

- 5.2. In the event of a pollution incident that affects or threatens to affect the areas of responsibility of both Parties, or in the event of a request for assistance to the other Party, the OSC shall be assisted by a Deputy On-Scene Commander (DOSC) appointed by the Party which is not providing the OSC. The DOSC shall also act as the direct liaison between the OSC and the Agencies of the Government which the DOSC represents.
- 5.3. In the event of a pollution incident which necessitates the extension of response operations into the area of responsibility of the other Party, the Parties shall determine whether and when a shift of supervision and command from one Party to the other may be required by the circumstances of the pollution incident; in such event, the DOSC shall prepare suitable arrangements for such shift of supervision and command or for the coordination or response operations by both Parties.

#### Paragraph 6.

- 6.1. The Party in whose area of responsibility a pollution incident occurs shall bear all direct costs of response operations:
- I) taken by the other Party upon request of the OSC,
  - II) taken by the other Party as agreed between the OSC and DOSC,
  - III) taken by the other Party in its area of responsibility as may be necessary and reasonable as an immediate response pending the appointment of an OSC and DOSC, in the event that such pollution incident affects or threatens to affect the areas of responsibility of that Party.
- 6.2. The Provisions of this paragraph shall apply as between the two Parties, without prejudice to rights of recovery against third parties. The Party to whom costs of response operations are re-imbursed will assist as appropriate the other Party in exercising a right of recovery against a third party including the provision of documentation and witnesses.

#### Paragraph 7.

- 7.1. Agencies designated by the respective parties may agree to amendments to this Annex. Such amendments shall come into force on signature.
- 7.2. The appropriate agencies of the Parties may agree on and amend any Supplement regarding operational implementation of this Annex.