

Delegation of Germany

## **SECOND REVIEW CONFERENCE ON THE IMPLEMENTATION OF THE TREATY ON OPEN SKIES**

7 to 9 June 2010

### **Working Session I: Review and evaluation of Treaty implementation**

#### **Quota distribution**

Articles III and X and Annexes A and L of the Treaty on Open Skies contain regulations on quota distribution.

The term “quota” includes:

- First, a “passive quota”, indicating the number of observation flights that each State Party is obliged to accept as the observed Party;
- Second, an “active quota”, indicating the number of observation flights that each State Party has the right to conduct as an observing Party.

Annex A contains an allocation of passive quotas and a first distribution of active quotas for those States that had already ratified or acceded to the Treaty when it entered into force. It also states that from the date of full implementation of the Treaty each State Party should accept, if so requested, a number of observation flights over its territory up to the full amount of its individual passive quota.

The full application of the Treaty became effective on 1 January 2006.

For States that did not ratify or accede to the Treaty until after its entry into force on 1 January 2002, the Open Skies Consultative Commission (OSCC) passed corresponding decisions at a later date.

Whereas no further action was required following the initial allocation of individual passive quotas, the gradual increase in active quotas meant that a solid basis for the recurring annual process of active quota distribution had to be established. This basis was established by OSCC Decision No. 12/04 “Mechanism and a timetable of the distribution of active quotas”. However, this decision merely provides a framework and its elaboration in practice is in the hands of the relevant co-ordinators for the distribution of active quotas for the States Parties allocated to them.

This framework created by Decision No. 12/04 has proved suitable and has been applied without modification since it was adopted in 2004. Its elaboration has been subject to changes, however, that have resulted since 2006 in the distribution of active quotas for the following year being negotiated at a two-day conference in Vienna with representatives of the capitals and the various verification organizations. This procedure makes for rapid decision-making and the same time permits preliminary co-ordination at the conference itself of the distribution of observation flights over the calendar year, giving the implementing verification organizations an important planning basis. On the basis of the conference results, the OSCC Chairperson can draft a decision for the distribution of the active quotas. The decisions passed by the OSCC in October of each year have proved to date to be stable over the course of the year and decisions amending the original decision have been confined to isolated cases.

To allow for the large number of quota applications for a few States Parties, the sharing of quotas among two or more observing Parties has become increasingly important. This quota sharing takes account to a large extent of the basic principle of the Treaty as an instrument of co-operative arms control. It is used by a large number of States Parties and has made it possible to date for every State Party to be allocated the observation quotas requested by it.

The active quota distribution mechanism employed since 2006 is widely accepted by the States Parties. After its successful implementation four times based on a common fundamental understanding by the States Parties, the OSCC could now consider making the mechanism permanent by way of a revision of Decision No. 12/04. Germany will bring up this topic in due course in the OSCC.