

total active quota of that State Party. The total active quota of a State Party shall not exceed its total passive quota.

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