

202.5 Unless otherwise agreed upon, the cost of requested assistance rendered by the other Party should be calculated according to current legislation and practise in the country of the assisting Party.

Official copies of the costing methodology, policies and procedures in effect at the date of signing will be exchanged.

Each Party will notify the other of any amendments to such methodology, policies and procedures.

Cost reimbursement between the two Parties would be contingent on prior receipt of adequate documentation to support a claim against the polluter.

202.6 Notwithstanding paragraph 202.1, any measure taken by a Party that is necessary and reasonable as an immediate response does not constitute the formal activation of this Plan.

202.7 The costs of a response operation subsequent to a shift of supervision and command from one Party to another shall be borne by the latter Party.

202.8 The provisions of this Paragraph shall be considered on a case by case basis and shall not prejudice the resolution of any dispute involving third parties which may arise respecting liability and compensation for damages resulting from any pollution incident, wherever it may occur.

The Party to whom costs of response operations are reimbursed will assist as appropriate the other Party in exercising a right of recovery against a third Party including the provision of documentation and witnesses.

202.9 When this Plan is activated, special customs and immigration clearance will be granted by each Party for response resources, including personnel and equipment. Procedures for accomplishing this will be developed by relevant regional and local officials.

203 Mechanism for Activating the Plan

203.1 The Plan shall be activated by the responsible authorities of a Party in the event of a pollution incident which originates within the area of responsibility of that Party and which is accompanied by a substantial threat of the spread of a pollutant into the area of responsibility of the other Party, or where such spreading has already occurred.

203.2 The Plan may be activated by a Party in respect of pollution incidents where no spread of pollutants into the area of responsibility of the other Party has occurred or is threatening to occur but where the magnitude of the incident, or other factors, makes a joint response desirable. In such cases the agreement of the authorities of both Parties is required.