

ANNEX 7
PROCEDURES FOR DELIVERING AND EXAMINING EQUIPMENT AND
SUPPLIES TRANSPORTED BY INSPECTION AIRPLANES USED IN
ACCORDANCE WITH PARAGRAPH 4 OF SECTION IV OF THIS PROTOCOL

1. Prior to the arrival of an inspection airplane used in accordance with paragraph 4 of Section IV of this Protocol, the inspecting Party, through its embassy, shall provide the inspected Party with an inventory of cargo being delivered that consists of equipment and supplies intended for the conduct of continuous monitoring activities. *The inspecting Party shall provide this inventory to the inspected Party no less than ten days prior to the arrival of such an airplane, unless otherwise agreed within the framework of the Joint Compliance and Inspection Commission.*¹ Such an inventory shall include:

- (a) to which facility subject to continuous monitoring or monitored facility a particular palletized or oversize item of cargo, including modular structures, shall be delivered;
- (b) the weight and dimensions of each separate palletized or oversize item of cargo, including modular structures, and, if necessary for facilitating transportation of separate items from the point of entry to a facility subject to continuous monitoring or monitored facility, black-and-white photographs, or clear facsimile copies of photographs, of each such item;
- (c) whether there are modular structures in the cargo that is being delivered;
- (d) the contents of each shipping container on a pallet and of each modular structure described in such a way that the inspected Party is able to correlate each item of equipment that is being delivered with the list of equipment provided for in Section V of Annex 8 and in Annex 9 to this Protocol; and
- (e) for each major item of equipment specified in that inventory, the part of the perimeter and portal continuous monitoring system, as specified in Annex 9 to this Protocol, in which that item of equipment is included.

2. Each shipping container on a pallet, listed in the inventory provided in accordance with paragraph 1 of this Annex, shall be marked with a freight marking, and shall have a complete packing list. One copy of that packing list shall also be included in the inventory.

3. At the choice of the inspected Party, cargoes consisting of equipment and supplies listed in the inventory provided in accordance with paragraph 1 of this Annex, may be examined at the point of entry, at the airport associated with

¹ JCIC Agreement No. 5, Article One.

the facility subject to continuous monitoring or monitored facility, or directly at such a facility. If the examination of such cargo is conducted at the point of entry or at the airport associated with the facility subject to continuous monitoring or monitored facility, such an examination, at the discretion of the inspecting Party, may be conducted in the presence of the aircrew members. Equipment and supplies carried separately from the cargo shall be examined at the point of entry or at the airport associated with the facility subject to continuous monitoring or monitored facility, subject to the provisions of paragraphs 8, 11, 12 and 13 of Section V of this Protocol.

4. During the examination of the cargo, the contents of each shipping container, and of each modular structure, shall be checked against the list of equipment provided for in Section V of Annex 8 and in Annex 9 to this Protocol and against the inventory of equipment and supplies provided pursuant to paragraph 1 of this Annex. Based on the results of the examination of the cargo, a member of the in-country escort and the monitoring team leader or an authorized representative of such a team shall draw up and sign a joint inventory of the equipment and supplies to reflect items actually delivered. After the joint inventory has been signed, the monitors shall have the right to begin using the cleared equipment, subject to the provisions of paragraph 25 of Section XVI of this Protocol, and the cleared supplies, at the facility subject to continuous monitoring or monitored facility.

5. Until the joint inventory referred to in paragraph 4 of this Annex is signed, the inspected Party shall assist the inspecting Party in providing security and protection from inclement weather for the cargo. For that purpose the inspected Party shall provide storage areas for the equipment and supplies. If the examination of cargo is conducted at the facility subject to continuous monitoring or monitored facility, the inspected Party may conduct that examination in the building for the storage of equipment and supplies provided for in paragraph 23 of Section XVI of this Protocol. A storage method shall be used that requires the presence of representatives of both Parties for access to the equipment or supplies.

6. *If the examination of the cargo is carried out at the point of entry or at the airport associated with the facility subject to continuous monitoring or monitored facility, upon completion of the examination procedures, the inspecting Party shall repack the cargo, unless otherwise agreed within the framework of the Joint Compliance and Inspection Commission. The inspected Party, at the request of the inspecting Party, shall assist the inspecting Party in repacking the cargo.*¹ If the examination of the cargo is conducted at the point of entry or at the airport associated with the facility subject to continuous monitoring or monitored facility, the inspected Party at the request of the inspecting Party shall assist the inspecting Party in providing for the security of the equipment and supplies during loading and unloading operations, in fastening the cargo for shipment, and in protecting the cargo from inclement weather. After the cargo has been packed, it shall be sealed with seals of each of the Parties. Upon arrival of the cargo at the facility subject to continuous monitoring or monitored facility, the

¹ JCIC Agreement No. 5, Article Two.

monitoring team leader and a member of the in-country escort shall jointly examine the seals. The monitors shall open each shipping container and modular structure in the presence of the in-country escort.

7. The monitors shall have the right to observe palletized or oversize items of cargo, including modular structures, at the point of entry and at each point where they are transferred from one vehicle to another, including: observing the loading of such items of cargo onto the vehicles that will transport them to the facility subject to continuous monitoring or monitored facility or to an intermediate transfer point; observing the transfer of such items of cargo at an intermediate transfer point; and observing such items of cargo at the facility subject to continuous monitoring or monitored facility after the vehicles carrying such cargo arrive there. In the event of unforeseen delays, the monitors shall have the right to observe such items of cargo that are inside vehicles while such items of cargo are in transit.

8. If during the examination of cargo, or at any time during installation, operation, or maintenance of equipment, the in-country escort concludes that an item of equipment or supplies can perform, or does perform, functions unconnected with the requirements of continuous monitoring activities, such an item of equipment or supplies shall be impounded at the location of the examination. A member of the in-country escort shall explain to the monitoring team leader, or authorized representative of such a team, the reasons for such a conclusion. If the monitoring team leader, or authorized representative of such a team, disagrees with the conclusion of the member of the in-country escort, the monitoring team leader, or authorized representative of such a team, may explain the appropriateness of the item of equipment or supplies to the requirements of continuous monitoring activities. If the member of the in-country escort remains convinced of the original conclusion, that member of the in-country escort and the monitoring team leader, or authorized representative of such a team, shall record their views in a joint document, and each of them shall retain a copy of the document. The Parties may resolve disagreements on the use of impounded equipment or supplies through diplomatic channels, within the framework of the Joint Compliance and Inspection Commission, or by other methods agreed by the Parties. Equipment and supplies impounded at the point of entry or at the airport associated with a facility subject to continuous monitoring or monitored facility shall not be brought to such a facility. Equipment impounded at such a facility shall either not be installed or its use shall be discontinued, and supplies impounded at such a facility shall not be used. Unless the inspected Party informs the inspecting Party of a different decision, such equipment or supplies shall be removed from the territory of the inspected Party. If necessary, the inspected Party shall assist the inspecting Party in delivering such equipment or supplies to the point of entry or airport associated with the facility subject to continuous monitoring or monitored facility. At the choice of the inspected Party, prior to removal from the territory of the inspected Party, such equipment or supplies shall be stored at the point of entry, at the airport associated with the facility subject to continuous monitoring or monitored facility, or directly at such a facility. A storage method shall be used that requires the presence of representatives of both Parties for access to the impounded equipment or supplies.