

No. 29481

FRANCE
and
ROMANIA

Exchange of letters constituting an agreement on the conduct of cooperation to implement the Agreement between the Government of Romania and the Government of the Republic of Hungary on the establishment of an open skies regime signed at Bucharest on 11 May 1991 (with annex). Bucharest, 2 and 30 June 1992

Authentic text: French.

Registered by France on 27 January 1993.

FRANCE
et
ROUMANIE

Échange de lettres constituant un accord sur la poursuite de leur coopération pour la mise en œuvre de l'Accord entre le Gouvernement de la Roumanie et le Gouvernement de la République de Hongrie concernant l'établissement d'un régime de libre survol signé à Bucarest le 11 mai 1991 (avec annexe). Bucarest, 2 et 30 juin 1992

Texte authentique : français.

Enregistré par la France le 27 janvier 1993.

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF ROMANIA ON THE CONDUCT OF COOPERATION TO IMPLEMENT THE AGREEMENT BETWEEN THE GOVERNMENT OF ROMANIA AND THE GOVERNMENT OF THE REPUBLIC OF HUNGARY ON THE ESTABLISHMENT OF AN OPEN SKIES REGIME SIGNED AT BUCHAREST ON 11 MAY 1991²

I

FRENCH REPUBLIC
EMBASSY OF FRANCE IN ROMANIA
THE AMBASSADOR

Bucharest, 2 June 1992

Dear Sir,

The Government of the French Republic welcomes the ratification of the Agreement between the Government of the Republic of Hungary and the Government of Romania on the establishment of an open skies regime.² As stated in its preamble, this Agreement promotes greater confidence and transparency between the Parties. With a view to the implementation of the Agreement and the reinforcement of the principles of the Charter of Paris,³ the Government of the French Republic agreed in June 1991 to provide Hungary and Romania with technical assistance.

To that end, an expert mission visited Bucharest and Budapest on 28 and 30 May 1991, and an experimental overflight took place on 29 June. I propose that cooperation between the Government of the French Republic and the Government of Romania should be carried out in the following conditions:

The equipment, a list of which is appended and forms an integral part of the present exchange of letters, shall be delivered free of charge to the Romanian military authorities on the understanding that it may not be reexported to third States and that information obtained by means of this equipment may be used only by Hungary and Romania in the context of the Open Skies Agreement of 11 May 1991 or by any other State party to a bilateral or multilateral agreement with the same objective;

The personnel shall be trained in the use of the equipment and the handling of the raw data (development of film and analysis of results) and in the maintenance of the optical sensors and the operating equipment. To ensure the success of this coop-

¹ Came into force on 30 June 1992, the date of the letter in reply, in accordance with the provisions of the said letters.

² United Nations, *Treaty Series*, vol. 1681, No. I-29033.

³ United Nations, *Official Records of the General Assembly, Forty-fifth Session*, document A/45/859, p. 3.

eration, experts from the French Ministry of Defence shall travel to Bucharest in the course of 1992.

The French experts shall be answerable to the Government of the French Republic through the Ambassador of France in Bucharest. They may exercise only functions that are in compliance with the present Agreement.

The French experts may not be brought before the competent courts of Romania on account of any act carried out by them in or during the performance of their functions.

Should the French experts commit an offence punishable by imprisonment when they are off duty, the Government of Romania shall expel them. The decision to expel them shall be communicated to the Ambassador of France, who shall repatriate the persons concerned.

The Government of Romania shall give sympathetic consideration to any requests for transfer of jurisdiction which the Government of the French Republic may make on behalf of the French experts in the case of offences punishable in the courts of both Parties.

The Government of Romania shall assume liability for and shall compensate harm caused by the French experts either to the personnel or equipment of the Romanian armed forces or to third parties, as well as injury suffered under the same conditions by the French experts.

For the purposes of the present Agreement, the Government of Romania shall waive all recourse against the French State.

Furthermore, the Government of Romania shall substitute its own liability for that of the French State in any action which third parties or their successors may bring anywhere in order to obtain compensation for harm to their person or property allegedly suffered in connection with the performance of the functions of the French experts.

However, if the Government of the French Republic and the Government of Romania both consider the harm to be due to a duly established gross fault or to duly established wilful misconduct on the part of the experts, they shall together agree on the compensation for such harm, which shall be paid by the French Government.

Gross fault is understood to mean egregious error or grave negligence.

I should be grateful for your confirmation that the foregoing provisions meet with the approval of your Government. In such event, the present letter and your reply shall constitute an agreement between our two Governments which shall enter into force on the date of your reply.

Accept, Sir, the assurances of my highest consideration.

[Signed]

RENAUD VIGNAL
Ambassador of France to Romania

Mr. Adrian Nastase
Minister for Foreign Affairs of Romania
Bucharest

EQUIPMENT TRANSFERRED TO ROMANIA FREE OF CHARGE

<i>Description</i>	<i>Type</i>	<i>Manufacturer's reference</i>	<i>Quantity</i>
Aircraft-mounted equipment			
CONE F 200	30-9	61062	3
Casing	30	50402	3
Shutter	30	53983	3
Mechanism	33-1	59658	3
Magazine	31	55940	4
Vacuum pump	10-1	58622	3
Control box	533-1	61272M4	1
Installation equipment			
Test bench	K3533	63994	1
Test bench	K100	63998	1
Tester	KG200	63999	1
Cell box	KG104	61516	1
Tool box	K3400	64001	1
Laboratory equipment			
Enlarger	TA11	TA11	1
Developer	Babymatic	Babymatic	1
Viewer	SAURET 20	55001	1

II

MINISTRY OF FOREIGN AFFAIRS OF ROMANIA
OFFICE OF THE MINISTER

Bucharest, 30 June 1992

Sir,

Further to your letter of 2 June 1992, I am pleased to inform you that the Romanian Party agrees to cooperation between the Government of Romania and the Government of the French Republic in the following conditions, as proposed by the French Party:

[*See letter I*]

I also agree that your letter of 2 June 1992 and this reply shall constitute an Agreement between our two Governments, which shall enter into force on the date of the present letter.

Accept, Sir, the assurances of my highest consideration.

[*Signed*]

ADRIAN NASTASE
Minister for Foreign Affairs
of Romania

Mr. Renaud Vignal
Ambassador of France to Romania

[*Annex as under letter I*]
