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**REPORT BY THE CHAIRPERSON OF THE
INFORMAL WORKING GROUP ON RULES AND PROCEDURES AT
WORKING SESSION I OF THE SECOND REVIEW CONFERENCE ON
THE IMPLEMENTATION OF THE TREATY ON OPEN SKIES**

7 June 2010

Madam Chairperson,
Distinguished Conference participants and guests,

I should like to recall, if I may, that the Informal Working Group on Rules and Procedures was established by a decision of the Open Skies Consultative Commission (OSCC) in October 2001 as the legal successor to the working group that had existed during the provisional application of the Treaty. In accordance with that document, which regulates the work of the Group, its duties include consideration of issues such as flight rules and procedures, mission planning procedures, protection of information gathered during observation flights, financial aspects of Open Skies missions, other specific issues related to observation flights in accordance with OSCC decisions, and other related issues.

As can be seen from the Conference agenda, many of the Group's areas of competence will be discussed here.

The most intensive period of work for the Group took place between 2002 and 2005 with the introduction of observation flight quotas following the entry into force of the Treaty, which in turn brought to light the deficiencies in the Treaty basis.

Thus, the difficulties encountered by the Open Skies missions during observation flights gave sustenance to the activities of the Informal Working Group on Rules and Procedures.

There proved in practice to be a considerable number of grey areas within the Treaty. For this reason, the Group produced 22 documents in that three-year period, including 14 OSCC decisions and eight statements by the Commission Chairperson.

As a result the fundamental, most critical and typical problems were removed during the first phase of the Treaty application.

Between 2005 and 2010, the period that our Conference is devoted to, the number of documents elaborated was more modest, although of no lesser quality and importance for the vital operation of the Treaty. In other words, the work of the last five years has been aimed more at refining the existing basis on which the Treaty rests.

By way of example, the Group twice revised the basic financial decision of the Treaty: Decision Number One of 1992 regulating all of the financial aspects of the activities by States Parties in implementation of the Treaty.

The decision to revise that document was dictated by a number of circumstances. Above all, a number of provisions of Decision Number One of 1992 had simply become obsolete. There was a need, for example, to take account in them of the transfer in mutual payment modalities from the fictitious European Currency Unit (ECU) to dollars and euros. The price of goods and services required during observation flights had also changed. Moreover, the Group had earlier taken certain decisions that were either devoted entirely to the financial aspects of the vital operation of the Treaty or included as components of more wide-ranging documents. It became necessary to consolidate these fragmented decisions in a single document that would facilitate the work of the members of Open Skies missions.

Accordingly, the Informal Working Group on Rules and Procedures revised Decision Number One on two occasions, as I have already mentioned, in 2007 and 2009, during which time a number of previously adopted decisions that had been included in these new documents were partly or entirely repealed.

Examples include Decision No. 2/06 “Procedures for counting quotas and the allocation of costs in cases where the observation aircraft is provided by the observing State Party and the observation flight does not commence”, which was drafted by the Group and adopted by the OSCC in the period under review and incorporated in OSCC Decision No. 6/07 “Revision four of Decision Number One to the Treaty on Open Skies”.

An example of another type is Decision No. 9/08 “Alternate airfields” drafted by the Group in 2008, which is of extreme importance for the safety of observation flights and touches on three important aspects connected with the landing of an observation aircraft at alternate airfields, namely methods of payment, the prices of goods and services to be provided at these airfields, and the preferential right to bilateral arrangements for resolving these questions.

Although the financial aspect plays a considerable role in this case, the main point of this decision is the part concerned with the procedure for designating alternate airfields and the conditions for their use. For this reason, the decision on alternate airfields was not included in Decision No. 2/09, the next revision of Decision Number One, adopted in March 2009. It does, however, contain references to the costs that result from the landing of observation aircraft at an alternate airfield, distributing them among the States Parties in accordance with the mechanism set forth in OSCC Decision No. 9/08.

Decision No. 2/09 “Revision five of Decision Number One to the Treaty on Open Skies” fully incorporated Decision No. 9/07 establishing new rates for meals and accommodation of EUR 150 per person per day for members of observation missions or representatives at the certification process.

This year already the Group has drafted and adopted Decision No. 4/10 “Allocation of observation flight reference numbers”, which states that from 2012 a two-digit number will be used in the reference number for observation flights to indicate the year.

This decision is of great importance for the transmission of notification formats by means of the OSCE Communications Network.

To sum up this brief account, I should like to emphasize that although the volume of work carried out by the Group has become smaller compared with the period up to the First Review Conference, it is still demanding. The Informal Working Group on Rules and Procedures is ready to resolve problems within its competence if and when they arise.

I should also like to make special mention of the atmosphere of co-operation and mutual assistance that has always characterized the work of this Group.

Thank you for your attention.