

4. The crew of the observation aircraft shall file a flight plan within six hours of its arrival at the point of entry.

5. After arrival and the filing of a flight plan, a 24 hour pre-flight period will begin. This period is to allow time to determine that there are no flight safety problems associated with the planned flight route and to provide necessary servicing for the aircraft. During this pre-flight period the aircraft will also be subject to intrusive but non-destructive inspection for prohibited sensors and recorders.

6. Prior to the flight, host-country monitors will be able to board the observation aircraft. During the flight they would ensure that the aircraft is operated in accordance with the flight plan and would monitor operation of the sensors. There would be no restrictions on the movement of the monitors within the aircraft during flight.

7. The flight will be from the agreed point of entry to an agreed point of exit, where the host country observers would depart the aircraft. The points of entry and exit could be the same. Loitering over a single location will not be permitted. Aircraft will not be limited to commercial air corridors. Observation aircraft may in principle only be prohibited from flying through airspace that is publicly announced as closed to other aircraft for valid air safety reasons. Such reasons would include specific hazards posing extreme danger to the aircraft and its occupants. Each country will make arrangements to ensure that public announcements of such hazardous airspace are widely and promptly disseminated; each country will produce for an annex to the agreement a list of where these public announcements can be found. The minimum altitudes for such flights may vary depending upon air safety considerations. The extent of ground control over aircraft will be determined in advance by agreement among the parties on compatible rules such as those recognized by ICAO. In the application of these considerations and procedures, the presumption shall be on behalf of encouraging the greatest degree of openness consistent with air safety.

8. The operation of the Open Skies regime will be without prejudice to states not participating in it.

Page 5
10