a) groundspeed;
  - (b) drift;
  - (c) pitch angle; and
  - (d) roll angle.

3. For copies of single frames or strips of imagery produced from the original film negative or other recording media, the items of information listed in paragraphs 1 and 2 of this Section shall be annotated on each positive print.

4. States Parties shall have the right to annotate data collected during an observation flight using either alphanumeric values, or codes to be agreed by the Open Skies Consultative Commission during the period of provisional application.

## APPENDIX 1 TO ANNEX B

### Annotation of Data Collected During an Observation Flight

1. The reference number of the observation flight shall be indicated by a single group of six alphanumeric characters in accordance with the following convention:

- A the letters “OS”;
- B the last digit of the calendar year from which the individual active quota applies; and
- C a three-digit number to represent each individual observation flight comprising the active quota distributed during the annual review within the framework of the Open Skies Consultative Commission for a calendar year to a State Party over the territory of another State Party.

2. The sensor description shall be indicated by a single block of up to six alphanumeric characters comprising two groups in accordance with the following convention:

- A a group of up to four characters to represent the category of the sensor in accordance with the following convention:
  - (i) “OP”—optical panoramic camera;
  - (ii) “OF”—optical framing camera;
  - (iii) “TV”—video camera;
  - (iv) “IRLS”—infra-red line-scanning device; or
  - (v) “SAR”—sideways-looking synthetic aperture radar;
- B a group of two characters to represent the type of the recording medium in accordance with the following convention:
  - (i) “BI”—black and white, iso-panchromatic;
  - (ii) “BM”—black and white, monochromatic;
  - (iii) “BP”—black and white, panchromatic;
  - (iv) “BR”—black and white, reversal;
  - (v) “TA”—tape, analogue; or
  - (vi) “TD”—tape, digital.

3. The sensor configuration shall be indicated by a single block of up to nine alphanumeric characters comprising three groups in accordance with the following convention:

- A a group of four alphanumeric characters to represent the installation of the sensor on the observation aircraft either as:
  - (i) an internal installation, which shall be denoted by the code “INT”, followed by a number to indicate the relative location of the installation of the sensor on the observation aircraft in sequence from nose to tail of the observation aircraft; or
  - (ii) a podded installation, which shall be denoted by the code “POD”, followed by one of the following three letters:
    - (a) “L”—mounted under left wing;
    - (b) “R”—mounted under right wing; or
    - (c) “C”—mounted on the aircraft centre line;
- B a group of up to three alphanumeric characters to represent the type of installation in accordance with the following convention:

- (i) a vertical installation in which the sensor is not tilted more than five degrees from the vertical shall be denoted by the letter “V”;
  - (ii) an oblique installation in which the sensor is tilted more than five degrees from the vertical shall be denoted by one of the following two letters, followed by the depression angle in degrees:
    - (a) “L”—left pointing;
    - (b) “R”—right pointing;
  - (iii) a fan installation of two or more sensors shall be denoted by the letter “F”;
- C for a fan installation, a group of up to two numbers to indicate the number and position of the sensors as follows:
- (i) the first number to indicate the total number of sensors in that installation; and
  - (ii) the second number to indicate the individual sensor position, in sequence from left to right relative to the direction of flight of the observation aircraft.
4. The focal length of a lens shall be provided in millimetres.
  5. The date and time shall be provided to the nearest minute of Co-ordinated Universal Time.
  6. The average height above ground level of the observation aircraft shall be denoted by a five-digit number, followed by a code to represent the units of measurement in either feet, by the letter “F”, or metres, by the letter “M”.
  7. The latitude and longitude of the location of the observation aircraft shall be provided in degrees to the nearest one-hundredth of a degree, in the format “dd.dd(N or S), ddd.dd(E or W)”, or in degrees and minutes to the nearest minute, in the format “dd mm(N or S), ddd mm(E or W)”.
  8. The true heading of the observation aircraft shall be provided in degrees to the nearest degree.
  9. The roll angle of the observation aircraft shall be provided in degrees followed by a code to indicate whether the roll is to the left, by the letter “L”, or to the right, by the letter “R”.
  10. The pitch angle of the observation aircraft shall be provided in degrees followed by a code to indicate whether the pitch is up, by the letter “U”, or down, by the letter “D”, relative to the horizontal.
  11. The drift angle of the observation aircraft shall be provided in degrees followed by a code to indicate whether the drift is to the left, by the letter “L”, or to the right, by the letter “R”, relative to the flight path of the observation aircraft.
  12. The groundspeed of the observation aircraft shall be denoted by a three-digit number followed by a two-letter code to indicate the units of measurement in either nautical miles, by the letters “NM”, or kilometres, by the letters “KM”, per hour.
  13. The nearest point of the swath width shall be provided in kilometres.
  14. The look down angle shall be provided in degrees measured from the vertical.
  15. The swath width shall be provided in kilometres.
  16. For photographic film, each magazine used during an observation flight from the same sensor shall be numbered in sequence starting from one. Each frame on the original film negative exposed by each sensor shall be individually numbered in sequence, from the first frame to the last frame of that magazine of that sensor. In each case when the film is numbered using one or two numbers per frame, a single frame shall be defined without ambiguity by specifying either the number closest to the centre of the frame, or, in the event that the numbers are equidistant from the centre, the smaller whole number.

## ANNEX C

### Information on Observation Aircraft

Pursuant to the provisions of Article V, paragraph 2 of the Treaty, States Parties, when designating aircraft as observation aircraft, shall notify all other States Parties of the information specified below.

1. Identification:
  - A type and model; and
  - B number, category, type and configuration of each sensor installed on the observation aircraft, as provided in accordance with the provisions of Annex B to the Treaty;
2. Mission Planning:
  - A for each type and configuration of sensor installed on the observation aircraft:
    - (i) for which ground resolution is dependent upon height above ground level, the height above ground level in metres at which that sensor achieves the ground resolution for that category of sensor specified in Article IV, paragraph 2 of the Treaty;
    - (ii) for which ground resolution is not dependent upon height above ground level, the altitude for maximum range;
  - B optimum cruising speed in kilometres per hour at each altitude specified in accordance with sub-paragraph A of this paragraph;
  - C fuel consumption in kilograms per hour at optimum cruising speed at each altitude specified in accordance with sub-paragraph A of this paragraph.
3. Navigation, Communications and Landing Aids:
  - A each type of navigation equipment installed on the observation aircraft, including its positional accuracy, in metres; and
  - B radio communications, approach and landing aid equipment installed on the observation aircraft, in accordance with standard ICAO practice.
4. Ground Handling:
  - A length, wingspan, maximum height, wheel base, and turning radius;
  - B maximum take-off weight and maximum landing weight;
  - C airfield runway length and pavement strength required at maximum take-off and landing weights, including any capability for landing on unpaved strips;
  - D types and capacities of fuel, oils, hydraulic fluid and oxygen;
  - E types of electrical servicing and starting units; and
  - F any special requirements.
5. Accommodation facilities:
  - A number of flight crew;
  - B number of sensor operators;
  - C number of flight representatives, flight monitors or representatives who could be seated on board; and
  - D sleeping berths.

## ANNEX D

### Certification of Observation Aircraft and Sensors

#### SECTION I

##### General Provisions

1. Each State Party shall have the right to participate in the certification of an observation aircraft of each type and model and its associated set of sensors designated by another State Party pursuant to Article V of the Treaty, during which the observation aircraft and its sensors shall be examined both on the ground and in flight.
2. Each certification shall be conducted in order to establish:
  - A that the aircraft is of a type and model designated pursuant to Article V of the Treaty;
  - B that the sensors installed on the observation aircraft are of a category specified in Article IV, paragraph 1 of the Treaty and satisfy the requirements specified in Article IV, paragraph 2 of the Treaty;
  - C that the technical information has been provided in accordance with the provisions of Annex B, Section I to the Treaty;
  - D in the event that the ground resolution of a sensor is dependent upon height above ground level, the minimum height above ground level from which each such sensor installed on an observation aircraft of that type and model may be operated during an observation flight, pursuant to the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty;
  - E in the event that the ground resolution is not dependent upon height above ground level, the ground resolution of each such sensor installed on an observation aircraft of that type and model, pursuant to the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty; and
  - F that the covers for sensor apertures or other devices that inhibit the operation of sensors are in their proper position in accordance with the provisions of Article IV, paragraph 4 of the Treaty.
3. Each State party conducting a certification shall notify all other States Parties, no less than 60 days in advance, of the period of seven days during which the certification of that observation aircraft and its sensors will take place. Such notification shall specify:
  - A the State Party conducting the certification of the observation aircraft and its sensors;
  - B the point of entry at which personnel of the States Parties taking part in the certification should arrive;
  - C the location at which the certification is to be conducted;
  - D the dates on which the certification is to begin and end;
  - E the number, type and model of each observation aircraft to be certified; and
  - F the type and model, description and configuration of each sensor installed on the observation aircraft to be certified, in accordance with the format specified in Annex B, Appendix 1 to the Treaty.
4. No later than ten days after receipt of the notification pursuant to the provisions of paragraph 3 of this Section, each State Party shall notify all other States Parties of its intention to participate in the certification of such aircraft and its sensors pursuant to the provisions of Article IV, paragraph 11. The number of individuals that shall participate in the certification from amongst those States Parties that notified their intention to participate shall be decided upon within the Open Skies Consultative Commission. Unless otherwise agreed, the number of individuals shall total no more than 40 and include no more than four from any one State Party. In the event that two or more States Parties notify

their intention to conduct a certification during the same period, it shall be decided within the Open Skies Consultative Commission which of them shall conduct the certification in this period.

5. Each State Party taking part in the certification shall notify the State Party conducting the certification no less than 30 days prior to the date on which the certification of the observation aircraft is to begin, as notified in accordance with paragraph 3 of this Section, of the following:

- A the names of the individuals taking part in the certification and, in the event that a non-commercial transport aircraft is used to travel to the point of entry, a list of the names of the crew members, in each case specifying gender, date of birth, place of birth and passport number. All such individuals shall be on the list of individuals designated pursuant to Article XIII, Section I of the Treaty;
- B the date and the estimated time of arrival of such individuals at the point of entry; and
- C the mode of transport used to arrive at the point of entry.

6. No less than 14 days prior to the date on which the certification of the observation aircraft is to begin, as notified in accordance with paragraph 3 of this Section, the State Party conducting the certification shall provide the States Parties which are taking part in the certification with the following information for each sensor installed on the observation aircraft, and for associated equipment used for the annotation of data collected by sensors:

- A a description of each constituent part of the sensor, including its purpose, and any connection to associated equipment used for the annotation of data;
- B photographs taken of each sensor separate from the observation aircraft, in accordance with the following specifications:
  - (i) each sensor shall fill at least 80 per cent of the photograph either horizontally or vertically;
  - (ii) such photographs may be either colour or black and white and shall measure 18 centimetres by 24 centimetres, excluding the border; and
  - (iii) each photograph shall be annotated with the category of the sensor, its type and model, and the name of the State Party that is presenting the sensor for certification;
- C instructions on the in-flight operation of each sensor.

7. In the event that no State Party notifies its intention to take part in the certification in accordance with the provisions of paragraph 5 of this Section, the State Party shall conduct by itself an in-flight examination in accordance with the provisions of Section III of this Annex and complete a certification report in accordance with the provisions of Section IV of this Annex.

8. The provisions of Article XIII, Section II of the Treaty shall apply to the personnel of each State Party taking part in the certification during the entire period of their stay on the territory of the State Party conducting the certification.

9. The personnel of each State Party taking part in the certification shall leave the territory of the State Party conducting the certification promptly after signing the certification report.

## SECTION II

### **Ground Examination**

1. With the approval of the State Party conducting the certification, ground examinations by more than one State Party may be conducted simultaneously. States parties shall have the right jointly to conduct a ground examination of the observation aircraft and its sensors. The State Party conducting the certification shall have the right to determine the number of personnel engaged at any one time in the ground examination of an observation aircraft and its sensors.



2. Unless otherwise agreed, the ground examination shall not exceed three eight-hour periods for each observation aircraft and its sensors.
3. Prior to the commencement of the ground examination, the State Party conducting the certification shall provide the States Parties taking part in the certification with the following information:
  - A for optical panoramic and framing cameras:
    - (i) the modulation transfer curve of the response of the lens to spatial frequency (frequency/contrast characteristic) at the maximum relative aperture of that lens, in lines per millimetre;
    - (ii) specifications of the black and white serial film that will be used to collect data during an observation flight, or for the duplication of such data, in accordance with the provisions of Annex K, Section I, paragraph 2 to the Treaty;
    - (iii) specifications of the film processors which will be used to develop original film negatives and duplicators that will be used to produce film positives or negatives, in accordance with the provisions of Annex K, Section I, paragraph 1 to the Treaty; and
    - (iv) flight test data showing ground resolution as a function of height above ground level for each type of aerial film that will be used with the optical camera;
  - B for video cameras, flight test data from all output devices showing ground resolution as a function of height above ground level;
  - C for infra-red line-scanning devices, flight test data from all output devices showing ground resolution as a function of height above ground level; and
  - D for sideways-looking synthetic aperture radar, flight test data from all output devices showing ground resolution as a function of slant range from the aircraft.
4. Prior to the commencement of the ground examination, the State Party conducting the certification shall provide a briefing to the State Party or States Parties taking part in the certification on:
  - A its plan for the conduct of the ground examination of the observation aircraft and its sensors;
  - B the observation aircraft, as well as its sensors, associated equipment and covers for sensor apertures or other devices that inhibit the operation of sensors, indicating their location on the observation aircraft with the help of diagrams, photographs, slides and other visual materials;
  - C all necessary safety precautions that shall be observed during the ground examination of the observation aircraft and its sensors; and
  - D the inventory procedures that escorts of the State Party conducting the certification intend to use pursuant to paragraph 6 of this Section.
5. Prior to the commencement of the ground examination, each State Party taking part in the certification shall deliver to the State Party conducting the certification a list of each item of equipment to be used during the ground examination or in-flight examination. The States Parties conducting the examination shall be permitted to take on board the observation aircraft and use video cameras, hand-held audio recorders and hand-held electronic computers. The States Parties taking part in the certification shall be permitted to use other items of equipment, subject to the approval of the State Party conducting the certification.
6. The States Parties taking part in the certification shall, together with the State Party conducting the certification, conduct an inventory of each item of equipment provided for in paragraph 5 of this Section, and review the inventory procedures which shall be followed to confirm that each item of equipment brought on board the observation aircraft by the States Parties taking part in the certification has been removed from the observation aircraft upon conclusion of the examination.

7. Personnel of each State Party taking part in the certification shall have the right to conduct the following activities during the ground examination on the observation aircraft and of each sensor installed on the observation aircraft:

- A confirm that the number and configuration of each sensor installed on the observation aircraft correspond to the information provided in accordance with the provisions of Section I, paragraph 6 of this Annex, Annex C and Annex B, Section I;
- B familiarize themselves with the installation of each sensor on the observation aircraft, including the constituent parts thereof and their connections to each other and to any associated equipment used for the annotation of data;
- C obtain a demonstration of the control and operation of each sensor; and
- D familiarize themselves with the flight test data provided in accordance with the provisions of paragraph 3 of this Section.

8. At the request of any State Party taking part in the certification, the State Party conducting the certification shall photograph any sensor installed on the observation aircraft, the associated equipment on the observation aircraft, or the sensor apertures with their covers or devices which inhibit the operation of sensors. Such photographs shall fulfil the requirements specified in Section I, paragraph 6, sub-paragraphs B(i), (ii) and (iii) of this Annex.

9. The State Party conducting the certification shall have the right to designate personnel to accompany throughout the ground examination the personnel of the States Parties taking part in the certification to confirm compliance with the provisions of this Section. The personnel of the State Party conducting the certification shall not interfere with the activities of the States Parties taking part in the certification, unless such activities conflict with the safety precautions provided for in paragraph 4, sub-paragraph C of this Section.

10. The State Party conducting the certification shall provide the States Parties taking part in the certification access to the entire observation aircraft, its sensors and associated equipment and sufficient power to operate its sensors and associated equipment. The State Party conducting the certification shall open such compartments or remove panels or barriers, to the extent necessary to permit examination of any sensor and associated equipment subject to certification.

11. Notwithstanding the provisions of this Section, the ground examination shall be conducted in a manner that does not:

- A degrade, damage, or prevent subsequent operation of the observation aircraft or its sensors;
- B alter the electrical or mechanical structure of the observation aircraft or its sensors; or
- C impair the airworthiness of the observation aircraft.

12. The States Parties taking part in the certification shall have the right to take measurements, and make notes, sketches, similar records and recordings using the items of equipment listed in paragraph 5 of this Section, relating to the observation aircraft, its sensors and their associated equipment. Such working materials may be retained by the State Party taking part in the certification and shall not be subject to any review or examination by the State Party conducting the certification.

13. The State Party conducting the certification shall make every effort to answer questions of the States Parties taking part in the certification that pertain to the ground examination.

14. Upon completion of the ground examination, the States Parties taking part in the certification shall leave the observation aircraft, and the State Party conducting the certification shall have the right to use its own inventory procedures set forth in accordance with paragraph 6 of this Section to confirm that all the equipment used during the ground examination in accordance with paragraph 5 of this Section has been removed from the observation aircraft.

### SECTION III

#### **In-Flight Examination**

1. In addition to conducting a ground examination of the observation aircraft and its sensors, the State Party conducting the certification shall conduct one in-flight examination of its sensors which shall be sufficient to:

- A permit observation of the operation of all the sensors installed on the observation aircraft;
- B in the event that the ground resolution of a sensor is dependent upon height above ground level, establish the minimum height above ground level from which each such sensor installed on an observation aircraft of that type and model shall be operated for any observation flight, in accordance with the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty; and
- C in the event that the ground resolution of a sensor is not dependent upon height above ground level, establish the ground resolution of each such sensor installed on an observation aircraft of that type and model is in accordance with the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty.

2. Prior to the commencement of the in-flight examination of the sensors, the State Party conducting the certification shall brief the States Parties participating in the certification on its plan for the conduct of the in-flight examination. This briefing shall include the following information:

- A a diagram of the calibration targets that it intends to use for the in-flight examination in accordance with the provisions of Appendix 1, Section I, paragraph 5 to this Annex;
- B the estimated time, meteorological conditions, number, direction and height above ground level of each pass over the calibration target appropriate to each sensor to be certified; and
- C all necessary safety precautions that shall be observed during the in-flight examination of the observation aircraft and its sensors.

3. Prior to and during the conduct of the in-flight examination, States Parties taking part in the certification shall have the right to visit the location of the calibration targets. The State Party conducting the certification shall provide such items of equipment as required to confirm that the calibration targets meet the specifications set forth in Appendix 1, Section I to this Annex.

4. The in-flight examination shall be conducted during clear atmospheric daytime conditions, unless otherwise agreed, over the calibration targets appropriate to each category of sensor installed on the observation aircraft in accordance with the provisions of Appendix 1, Section II to this Annex, to determine the ground resolution of each sensor.

5. The State Party conducting the certification shall provide such data on the meteorological conditions at the location of the calibration targets during the in-flight examination of the sensors as are necessary to make the calculations in accordance with the methodologies specified in Appendix 1, Section III to this Annex.

6. Each State Party shall have the right to designate personnel to take part in the in-flight examination. In the event that the number of individuals so designated exceeds the passenger capacity of the observation aircraft, the States Parties participating in the certification shall agree which of its personnel shall participate in the in-flight examination.

7. Personnel of the States Parties designated pursuant to paragraph 6 of this Section shall have the right to observe the operation of the sensors by personnel of the State Party conducting the certification.

8. Personnel of the States Parties taking part in the certification shall have the right to monitor the unsealing of the film cassette and the storage, processing and handling of the original film negative exposed during the in-flight examination, in accordance with the provisions of Annex K, Section II to the Treaty.

## SECTION IV

### **Certification Report**

1. Upon completion of the ground and in-flight examinations, data collected by sensors and from the calibration targets shall be examined jointly by the State Party conducting the certification and the States Parties taking part in the certification. These States Parties shall prepare a certification report which shall establish:

A that the observation aircraft is of a type and model designated pursuant to Article V of the Treaty;

B that the sensors installed on the observation aircraft are of a category provided for in Article IV, paragraph 1 of the Treaty and satisfy the requirements of Article IV, paragraph 2 of the Treaty;

C that the technical information on sensors has been provided in accordance with Annex B, Section I to the Treaty;

D in the event that the ground resolution of a sensor is dependent upon height above ground level, the minimum height above ground level at which each such sensor on an observation aircraft of that type and model may be operated during an observation flight pursuant to the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty;

E in the event that the ground resolution is not dependent upon height above ground level, the ground resolution of each such sensor installed on an observation aircraft of that type and model, pursuant to the limitations on ground resolution specified in Article IV, paragraph 2 of the Treaty; and

F that the covers for sensor apertures or other devices that inhibit the operation of sensors are in accordance with the provisions of Article 4, paragraph 4 of the Treaty.

2. A copy of the information for each sensor provided pursuant to Section I, paragraph 6 and Section II, paragraphs 3 and 8 of this Annex shall be attached to the certification report.

3. Copies of the certification report shall be provided to all other States Parties by the State Party conducting the certification. States Parties that did not take part in the certification shall not have the right to reject the conclusions contained in the certification report.

4. An observation aircraft and its associated set of sensors shall be deemed to be certified unless the States Parties taking part in the certification are unable to reach agreement on the contents of the certification report.

5. In the event that the State Party conducting the certification and States Parties taking part in the certification are unable to reach agreement on the contents of the certification report, the observation aircraft shall not be used for observation flights until the issue is resolved.

## APPENDIX 1 TO ANNEX D

### **Methodologies for the Verification of the Performance of Sensors Installed on an Observation Aircraft**

The ground resolution of each sensor installed on the observation aircraft, and, where its performance depends on height above ground level, the minimum height above ground level at which this sensor may be operated during an observation flight, shall be determined and confirmed on the basis of data collected over calibration targets appropriate to each category of sensor in accordance with the specifications in Section I and calculated in accordance with the methodologies to be determined within the Open Skies Consultative Commission.

#### SECTION I

##### **Specifications for Calibration Targets**

1. Calibration targets shall be provided by the State Party conducting the certification in accordance with the provisions of Annex D to the Treaty. Such calibration targets shall be used to establish the ground resolution of sensors, of a type appropriate to each sensor category, and designed in accordance with characteristics specified below.
2. Calibration targets for establishing the ground resolution of optical cameras shall consist of a series of groups of alternating black and white bars. Each group of bars shall consist of a minimum of two black bars separated by a white bar. The width of black and white bars within a group shall remain constant. The width of the bars in groups of bars in the calibration target shall change in steps sufficient to ensure accurate measurement of the ground resolution. The length of the bars shall remain constant within each group. The contrast ration of the black to white bars shall be consistent throughout the target and shall be at least 5 to 1 (equivalent to a modulation of 0.66).
3. Calibration targets for establishing the ground resolution of infra-red line-scanning devices shall be determined within the Open Skies Consultative Commission during the period of provisional application.
4. Calibration targets for establishing the ground resolution of sideways-looking synthetic aperture radar shall consist of arrays of trihedral corner reflectors whose configuration shall be in accordance with the methodologies determined within the Open Skies Consultative Commission during the period of provisional application.
5. Each State Party shall provide all other States Parties with a diagram of the calibration targets that it intends to use for the purpose of in-flight examination. Such diagrams shall be annotated with the overall dimensions of the calibration targets, their locations and the type of terrain on which they are deployed, as well as the information appropriate to each type of calibration target as determined within the Open Skies Consultative Commission during the period of provisional application.

#### SECTION II

##### **Conduct of In-Flight Examination**

1. In order to establish the ground resolution of panoramic or vertically-installed framing cameras, the line of flight of the observation aircraft shall be directly over and parallel to the calibration target. In order to establish the ground resolution of obliquely-installed framing cameras, the line of flight of the observation aircraft shall be parallel to the calibration target at a range such that the image of the calibration target appears in the foreground of the field of view of the optical camera set at its maximum angle measured from the horizontal or minimum angle measured from the vertical.

2. In order to establish the ground resolution of an infra-red line-scanning device, the line of flight of the observation aircraft shall be directly over and parallel to the calibration target at an agreed range of heights above ground level.

3. In order to establish the ground resolution of a sideways-looking synthetic aperture radar, the line of flight of the observation aircraft shall be to the side of the array of the corner reflectors.

### SECTION III

#### **Analysis of Data Collected During the In-Flight Examination**

1. Following the in-flight examination, the State Party conducting the certification and the States Parties taking part in the certification shall jointly analyse the data collected during the in-flight examination pursuant to Annex D, Section IV, paragraph 1 to the Treaty

2. The methodology for calculating the minimum height above ground level at which each optical camera installed on the observation aircraft may be operated during an observation flight, including the value of the contrast ratio or the equivalent modulation to be used in this calculation, which shall not be less than 1.6:1 (correspondingly 0.23) and not greater than 4:1 (correspondingly 0.6), shall be determined within the Open Skies Consultative Commission during the period of provisional application and prior to 30 June 1992. The ground resolution of optical cameras shall be determined from a visual analysis of the image of the calibration target on the original film negative. The numerical value of ground resolution shall be equal to the width of the smallest bar of the calibration target that is distinguishable as a separate bar.

3. The methodology for calculating the minimum height above ground level at which each video camera installed on the observation aircraft may be operated during an observation flight shall be determined within the Open Skies Consultative Commission during the period of provisional application.

4. The methodology for calculating the minimum height above ground level at which an infra-red line-scanning device installed on the observation aircraft may be operated during an observation flight, including the value of the minimum resolvable temperature difference to be used in this calculation, shall be determined within the Open Skies Consultative Commission during the period of provisional application.

5. The methodology for calculating the ground resolution of a sideways-looking synthetic aperture radar, including the determination of the relationship between the impulse response method and the object separation method, shall be determined within the Open Skies Consultative Commission during the period of provisional application.

### ANNEX E

#### **Procedures for Arrivals and Departures**

1. Each State Party shall designate one or more points of entry, one or more points of exit, and one or more Open Skies airfields on its territory. Points of entry and points of exit may or may not be the same as the Open Skies airfields. Unless otherwise agreed, if an Open Skies airfield is different from a point of entry, the Open Skies airfield shall be designated so that the observing Party can reach the Open Skies airfield within five hours from the point of entry either in its own observation aircraft or in transportation provided by the observed Party. The observing Party, after arriving at a point of entry or an Open Skies airfield, shall have the right to a rest period, subject to the provisions of Article VI of the Treaty.

2. Each State Party shall have the right to designate entry fixes and exit fixes. If a State Party elects to designate entry fixes and exit fixes, such fixes shall facilitate flight from the territory of the observing Party to the point of entry of the observed Party. Planned flights between entry fixes and points of entry and between points of exit and exit fixes shall be

conducted in accordance with published ICAO standards and recommended practices and national regulations. In the event that portions of the flights between entry fixes and points of entry or between points of exit and exit fixes lie in international airspace, the flight through international airspace shall be conducted in accordance with published international regulations.

3. Information on points of entry and points of exit, Open Skies airfields, entry fixes and exit fixes, refuelling airfields, and calibration targets shall initially be as specified in Appendix 1 to this Annex.

4. A State Party shall have the right to introduce changes to Appendix 1 to this Annex by notifying all other States Parties of such changes, in writing, no less than 90 days before such changes become effective.

5. Each State Party shall ensure effective observation of its entire territory as follows:

A for its mainland territory, Open Skies airfields shall be designated in such a way that no point on its territory is farther from one or more such airfields than 35 per cent of the maximum flight distance or distances established for that State Party in accordance with Annex A to the Treaty;

B for portions of its territory that are separated from the mainland territory:

(i) that State Party shall apply the provisions of sub-paragraph A of this paragraph; or

(ii) in the event that the portion or portions of the territory are separated from the mainland territory by more than 600 kilometres, or if agreed between that State Party and the observing Party, or if otherwise provided for in Annex A, that State Party shall provide special procedures, including the possible use of refuelling airfields; or

(iii) in the event that a portion or portions of the territory are separated from the mainland territory by less than 600 kilometres, and such portion or portions of the territory are not covered by the provisions of sub-paragraph A of this paragraph, that State Party may specify a separate maximum flight distance in Annex A to cover such portion or portions of its territory.

6. Immediately upon the arrival of an observation aircraft at the point of entry, and immediately prior to the departure of an observation aircraft from the point of exit, both the observed and observing Parties shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors installed in accordance with Article IV, paragraph 4. In the event that the point of entry is different from the Open Skies airfield from which the observation flight commences, both the observed and observing Parties shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors immediately prior to departure of the observation aircraft from the point of entry en route to the Open Skies airfield from which the observation flight commences. In the event that the point of exit is different from the Open Skies airfield at which the observation flight terminates, both the observed and observing Parties shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors immediately prior to departure of the observation aircraft from such airfield en route to the point of exit.

7. A State Party shall have the right to conduct an examination and inventory of the items of equipment that the other State Party intends to use for the purpose of conducting a pre-flight inspection of sensors and, if applicable, the observation aircraft, as well as items that the flight representatives intend to bring on board the observation aircraft. This examination and inventory:

A shall begin no later than one hour after arrival of such items at the point of entry or the Open Skies airfield, at the choice of the State Party conducting the inventory, and shall be completed within one hour; and

B shall be carried out in the presence of one or more designated individuals of the other State Party.

8. If, during the examination and inventory of the items of equipment to be used in the sensor inspection and, if applicable, observation aircraft inspection, as well as the items that the flight representatives intend to bring on board the observation aircraft, the State Party conducting the examination and inventory determines that the items do not conform to the list of authorised equipment contained in Annex D, Section II, paragraph 5, or to the items described in Annex G, Section I, paragraph 4, it shall have the right to deny permission for the use of such items. Items so identified that are brought into the territory of the observed Party by the observing Party shall be, unless otherwise agreed:

- A placed in a sealed container for safekeeping; and
- B subsequently removed from the territory of the observed Party at the earliest opportunity, but not later than the departure of the observing Party from the territory of the observed Party.

9. In the event that the observing Party travels to the point of entry specified in the notification provided in accordance with Article VI, Section I, paragraph 5 of this Treaty, using a transport aircraft registered with the observing Party or with another State Party, the transport aircraft shall be permitted:

- A to depart from the territory of the observed Party;
- B in the event that the point of entry is the same as the point of exit, to remain at the point of entry until departure of the observing Party from the territory of the observed Party; or
- C in the event that the point of entry is not the same as the point of exit, to fly to the point of exit in sufficient time for further crew rest prior to departure of all the personnel of the observing Party from the territory of the observed Party.

10. In the event that the observation aircraft is provided by the observed Party and the observing Party does not use its own transport aircraft for transporting its personnel from the point of entry to the Open Skies airfield, the observed Party shall ensure that the personnel of the observing Party are transported from the point of entry to the Open Skies airfield and from the Open Skies airfield to the point of exit.

## ANNEX E

### APPENDIX 1

#### SECTION I

##### **Designation of Sites**

The sites to be used as points of entry, points of exit, Open Skies airfields, refuelling airfields, calibration targets and, if applicable, entry fixes and exit fixes are initially as specified in Section II of this Appendix. The designation includes:

- A Site: name of point of entry, point of exit, Open Skies airfield, entry fix, exit fix, refuelling airfield, and calibration target;
- B Location: latitude and longitude of the respective site, to the nearest second; and
- C Inspection: whether or not the pre-flight inspection of the aircraft or the sensors can be conducted at this site.



SECTION II

**Points of Entry, Points of Exit, Open Skies Airfields, Entry Fixes, Exit Fixes, Refuelling Airfields, and Calibration Targets**

**State Party: The Federal Republic of Germany**

POINT OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/sensors</i>
Köln/Bonn (EDDK)	N 50-52-02 E 007-08-37	yes

**OPEN SKIES AIRFIELDS**

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/sensors</i>
Wunstorf (EDNW)	N 52-27-48 E 009-25-70	No
Landsberg/Lech (EDSA)	N 48-04-28 E 010-54-42	No

ENTRY/EXIT FIXES

To be determined

REFUELLING AIRFIELDS

CALIBRATION TARGETS

<i>Site</i>	<i>Location</i>
Köln/Bonn	To be determined

**State Party: The United States of America**

POINTS OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/sensors</i>
Washington Dulles International, DC	N 38-56-36 W 077-27-24	Yes
Travis AFB California	N 38-15-48 W 121-55-48	Yes

### OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Washington Dulles International, DC	N 38-56-36 W 077-27-24	Yes
Travis AFB California	N 38-15-48 W 121-55-48	Yes
Elmendorf AFB Alaska	N 61-15-12 W 149-47-30	Yes
Lincoln Municipal Nebraska	N 40-51-00 W 096-45-30	No

### ENTRY/EXIT FIXES

To be determined

### REFUELLING AIRFIELDS

<i>Site</i>	<i>Location</i>
Honolulu International Hawaii	N 21-19-06 W 157-55-24
Malmstrom AFB Montana	N 47-30-18 W 111-11-00
Phoenix-Sky Harbor International Arizona	N 33-26-12 W 112-00-24
General Mitchell International Wisconsin	N 42-56-48 W 087-53-36
McGhee Tyson Tennessee	N 35-48-48 W 083-59-36

### CALIBRATION TARGETS

<i>Site</i>	<i>Location</i>
Washington Dulles	To be determined
Travis AFB	To be determined
Elmendorf AFB	To be determined

### **State Party: Republic of Belarus and the Russian Federation group of States Parties**

### POINTS OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Kubinka	N 55-36-30 E 036-39-10	Yes
Ulan-Ude	N 51-48-00 E 107-27-00	Yes

#### OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Kubinka	N 55-36-30 E 036-39-10	Yes
Ulan-Ude	N 51-48-00 E 107-27-00	Yes
Magadan	N 59-54-06 E 150-03-01	No
Vorkuta	N 67-29-00 E 063-59-00	No

#### ENTRY/EXIT FIXES

To be determined

#### REFUELLING AIRFIELDS

#### CALIBRATION TARGETS

**State Party: Benelux**

#### POINT OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Zaventem/Melsbroek	N 50-54-01 W 004-59-09	Yes

#### OPEN SKIES AIRFIELD

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Zaventem/Melsbroek	N 50-54-01 W 004-59-09	Yes

#### ENTRY/EXIT FIXES

To be determined

#### REFUELLING AIRFIELDS

#### CALIBRATION TARGETS

Volkel	N 54-39-03 W 005-42-02
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**State Party: Republic of Bulgaria**

POINTS OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Sofia	N 42-41-07 E 023-24-05	Yes

OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Sofia	N 42-41-07 E 023-24-05	Yes
Burgas	N 42-34-00 E 027-30-00	No

ENTRY/EXIT FIXES

To be determined

REFUELLING AIRFIELDS

<i>Site</i>	<i>Location</i>
Sofia	N 42-41-07 E 023-24-05
Burgas	N 42-34-00 E 027-30-00

CALIBRATION TARGETS

**State Party: Canada**

POINT OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Ottawa (CYOW)	N 45-19-21 W 075-40-10	Yes

OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Ottawa	N 45-19-21 W 075-40-10	Yes
Iqaluit	N 63-45-22 W 068-33-25	No
Yellowknife	N 62-27-45 W 114-26-20	No

## ENTRY/EXIT FIXES

To be determined

## REFUELLING AIRFIELDS

<i>Site</i>	<i>Location</i>
Edmonton	N 53-18-35 W 113-34-43
Halifax	N 44-52-51 W 063-30-33
Winnipeg	N 49-54-39 W 097-14-35
Churchill	N 58-44-13 W 094-03-26

## CALIBRATION TARGETS

<i>Site</i>	<i>Location</i>
Ottawa area	To be determined

### **State Party: The Kingdom of Denmark**

## POINTS OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Copenhagen International Airport (EKCH)	N 55-37-07 E 012-39-26	No
Military Airfield Vaerloese (EKVL)	N 55-46-09 E 012-19-34	Yes

## OPEN SKIES AIRFIELD

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Military Airfield Vaerloese	N 55-46-09 E 012-19-34	Yes

## ENTRY/EXIT FIXES

To be determined

## REFUELLING AIRFIELDS

<i>Site</i>	<i>Location</i>
Vagar Airport (EKVG)	N 62-03-51 W 007-16-26
Soendre Stroemfjord International Airport (BGSF)	N 67-01-05 W 050-41-39

## CALIBRATION TARGETS

<i>Site</i>	<i>Location</i>
Military Airfield Vaerloese	N 55-46-09 E 012-19-34

### **State Party: The Kingdom of Spain**

#### POINT OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Getafe	N 40-17-43 W 003-43-21	Yes

#### POINT OF ENTRY/EXIT FOR CANARY ISLANDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Gando	N 27-55-49 W 015-23-05	Yes

#### OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Getafe	N 40-17-43 W 003-43-21	Yes
Valencia	N 39-29-26 W 000-28-50	No
Valladolid	N 41-42-26 W 004-51-02	No
Moron	N 37-10-34 W 005-36-53	No

#### ENTRY/EXIT FIXES

To be determined

#### REFUELLING AIRFIELDS

Nil

## CALIBRATION TARGETS

### **State Party: The French Republic**

#### POINT OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Orleans-Bricy	N 47-59-12 E 001-45-43	Yes

#### OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Orleans-Bricy	N 47-59-12 E 001-45-43	Yes
Toulouse-Blagnac	N 43-37-26 E 001-22-53	No
Nice-Côte d'Azur	N 43-39-47 E 007-12-09	No

#### ENTRY/EXIT FIXES

To be determined

#### REFUELLING AIRFIELDS

Nil

#### CALIBRATION TARGETS

**State Party: The United Kingdom of Great Britain and Northern Ireland**

#### POINTS OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Brize Norton	N 51-44-97 W 001-34-93	Yes
Heathrow	N 51-28-72 W 000-27-47	No

*Note:* Heathrow is for arrival of personnel on scheduled passenger services only. Not for observation or transport aircraft.

#### OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Brize Norton	N 51-44-97 W 001-34-93	Yes
Scampton	N 53-18-45 W 000-32-95	Yes
Leuchars	N 55-22-38 W 000-52-03	Yes

#### ENTRY/EXIT FIXES

To be determined by FAA

#### REFUELLING AIRFIELDS

Nil

## CALIBRATION TARGETS

<i>Site</i>	<i>Location</i>
Boscombe Down	N 51-09-10 W 001-44-76

### **State Party: The Hellenic Republic**

#### POINT OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Thessaloniki International	N 40-27-22 E 022-59-21	Yes

#### OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Thessaloniki International	N 40-27-22 E 022-59-21	Yes
Elefsis	N 38-04-00 E 023-33-38	Yes

#### ENTRY/EXIT FIX

<i>Site</i>	<i>Location</i>
Chouchouligovo	N 41-24-40 E 023-22-02

## REFUELLING AIRFIELDS

## CALIBRATION TARGETS

### **State Party: The Republic of Hungary**

#### POINTS OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Budapest/Ferihegy (LHBP)	N 47-26-18 E 019-15-48	Yes
Tokol (LHTL)	N 47-21-14 E 018-58-08	Yes

#### OPEN SKIES AIRFIELD

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Budapest/Ferihegy (LHBP)	N 47-26-18 E 019-15-48	Yes
Tokol (LHTL)	N 47-21-14 E 018-58-08	Yes



ENTRY/EXIT FIXES

To be determined

REFUELLING AIRFIELDS

None

CALIBRATION TARGETS

To be determined

**State Party: The Republic of Iceland**

POINT OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Keflavik	N 63-59-48 W 022-36-30	Yes

OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
	N 63-59-07 W 022-36-20	

ENTRY/EXIT FIXES

To be determined

REFUELLING AIRFIELDS

CALIBRATION TARGETS

**State Party: The Republic of Italy**

POINTS OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Milano-Malpensa	N 45-38-00 E 008-44-00	Yes
Palermo-Punta Raisi	N 38-10-40 E 013-05-20	Yes

OPEN SKIES AIRFIELD

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Milano-Malpensa	N 45-38-00 E 008-44-00	Yes
Palermo-Punta Raisi	N 38-10-40 N 013-05-20	Yes

ENTRY/EXIT FIXES

To be determined

REFUELLING AIRFIELDS

The above-mentioned Open Skies airfields

CALIBRATION TARGETS

**State Party: The Kingdom of Norway**

POINTS OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Oslo-Gardermoen (ENGM)	N 60-12-10 E 011-05-08	Yes

OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Oslo-Gardermoen (ENGM)	N 60-12-10 E 011-05-08	Yes
Tromsøe-Langnes (ENTC)	N 69-40-53 E 018-55-10	No

ENTRY/EXIT FIXES

To be determined

REFUELLING AIRFIELDS

<i>Site</i>	<i>Location</i>
Trondheim-Vaernes (ENVA)	N 63-27-29 E 010-55-33

CALIBRATION TARGETS

**State Party: The Republic of Poland**

POINT OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Warszawa-Okecie	N 52-13-10 E 021-01-10	Yes

OPEN SKIES AIRFIELD

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Warszawa-Okecie	N 52-13-10 E 021-01-10	Yes

ENTRY/EXIT FIXES

To be determined

REFUELLING AIRFIELDS

CALIBRATION TARGETS

**State Party: The Portuguese Republic**

POINT OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Lisboa International	N 38-46-22 W 009-07-58	Yes

OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Sta. Maria	N 36-58-22 W 025-10-17	No
Porto Santo	N 33-04-01 W 016-20-44	No

ENTRY/EXIT FIXES

To be determined

REFUELLING AIRFIELDS

<i>Site</i>	<i>Location</i>
Lisboa International	N 38-46-22 W 009-07-58
Sta. Maria	N 36-58-22 W 025-10-17
Porto Santo	N 33-04-01 W 016-20-44

CALIBRATION TARGETS

<i>Site</i>	<i>Location</i>
Lisboa International	To be determined

**State Party: Romania**

POINTS OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Bucharest-Otopeni International Airport	N 44-34-30 E 026-05-10	Yes
Timisoara Airport	N 45-48-37 E 021-20-22	Yes

#### OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Bucharest-Otopeni International Airport	N 44-34-30 E 026-05-10	Yes
Timisoara Airport	N 45-48-37 E 021-20-22	Yes
Bacau Airport	N 46-31-19 E 026-54-41	No

#### ENTRY/EXIT FIXES

To be determined

#### REFUELLING AIRFIELDS

<i>Site</i>	<i>Location</i>
Bucharest-Otopeni International Airport	N 44-34-30 E 026-05-10
Timisoara Airport	N 45-48-37 E 021-20-22

#### CALIBRATION TARGETS

<i>Site</i>	<i>Location</i>
Urlati	N 45-55-45 E 026-05-11
Dunavat Nord Murighiol	N 45-02-10 E 029-13-20

#### **State Party: The Czech and Slovak Federal Republic**

#### POINT OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Praha International	N 50-06-10 E 014-15-40	Yes

#### OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Praha International	N 50-06-10 E 014-15-40	Yes
Bratislava International	N 49-10-10 E 017-12-50	No
Kosice International	N 48-40-10 E 021-14-40	No

#### ENTRY/EXIT FIXES

To be determined

#### REFUELLING AIRFIELDS

<i>Site</i>	<i>Location</i>
Bratislava International	N 49-10-10 E 017-12-50
Kosice International	N 48-40-10 E 021-14-40

#### CALIBRATION TARGETS

<i>Site</i>	<i>Location</i>
Praha International	To be determined

#### **State Party: The Republic of Turkey**

#### POINTS OF ENTRY/EXIT

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Eskisehir	N 39-47-00 E 030-35-00	Yes
Diyarbakir	N 30-50-00 E 040-05-00	Yes

#### OPEN SKIES AIRFIELDS

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Eskisehir	N 39-47-00 E 030-35-00	Yes
Diyarbakir	N 30-50-00 E 040-05-00	Yes

#### ENTRY/EXIT FIXES

To be determined

#### REFUELLING AIRFIELDS

To be determined

#### CALIBRATION TARGETS

<i>Site</i>	<i>Location</i>
Eskisehir	To be determined
Diyarbakir	To be determined

**State Party: Ukraine**

**POINT OF ENTRY/EXIT**

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Borispol/Kiev	N 50-20-07 E 030-53-07	Yes

**OPEN SKIES AIRFIELD**

<i>Site</i>	<i>Location</i>	<i>Inspection of aircraft/ sensors</i>
Borispol/Kiev	N 50-20-07 E 030-53-07	Yes

**ENTRY/EXIT FIXES**

To be determined

**REFUELLING AIRFIELDS**

<i>Site</i>	<i>Location</i>
Lvov	N 49-48-07 E 023-57-03
Odessa	N 46-25-06 E 030-40-07

**CALIBRATION TARGETS**

## ANNEX F

### Pre-Flight Inspections and Demonstration Flights

#### SECTION I

##### Pre-Flight Inspection of Observation Aircraft and Sensors of the Observing Party

1. The purpose of the pre-flight inspection of observation aircraft and sensors provided by the observing Party is to confirm that the observation aircraft, its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty. The observed Party shall have the right to conduct a pre-flight inspection of an observation aircraft and its sensors provided by the observing Party to confirm that:
  - A the observation aircraft, its sensors and associated equipment including, where applicable, lens and photographic film, correspond to those certified in accordance with the provisions of Annex D to the Treaty; and
  - B there are no items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty.
2. Upon arrival of the observation aircraft at the point of entry the observed Party shall:
  - A provide a list of the inspectors, the number of whom shall not exceed ten persons, unless otherwise agreed, including the general function of each of the inspectors;
  - B provide a list of the items of equipment that they intend to use during the pre-flight inspection provided for in Annex D, Section II, paragraph 5 to the Treaty; and
  - C inform the observing Party of its plan for the pre-flight inspection of the observation aircraft and its sensors.
3. Prior to the commencement of the pre-flight inspection, a designated individual from the observing Party shall:
  - A brief the observed Party on the inventory procedures which shall be followed to confirm that all inspection equipment, as well as any non-destructive-testing equipment as provided for in paragraph 7 of this Section, brought on board the observation aircraft by the inspectors has been removed from the observation aircraft upon conclusion of the pre-flight inspection;
  - B together with the inspectors, conduct an examination and inventory of each item of equipment to be used during the pre-flight inspection; and
  - C brief the inspectors of all safety precautions that they shall observe during the pre-flight inspection of the observation aircraft and its sensors.
4. The pre-flight inspection shall not begin until the completion of the formal arrival procedures and shall take no longer than eight hours.
5. The observing Party shall have the right to provide its own escorts to accompany the inspectors throughout the pre-flight inspection of the observation aircraft and its sensors to confirm that the inspection is conducted in accordance with the provisions of this Section. The observing Party shall facilitate the inspection in accordance with the procedures specified in Annex D, Section II, paragraphs 7 and 8 to the Treaty.
6. In conducting the pre-flight inspection, the inspectors shall have the right of access to the observation aircraft, its sensors and associated equipment, in the same manner as provided for in Annex D, Section II, paragraph 10, and shall comply with the provisions of Annex D, Section II, paragraphs 11 and 12 to the Treaty.

7. For the purposes of this inspection, the observed Party shall have the right to take on board and use the following non-destructive-testing equipment:

- A video probe (borescope on video camera);
- B X-ray and backscatter X-ray imaging equipment;
- C ultrasonic imaging equipment;
- D logic/data analyser;
- E passive infra-red sensors; and
- F 35 millimetre camera.

In addition, the observed Party shall have the right to take on board and use such other non-destructive-testing equipment as may be necessary to establish that no items of equipment are on board the observation aircraft other than those permitted by Article IV of the Treaty, as may be agreed by the Open Skies Consultative Commission prior to 30 June 1992.

8. Upon completion of the pre-flight inspection, the inspectors shall leave the observation aircraft, and the observing Party shall have the right to use its own inventory procedures to confirm that all inspection equipment used during the pre-flight inspection has been removed from the observation aircraft. If the observed Party is unable to demonstrate this to the satisfaction of the observing Party, the observing Party shall have the right to proceed with the observation flight or to cancel it, and when the observing Party is satisfied that it is safe to do so, depart from the territory of the observed Party. In the latter case, no observation flight shall be recorded against the quota of either State Party.

9. The inspectors shall immediately inform the observing Party if they establish that the observation aircraft, its sensors or associated equipment do not correspond to those certified in accordance with the provisions of Annex D to the Treaty, or that there are items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty. If the observing Party is unable to demonstrate that the observation aircraft, its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty and that there are no items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty, and if the observing and observed Parties do not agree otherwise, the observed Party shall have the right to prohibit the observation flight pursuant to Article VIII of the Treaty. If the observation flight is prohibited, the observation aircraft shall promptly depart from the territory of the observed Party and no observation flight shall be recorded against the quota of either State Party.

10. Upon completion of the pre-flight inspection of the observation aircraft and its sensors, the observed and observing Parties shall prepare a pre-flight inspection report which shall state that:

- A the observation aircraft, its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty; and
- B there are no items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty.

11. Signature of the pre-flight inspection report by the observed Party shall signify its agreement for the observing Party to use that observation aircraft to conduct an observation flight over the territory of the observed Party.

## SECTION II

### **Pre-Flight Inspection of Sensors of the Observed Party**

1. The purpose of the pre-flight inspection of the sensors on an observation aircraft provided by the observed Party is to confirm that the sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty. The observing Party shall have the right to conduct a pre-flight inspection of the sensors



and associated equipment installed on an observation aircraft provided by the observed Party to confirm that its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty.

2. Upon arrival of the inspectors of the observing Party at the location of the pre-flight inspection, the observing Party shall:

- A provide a list of the inspectors, the number of whom shall not exceed five persons, unless otherwise agreed, including the general function of each inspector;
- B provide a list of the items of equipment that the inspectors intend to use during the pre-flight inspection; and
- C inform the observed Party of its plan for the pre-flight inspection of the sensors and associated equipment on board the observation aircraft.

3. Prior to the commencement of the pre-flight inspection, a designated individual from the observed Party shall:

- A brief the observing Party on the inventory procedures that shall be followed to confirm that each item of equipment brought on board the observation aircraft by the inspectors has been removed from the observation aircraft upon conclusion of the pre-flight inspection;
- B together with the inspectors, conduct an examination and inventory of each item of equipment to be used during the pre-flight inspection; and
- C brief the inspectors on all necessary safety precautions that they must observe during the pre-flight inspection of the sensors and associated equipment installed on the observation aircraft.

4. The pre-flight inspection shall not begin until the completion of the formal arrival procedures and shall take no longer than eight hours.

5. The observed Party shall have the right to provide its own escorts to accompany the inspectors throughout the pre-flight inspection of the sensors and associated equipment on board the observation aircraft to confirm that the inspection is conducted in accordance with the provisions of this Section. The observed Party shall facilitate the inspection of the sensors and associated equipment on board the observation aircraft by the inspectors in accordance with the procedures specified in Annex D, Section II, paragraph 7 to the Treaty.

6. In conducting the pre-flight inspection, the inspectors shall have the right of access to the sensors and associated equipment on board the observation aircraft in the same manner as provided for in Annex D, Section II, paragraph 10 and shall comply with the provisions of Annex D, Section II, paragraphs 11 and 12 to the Treaty.

7. Upon completion of the pre-flight inspection, the inspectors shall leave the observation aircraft and the observed Party shall have the right to use its own inventory procedures to confirm that all items of equipment have been removed from the observation aircraft. If the observing Party is unable to demonstrate this to the satisfaction of the observed Party, the observed Party shall have the right to prohibit the observation flight in accordance with Article VIII of the Treaty, and no observation flight shall be recorded against the quota of either State Party.

8. The inspectors shall immediately inform the observed Party if they establish that any of the sensors or associated equipment on board the observation aircraft do not correspond to those certified in accordance with the provisions of Annex D to the Treaty. If the observed Party is unable to demonstrate that the sensors or associated equipment on board the observation aircraft correspond to those certified in accordance with Annex D to the Treaty, the observing Party shall have the right to:

- A agree to use an alternative package of sensor types or capabilities proposed by the observed Party;
- B proceed according to the original mission plan;

- C accept a delay in the commencement of the observation flight to permit the observed Party to rectify the problem determined to exist by the observing Party pursuant to this paragraph. In the event that the problem is resolved to the satisfaction of the observing Party, the flight shall proceed according to the mission plan, revised as necessary due to any delay. In the event that the problem is not rectified to the satisfaction of the observing Party, the observing Party shall depart the territory of the observed Party; or
  - D cancel the observation flight, and immediately depart the territory of the observed Party.
9. If the observing Party leaves the territory of the observed Party not having conducted an observation flight, as provided for in paragraph 8, sub-paragraphs C and D of this Section, no observation flight shall be counted against the quota of either State Party.
10. Upon completion of the pre-flight inspection of the sensors and associated equipment installed on the observation aircraft, the observed Party and the observing Party shall prepare a pre-flight inspection report that shall state that the sensors correspond to those certified in accordance with the provisions of Annex D to the Treaty. Signature of the pre-flight inspection report by the observing Party shall signify its agreement to use that observation aircraft to conduct an observation flight over the territory of the observed party.

### SECTION III

#### **Demonstration Flights**

1. In the event that the aircraft is provided by the observing Party, at the request of the observed Party, the observing Party shall, following the pre-flight inspection, conduct a demonstration flight to allow the inspectors to observe the functioning of the sensors that are to be used during the observation flight and to collect sufficient data to allow them to confirm that the capability of those sensors is in accordance with the provisions of Article IV, paragraph 8 of the Treaty.
2. In the event that the aircraft is provided by the observed Party, at the request of the observing Party, the observed Party shall, following the pre-flight inspection, conduct a demonstration flight to allow the inspectors to observe the functioning of the sensors that are to be used during the observation flight and to collect sufficient data to allow them to confirm that the capability of those sensors is in accordance with the provisions of Article IV, paragraph 9 of the Treaty.
3. In the event that either the observed or observing Party exercises its right to request a demonstration flight:
  - A the demonstration flight shall be performed in accordance with the requirements of Annex D, Section III;
  - B the demonstration flight shall last for no more than two hours;
  - C the observed Party shall provide calibration targets in accordance with the specifications in Appendix 1 to Annex D to the Treaty in the vicinity of the airfield at which the pre-flight inspection is to be conducted;
  - D any delay in carrying out a request for a demonstration flight caused by weather conditions or problems with the aircraft or sensors of the observed Party shall not count against the time allocated for such flights, unless otherwise agreed;
  - E the observed Party shall process the data collection by sensors at a facility in the vicinity of the airfield at which the pre-flight inspection is to be conducted, in the presence of personnel of the observing Party, in accordance with the provisions of Article IX, Sections II and III of the Treaty; and
  - F the cost of the demonstration flight, including the provision of data recording media and the processing of data, shall be distributed in accordance with the provisions of Annex L, Section I, paragraph 9 to the Treaty.

4. In the event that the observed Party exercises its right to request a demonstration flight, the observing Party shall have the right to and a period of up to 24 hours to the 96 hours allowed for the conduct of the observation flight, pursuant to Article VI, Section I, paragraph 9. This shall not affect the right of other States Parties to conduct observation flights after the original period of 96 hours as provided for in Article VI, Section I, paragraph 3 of the Treaty.
5. In the event that the observing Party exercises its right to request a demonstration flight, this shall be accomplished within the period of 96 hours allowed for the conduct of the observation flight, pursuant to Article VI, Section I, paragraph 9 of the Treaty.
6. In the event that the observed Party is not satisfied that the capability of any sensor installed on the observation aircraft provided by the observing Party is in accordance with the provisions of Article IV, paragraph 8 of the Treaty, the observed Party shall have the right to:
  - A in the case of a sensor for which ground resolution is dependent upon height above ground level, propose an alternative minimum height above ground level at which that sensor shall be permitted to be operated during the observation flight;
  - B in the case of sensors for which ground resolution is not dependent upon height above ground level, prohibit the operation of that sensor during the observation flight; or
  - C prohibit the observation flight pursuant to the provisions of Article VIII of the Treaty.
7. In the event that the observing Party is not satisfied that the capability of any sensor installed on the observation aircraft provided by the observed Party is in accordance with the provisions of Article IV, paragraph 9 of the Treaty, the observing Party shall have the right to:
  - A agree to use an alternative package of sensor types or capabilities proposed by the observed Party;
  - B in the case of a sensor for which ground resolution is dependent upon height above ground level, propose an alternative minimum height above ground level at which that sensor shall be permitted to be operated during the observation flight;
  - C in the case of sensors for which ground resolution is not dependent upon height above ground level, conduct the observation flight as planned, and the cost of the data recording media for that sensor shall be borne by the observed Party;
  - D accept a delay in the commencement of the observation flight to permit the observed Party to rectify the problem determined to exist by the observing Party. In the event that the problem is resolved to the satisfaction of the observing Party, the flight shall proceed according to the mission plan, revised as necessary due to any delay. In the event that the problem is not rectified to the satisfaction of the observing Party, or the observing Party shall depart the territory of the observed Party; or
  - E cancel the observation flight pursuant to Article VIII of the Treaty, and immediately depart the territory of the observed Party.
8. In the event that the observation flight is prohibited or cancelled by the State Party requesting the demonstration flight, no observation flight shall be counted against the quota of either State Party, and the State Party requesting the demonstration flight shall convey the matter to the Open Skies Consultative Commission.

## ANNEX G

### Flight Monitors, Flight Representatives and Representatives

#### SECTION I

##### Flight Monitors and Flight Representatives

1. The provisions set forth in this Annex shall apply to personnel designated in accordance with Article XIII. Each State Party shall have the right to have at any one time the number of flight monitors and flight representatives on board the observation aircraft as set forth in Article VI, Section III. The provisions of that Section shall govern their activities with respect to the organisation and conduct of observation flights. Each State Party shall facilitate the activities of the flight monitors and flight representatives pursuant to this Annex.
2. The observed Party shall appoint one of the flight monitors as chief flight monitor. The chief flight monitor shall be a national of the observed Party. The observing Party shall appoint one of the flight representatives as chief flight representative. The chief flight representative shall be a national of the observing Party.
3. In preparing for the observation flight, flight monitors and flight representatives shall have the right:
  - A to acquaint themselves with the technical literature relating to the functioning and operation of the sensors and the flight operation manual of the observation aircraft; and
  - B to acquaint themselves with the equipment of the observation aircraft relating to the control of the flight regime and the functioning and operation of the sensors installed on the observation aircraft.
4. Flight monitors and flight representatives shall have the right:
  - A to remain on board the observation aircraft throughout the observation flight, including any stops for refuelling or emergencies;
  - B to bring on board the observation aircraft and use maps, flight charts, publications, and operations manuals;
  - C to move unencumbered about the observation aircraft, including the flight deck, during the observation flight, except for flight safety reasons. In exercising their rights, the flight monitors or flight representatives shall not interfere with the activities of the flight crew;
  - D to monitor compliance with the flight plan and to observe the flight regime of the observation aircraft and the functioning and operation of the sensors;
  - E to listen to internal and external radio communications on board the aircraft and to make internal radio communications; and
  - F to record the parameters of the flight regime and the functioning and operation of the sensors on maps, charts, and notepads.
5. In addition to those rights specified in paragraph 4 of this Section, the chief flight monitor shall have the right:
  - A to consult the flight crew regarding compliance with national flight rules and the provisions of the Treaty;
  - B to observe the activities of the flight crew, including activities on the flight deck, during the observation flight, as well as to monitor the functioning and operation of the flight and navigation instruments of the observation aircraft;
  - C to provide recommendations to the flight crew regarding compliance with the flight plan;

- D to ask the flight crew, without interfering with their activities, for information on the flight regime; and
  - E to communicate with air traffic control authorities, as appropriate, and to help relay and interpret communications from air traffic control authorities to flight crew and from the flight crew to the air traffic control authorities about the conduct of the observation flight; for this purpose, the chief flight monitor shall be permitted to make external radio communications using the radio equipment of the observation aircraft.
6. In the event that the chief flight monitor believes that the observation aircraft is deviating from its flight plan, the chief flight monitor shall advise the flight crew and may inform the air traffic control authorities of any deviations of the observation aircraft from the flight plan that the chief flight monitor believes could threaten flight safety.
7. In addition to the rights specified in paragraph 5 of this Section, the chief flight representative shall have:
- A the rights as described in paragraph 5, sub-paragraphs A, B and D of this Section with regard to the flight crew; and
  - B the right, in case of deviation from the flight plan, to receive an explanation from the flight crew as to the reasons for such a deviation.
8. Flight representatives shall have the right to direct the operation of the sensors during the observation flight. In addition, upon notification to the observed Party prior to the commencement of the observation flight, flight representatives shall have the right to operate the sensors during the observation flight. In the event that the flight representatives exercise their right to operate the sensors pursuant to this paragraph, the observed Party shall not be responsible for any failure or inadequacy in the quality of the data collected by the sensors due to the operation of the sensors by the flight representatives.

## SECTION II

### **Representatives**

1. An observing Party using an observation aircraft designated by a third State Party shall have the right to have at any one time the number of representatives on board the observation aircraft set forth in Article VI, Section III of the Treaty.
2. The observing Party shall appoint one of its representatives as chief representative. The chief representative shall have the rights of the chief flight representative as specified in Section I of this Annex. In addition, the chief representative shall:
  - A advise the pilot-in-command regarding compliance with the provisions of the Treaty;
  - B have the right to monitor compliance by the observed Party with the provisions of the Treaty; and
  - C have the right, in case of deviations from the flight plan, to receive an explanation from the pilot-in-command as to the reasons for such a deviation.
3. Representatives shall have the rights of flight representatives as specified in Section I of this Annex.

## ANNEX H

### **Co-ordination of Planned Observation Flights**

1. In order to avoid potential time conflict regarding the conduct of observation flights over the same State Party, each State Party having the right to conduct observation flights following the annual distribution of active quotas may notify all other States Parties, no later than 1 November of each year, of its plans to utilize all or part of its active quota

during the following year. The notification shall indicate the number of observation flights that the notifying State Party plans to conduct over the territory of other States Parties during each quarter of that year.

2. In no case shall the total number of observation flights planned and notified in accordance with paragraph 1 of this Annex over the territory of any one State Party during a given quarter exceed 16. Except as provided for in Article VI Section I, paragraph 3, no State Party shall be obliged to accept more than one observation flight at any time during the period specified in Article VI, Section I, paragraph 9 of the Treaty.

3. States Parties that have notified, in accordance with paragraph 1 of this Annex, their plans to utilize one or more active quotas for observation flights over the territory of the same State Party during a given quarter or quarters shall hold consultations, if necessary, to avoid any conflict in their planned observation flights. In the event that agreement on avoidance of conflict cannot be reached through consultation among the States Parties involved the issue shall be resolved by the drawing of lots by such States Parties. The first of those consultations, regarding observation flights in the quarter beginning 1 January of the following year, shall begin promptly following receipt of the notification provided for in paragraph 1 of this Annex. Subsequent consultations among the States Parties involved shall be conducted between 1 February and 15 February for the quarter beginning 1 April; between 1 May and 15 May for the quarter beginning 1 July; and between 1 August and 15 August for the quarter beginning 1 October. The States Parties involved shall notify the resulting sequence of observation flights established in these consultations to all States Parties no later than 15 November, 15 February, 15 May and 15 August, respectively.

4. No later than seven days after the notification of the sequence of observation flights established pursuant to paragraph 3 of this Annex, each State Party shall notify all States Parties planning to conduct observation flights over its territory during that quarter of each flight for which it intends to exercise the right to provide its own observation aircraft.

5. Each State Party that has not provided a notification pursuant to paragraph 1 of this Annex or has not notified its plans to utilize all of its active quotas, or has not conducted an observation flight during the quarter for which it had notified such planned flight, shall have the right to utilize such remaining active quotas, provided that such observation flights have been accommodated within the existing agreement reached pursuant to paragraph 3 of this Annex.

## ANNEX I

### **Information on Airspace and Flights in Hazardous Airspace**

1. No earlier than 90 days after entry into force of the Treaty, at the request of any other State Party, a State Party shall provide, no later than 30 days after the receipt of such a request, the following information in accordance with ICAO provisions:

- A its airspace structure, as published in the Aeronautical Information Publication (AIP) series;
- B detailed information on all hazardous airspace; and
- C airfield information and arrival and departure procedures for each of its:
  - (i) points of entry and points of exit;
  - (ii) Open Skies airfields; and
  - (iii) alternate airfields and refuelling airfields for its points of entry, points of exit, and Open Skies airfields.

2. Each State Party shall promptly notify States Parties that have requested information in accordance with the provisions of paragraph 1 of this Annex of any changes to the information provided in accordance with paragraph 1 of this Annex. Notwithstanding the provisions of this paragraph, Notices to Airmen (NOTAMs) need not be provided.

3. No later than 90 days after entry into force of the Treaty, each State Party shall notify all other States Parties of the source of the information to be provided in accordance with paragraph 1 of this Annex.

## ANNEX J

### Montreux Convention

1. Observation flights conducted under the provisions of the Treaty providing for the observation of the entire territory of States Parties shall not prejudice the Montreux Convention of 20 July 1936<sup>1</sup>.

2. The routing and notification of transit flights of aircraft for the purpose of the Treaty falling within the scope of Article 23 of the Montreux Convention shall be governed by the provisions of that Article.

## ANNEX K

### Information on Film Processors, Duplicators and Photographic Films, and Procedures for Monitoring the Processing of Photographic Film

#### SECTION I

##### Information on Film Processors, Duplicators and Photographic Films

1. Pursuant to Annex D, Section II, paragraph 3, sub-paragraph A(iii) to the Treaty, each State Party, when notifying other States Parties of film processors or duplicators that it intends to use to develop original film negatives or produce duplicate film positives or negatives, shall provide the following manufacturer's information:

- A the processor or duplicator name;
- B the maximum and minimum width and length, if applicable, of film which may be processed or duplicated;
- C each type of film that may be processed or duplicated in that film processor; and
- D each step in the process, including the range of exposure, temperature, duration, recommendation film transport speed, chemicals and chemical mixes, for each type of film.

2. Pursuant to Annex D, Section II, paragraph 3, sub-paragraph A(ii) to the Treaty, each State Party, when providing information on the types of black and white aerial film that it intends to use to collect data during the in-flight examination or an observation flight, or to duplicate such data, shall provide the following manufacturer's information, for each type of aerial film that may be processed or duplicated by means of the film processors or duplicators referred to in paragraph 1 of this Section, as necessary to confirm the capabilities of the film. Depending upon national practices of the film manufacturer, such information may include:

- A effective film speed;
- B resolution/modulation
- C spectral sensitivity; and
- D optical specular density or sensitometric characteristics.

3. For the purposes of determining the sensitometric characteristics of aerial film materials in accordance with its own national methodology, each State Party shall have the right to receive, upon request, unexposed samples of all types of photographic film to be used as data recording media, the chemicals for processing them, and to receive instructions for processing and duplication of such photographic films. Such samples and instructions shall be provided no later than 30 days after receipt of such a request.

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<sup>1</sup> Treaty Series No. 30 (1937) Cmd. 5551.

## SECTION II

### **Monitoring of Film Processing and Duplication**

1. States Parties taking part in the certification of an observation aircraft and its sensors shall have the right to monitor the processing and duplication of the aerial film used during the in-flight examination. Personnel of the observed and observing Party shall have the right to monitor the processing and duplication of the aerial film used during a demonstration and observation flight.

2. While monitoring the processing and duplication of aerial film, the States Parties shall have the right to bring with them and use, in a manner that does not disrupt the processing or duplication of the film, the following equipment:

- A litmus papers;
- B thermometers;
- C chemical test equipment, including pH meters and hydrometers;
- D stopwatches;
- E sensitometers;
- F densitometers; and
- G 21-step sensitometric test strips and optical wedges.

3. Prior to the processing of the films exposed during the in-flight examination, demonstration flight and observation flight, States Parties shall check the film processing equipment and chemicals by processing a 21-step sensitometric test strip or exposing and processing a 21-step optical wedge to confirm that the sensitometric data for the processing of that type of film using that film process meets the specifications provided pursuant to Section I of this Annex. Unless otherwise agreed, the original or duplicate aerial film negatives or positives shall not be processed or duplicated until the processing of the 21-step sensitometric test strip or exposing and processing of the 21-step optical wedge meets the characteristics provided in accordance with the provisions of Section I of this Annex for that type of aerial film and film processor or duplicator.

4. Prior to the processing of the films exposed during the in-flight examination, demonstration flight and observation flight, States Parties shall have the right to check the film processing equipment and chemicals by exposing and processing a test film of the same type used during the in-flight examination, demonstration flight and observation flight to confirm that the washing and fixing process is suitable for the purposes of permanent archive storage.

## ANNEX L

### **Open Skies Consultative Commission**

#### SECTION I

##### **General Provisions**

Procedures and other provisions relating to the Open skies Consultative Commission are established in this Annex pursuant to Article X of the Treaty.

1. The Open Skies Consultative Commission shall be composed of representatives designated by each State Party. Alternates, advisers and experts of a State Party may take part in the proceedings of the Open Skies Consultative Commission as deemed necessary by that State Party.



2. The initial session of the Open Skies Consultative Commission shall open within 60 days of the signature of the Treaty. The Chairman of the opening meeting shall be the representative of Canada.
3. The Open Skies Consultative Commission shall meet for no fewer than four regular sessions per calendar year unless it decides otherwise. Extraordinary sessions shall be convened at the request of one or more States Parties by the Chairman of the Open Skies Consultative Commission, who shall promptly inform all other States Parties of the request. Such sessions shall open no later than 15 days after receipt of such a request by the Chairman.
4. Sessions of the Open Skies Consultative Commission shall last no longer than four weeks, unless it decides otherwise.
5. States Parties shall assume in rotation, determined by alphabetical order in the French language, the chairmanship of the Open Skies Consultative Commission. Each Chairman shall serve from the opening of a session until the opening of the following session, unless otherwise agreed.
6. Representatives at meetings shall be seated in alphabetical order of the States Parties in the French language.
7. The working languages of the Open Skies Consultative Commission shall be English, French, German, Italian, Russian and Spanish.
8. The proceedings of the Open Skies Consultative Commission shall be confidential, unless otherwise agreed. The Open Skies Consultative Commission may agree to make its proceedings or decisions public.
9. During the period of provisional application, and prior to 30 June 1992, the Open Skies Consultative Commission shall settle the distribution of costs arising under the Treaty. It shall also settle as soon as possible the scale of distribution for the common expenses associated with the operation of the Open Skies Consultative Commission.
10. During the period of provisional application of the Treaty the Open Skies Consultative Commission shall develop a document relating to notifications and reports required by the Treaty. Such document shall list all such notifications and reports and shall include appropriate formats as necessary.
11. The Open Skies Consultative Commission shall work out or revise, as necessary, its rules of procedure and working methods.

## SECTION II

### **Annual Review of Active Quotas**

Procedures for the annual review of active quotas as foreseen in Article III, Section I, paragraph 7 of the Treaty shall be as follows:

1. States Parties wishing to modify all or part of the past year's distribution with respect to their active quota shall notify all other States Parties and the Open Skies Consultative Commission, by 1 October of each year, of those States Parties over which they wish to conduct their observation flights during the next calendar year. Such proposed modifications shall be considered by the States Parties during this review, according to the rules set forth in the following paragraphs of this Section.

2. If the requests for observation flights over the territory of any given State Party do not exceed its passive quota, then the distribution shall be established as requested, and presented to the Open Skies Consultative Commission for approval.

3. If the requests for observation flights over the territory of any given State Party exceed its passive quota, then the distribution shall be established by general agreement among the interested States Parties, and presented to the Open Skies Consultative Commission for approval.

### SECTION III

#### **Extraordinary Observation Flights**

1. The Open Skies Consultative Commission shall consider requests from the bodies of the Conference on Security and Co-operation in Europe authorised to deal with respect to conflict prevention and crisis management and from other relevant international organisations to facilitate the organisation and conduct of extraordinary observation flights over the territory of a State Party with its consent.

2. The data resulting from such observation flights shall be made available to the bodies and organisations concerned.

3. Notwithstanding any other provisions of the Treaty, States Parties may agree on a bilateral and voluntary basis to conduct observation flights over the territory of each other following the procedures regarding the conduct of observation flights. Unless otherwise agreed by the States Parties concerned, the data resulting from such observation flights shall be made available to the Open Skies Consultative Commission.

4. Observation flights conducted under the provisions of this Section shall not be counted against the active or passive quotas of the States Parties involved.

### SECTION IV

#### **Additional Fields for the use of the Open Skies Regime**

1. States Parties may raise for consideration in the Open Skies Consultative Commission proposals for the use of the Open Skies regime in additional specific fields, such as the environment.

2. The Open Skies Consultative Commission may take decisions on such proposals or, if necessary, may refer them to the first and subsequent conferences called to review the implementation of the Treaty, in accordance with the provisions of Article XVI, paragraph 3 of the Treaty.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Belarus	Signature	24 Mar 1992	01 Jan 2002
	Ratification	02 Nov 1992	
Belgium	Signature	24 Mar 1992	01 Jan 2002
	Ratification	28 Jun 1995	
Bulgaria	Signature	24 Mar 1992	01 Jan 2002
	Ratification	15 Apr 1994	
Canada <sup>1</sup>	Signature	24 Mar 1992	01 Jan 2002
	Ratification	21 Jul 1992	
Czech. Rep.	Signature	24 Mar 1992	01 Jan 2002
	Ratification	21 Dec 1992	
Denmark	Signature	24 Mar 1992	01 Jan 2002
	Ratification	21 Jan 1993	
France	Signature	24 Mar 1992	01 Jan 2002
	Ratification	30 Jul 1993	
Georgia	Signature	24 Mar 1992	01 Jan 2002
	Ratification	31 Aug 1998	
Germany	Signature	24 Mar 1992	01 Jan 2002
	Ratification	27 Jan 1994	
Greece	Signature	24 Mar 1992	01 Jan 2002
	Ratification	09 Sep 1993	
Hungary	Signature	24 Mar 1992	01 Jan 2002
	Ratification	11 Aug 1993	
Iceland	Signature	24 Mar 1992	01 Jan 2002
	Ratification	25 Aug 1994	
Italy	Signature	24 Mar 1992	01 Jan 2002
	Ratification	28 Oct 1994	
Kyrgyzstan	Signature	15 Dec 1992	01 Jan 2002
	Signature	24 Mar 1992	
Luxembourg	Ratification	28 June 1995	01 Jan 2002
	Signature	24 Mar 1992	
Netherlands The	Signature	24 Mar 1992	01 Jan 2002
	Ratification	28 Jun 1995	
Norway	Signature	24 Mar 1992	01 Jan 2002
	Ratification	14 Jul 1993	
Poland	Signature	24 Mar 1992	01 Jan 2002
	Ratification	17 May 1995	
Portugal	Signature	24 Mar 1992	01 Jan 2002
	Ratification	22 Nov 1994	
Romania	Signature	24 Mar 1992	01 Jan 2002
	Ratification	05 Jun 1994	
Russia	Signature	24 Mar 1992	01 Jan 2002
	Ratification	02 Nov 2001	
Slovakia	Signature	24 Mar 1992	01 Jan 2002
	Ratification	21 Dec 1992	
Spain <sup>1</sup>	Signature	24 Mar 1992	01 Jan 2002
	Ratification	18 Nov 1993	
Turkey	Signature	24 Mar 1992	01 Jan 2002
	Ratification	30 Nov 1994	
United Kingdom <sup>2</sup>	Signature	24 Mar 1992	01 Jan 2002
	Ratification	08 Dec 1993	
Ukraine	Signature	24 Mar 1992	01 Jan 2002
	Ratification	20 Apr 2000	
United States of America <sup>1</sup>	Signature	24 Mar 1992	01 Jan 2002
	Ratification	03 Dec 1993	

NOTES:

<sup>1</sup> With declaration(s) and/or reservation(s).

<sup>2</sup> See Territorial Application.

Accession = (A), Ratification = (R)

## DECLARATIONS AND RESERVATIONS

### CANADA

“The Government of Canada declares, with respect to Article XIII, Section II of the Treaty on Open Skies, that it will initially implement the required privileges and immunities to the extent permitted by Canadian law, and that it is reviewing the question of whether any legislative changes will be necessary for Canada to implement fully the required privileges and immunities.”

### SPAIN—[TRANSLATION]

#### **“Declaration [24 March 1992]**

As far as the definition of the term “territory” contained in Article II of the Treaty on Open Skies is concerned, the Kingdom of Spain reiterates its legal stand regarding the controversy with the United Kingdom over the sovereignty of the isthmus of Gibraltar.”

### USA

#### **“Statement of Interpretation [4 February 1994]**

In connection with Article XII of the Treaty on Open Skies, the Government of the United States of America makes the following statement:

Article XII of the Open Skies Treaty does not modify existing international law on liability for injury or damage that may occur as a result of flights conducted under the Treaty. It does not impose liability on the observing Party to pay compensation for injury or damage to an observed Party, or to its natural or juridical persons or to their property, caused by the operation of the observation aircraft during an observation flight in the course of implementation of the Open Skies Treaty, if such observation flight was conducted using an observation aircraft designated and provided by the observed party under Article VI of the Treaty.

Further, the United States will seek compensation from the observed Party in any case in which injury or damage to the United States, including but not limited to any of its flight representatives, sensor operators and inspectors, is caused by the operation of the observation aircraft during an observation flight in the course of implementation of the Open Skies Treaty and if such observation flight was conducted using an observation aircraft designated and provided by the observed Party pursuant to Article VI of the Treaty.”

## TERRITORIAL APPLICATION

### UNITED KINGDOM

United Kingdom of Great Britain and Northern Ireland; Bailiwick of Guernsey; Bailiwick of Jersey; Isle of Man; Anguilla; Bermuda; British Indian Ocean Territory; British Virgin Islands; Cayman Islands, Falkland Islands; Gibraltar; Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands; St Helena; St Helena Dependencies; South Georgia and the South Sandwich Islands; Turks and Caicos Islands; United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the island of Cyprus.







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