

DEFENSE

Support

**Memorandum of Understanding between
the UNITED STATES OF AMERICA
and the REPUBLIC OF KOREA**

Signed at Osan September 29, 2005



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

REPUBLIC OF KOREA

Defense: Support

*Memorandum of understanding signed at
Osan September 29, 2005;
Entered into force September 29, 2005.*

MEMORANDUM OF UNDERSTANDING INTERNATIONAL (MOUI)

BETWEEN

THE REPUBLIC OF KOREA

MINISTRY OF CONSTRUCTION AND TRANSPORTATION

CIVIL AVIATION SAFETY AUTHORITY

AND

THE UNITED STATES AIR FORCE

HEADQUARTERS, SEVENTH AIR FORCE

CONCERNING

REDUCED VERTICAL SEPARATION MINIMUM IN THE REPUBLIC OF KOREA

I. AUTHORITY TO ENTER INTO MOUI. Pursuant to Articles II and IV of the *Mutual Defense Treaty Between the Republic of Korea and the United States of America*, effective 18 November 1954, and Article XII of the *Agreement Under Article IV Of The Mutual Defense Treaty Between The United States Of America And The Republic Of Korea, Regarding Facilities And Areas And The Status Of United States Armed Forces In The Republic Of Korea*, (hereafter known as the “Status of Forces Agreement (SOFA)”) the following Memorandum of Understanding International (hereafter known as “MOUI”) is entered into by representatives of the Ministry of Construction and Transportation (MOCT), Civil Aviation Safety Authority (hereafter known as “CASA”) and the United States Air Force (USAF), Headquarters, Seventh Air Force (hereafter known as “7 AF”).

II. DEFINITION OF TERMS. Where used in this MOUI the following definitions are applied.

- A. “7 AF” is the United States Forces Korea (USFK) Executive Agent for air traffic control matters.
- B. “USAF” includes aircraft of other U.S. Military Services.
- C. “Aircrew” includes the Pilot in Command who is responsible for, and is the final authority as to the operation of the aircraft.
- D. “Reduced Vertical Separation Minimum (RVSM)” is defined as reducing vertical separation from 2,000 feet to 1,000 feet between FL 290 and FL 410 for RVSM approval aircraft.
- E. “RVSM airspace” is defined as all air traffic service (ATS) routes within the Incheon Flight Information Region (FIR), except the following ATS route segments:
1. Between TENAS and KANSU on B467
 2. Between LAMEN and SADLI on A593
 3. Entire ATS route B332 within the Incheon FIR
- F. “RVSM approval” is used to describe the successful completion of airworthiness approval and operational approval as certified by ICAO, FAA, or U.S. Department of Defense (DoD).

G. "Non-compliant aircraft" is an aircraft configured to comply with the requirements of RVSM Minimum Aircraft System Performance Specification which, through height monitoring, is found to have a total vertical error or an assigned altitude deviation of 90 meters (300 feet) or greater, or an altimetry system error of 75 meters (245 feet) or more.

H. "State aircraft" is the aircraft used in military, customs, and police services. U.S. military aircraft are regarded as State aircraft.

I. "Accommodation" is allowing non-compliant aircraft to flight plan and fly in RVSM airspace.

J. "CASA RVSM Policy" is CASA's "RVSM Policy and Procedures in the Incheon FIR" published in ROK Aeronautical Information Publication (AIP), and is the source directive for the development of this MOUI and implementation of RVSM.

III. GENERAL PURPOSE OF MOUI. Purpose of this MOUI is to establish policy and assign responsibilities for RVSM between CASA and USAF to promote flight safety, to ensure orderly and expeditious flow of traffic, and to accommodate non-compliant aircraft operations within the Incheon FIR.

IV. SCOPE OF APPLICATION. This MOUI is applied to CASA (including Incheon Area Control Center (ACC), Seoul Regional Aviation Administration (SRAA), and Busan Regional Aviation Administration (BRAA)), USAF, and any U.S. State aircraft desiring to fly in RVSM airspace. This MOUI is in accordance with International Civil Aviation Organization (ICAO) and Federal Aviation Administration (FAA) directives, and CASA RVSM Policy. .

V. POLICY. Effective at 1900 UTC, 29 September 2005, only RVSM approval aircraft are authorized to operate within RVSM airspace and non-compliant aircraft are not permitted in RVSM airspace unless they meet the criteria of State aircraft or are vertical transitioning through RVSM airspace as defined in CASA RVSM Policy. CASA and USAF also agree to the following:

A. State aircraft and vertical transitioning aircraft will be accommodated on a workload or traffic permitting basis.

- B. Vertical separation minimum between non-compliant aircraft and all other aircraft is 2,000 feet.
- C. Standard phraseology for RVSM operation between air traffic controllers and aircrews will be in accordance with ICAO and FAA guidance.
- D. RVSM approval aircraft will be given priority for flight level allocation over non-RVSM approval aircraft.

VI. MUTUAL RESPONSIBILITIES OF CASA and USAF.

- A. Collaborate on the development and implementation of policies and procedures affecting non-compliant aircraft operations in RVSM airspace.
- B. Collaborate on the processing and resolution of RVSM airspace denial; of subsequent unanticipated delays that lead to non-compliant aircraft mission degradation; of infringement on any ATC instruction that effects air safety or orderly and expeditious flow of traffic within RVSM airspace.
- C. Review existing Letters of Procedure (e.g. letters of agreement or standard operating procedures) at the appropriate working level between Incheon ACC and the U.S. agency having responsibility for flight planning or issuing ATC clearances for the flight levels requested, amending if necessary prior to RVSM implementation.

VII. CASA RESPONSIBILITIES.

- A. With regard to RVSM implementation, CASA will establish RVSM Policy to provide appropriate air traffic control service between all RVSM approval and non-compliant aircraft, and publish the CASA RVSM Policy into the ROK AIP.
- B. With regard to RVSM implementation, CASA will supervise Incheon ACC, SRAA, and BRAA to ensure their compliance with the terms of this MOUI.

VIII. USAF RESPONSIBILITIES.

- A. In support of U.S. DoD requirements, Headquarters 7 AF will coordinate with other U.S. Military Services to ensure their compliance with the terms of this MOUI.

B. Ensure U.S. military aircrew files ICAO standard international flight plan including the letter “W” in item 10 (Equipment) to indicate that both the aircraft and aircrew are RVSM approved or annotating the phrase “STS/APVD NONRVSM” in item 18 to indicate RVSM non-compliant aircraft.

C. Ensure U.S. military aircrew reports non-RVSM approval status using “Negative RVSM, military flight” in verbal communications during operations subsequent to, within, or vertical transit through RVSM airspace for RVSM operations as follows:

1. At initial call on any channel within RVSM airspace;
2. In all requests for flight level changes; and
3. In all read-backs of flight level clearances.

D. Ensure U.S. military aircrew report altitude deviations of 300 feet MSL or more including reason for deviation to Incheon ACC when altitude deviations occur during operation at an assigned altitude in RVSM airspace.

E. Provide U.S. military aircrew with Incheon ACC contact information as follows:

Incheon Area Control Center
Telephone: 82-32-880-0260
AFTN: RKRRZQZX, RKRRYFYX
FAX: 82-32-889-5906
E-mail: aisd@moct.go.kr

IX. PROPERTY INVOLVED. Nothing in this MOUI is intended to affect the property rights of CASA or USAF. CASA and USAF resources will remain under their respective control. The property or personnel covered under this MOUI may not be used for any purpose except as permitted by this MOUI.

X. WORKING LANGUAGE. The working language for this MOUI is in English.

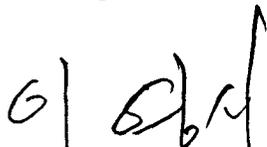
XI. CLAIMS. Any claims arising under this MOUI will be handled, where applicable, in accordance with Article XXIII of the SOFA.

XII. RESOLUTION OF CONFLICTS UNDER THIS MOUI. Any conflicts, mission degradation issues, or infringement of ATC instructions as a result of Republic of Korea's RVSM implementation that remain unresolved will be discussed for resolution between Head of CASA and 7 AF Director of Operations.

XIII. REVISION, REVIEW, AND MODIFICATION OF THE MOUI. CASA and USAF representatives will conduct an annual review of this MOUI unilaterally. Modifications to this MOUI may be accomplished anytime by mutual consent of both parties concerned. Any signatory proposing a revision or cancellation shall provide at least ninety (90) days advanced written notification, stating reason for the revision or cancellation. If a revision is proposed, a draft of the revised MOUI shall be provided to the other party within sixty (60) days.

XIV. EFFECTIVE DATE AND DURATION. This MOUI shall be prepared two (2) copies for each side and become effective upon the date of final signature of the representatives from CASA and USAF. This MOUI will remain in effect until cancelled or modified by mutual consent. This MOUI may be terminated at any time by mutual consent of CASA and USAF, or unilaterally by either CASA or USAF upon delivery of written notice to the other party 180 days before the desired termination date.

For the MOCT, Republic of Korea

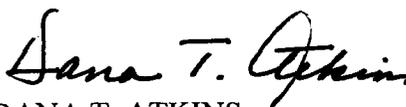


LEE, YOUNG SIK
Assistant Minister, MOCT
Head of Civil Aviation Safety Authority

Date:

2005. 9. 29

For the United States Air Forces



DANA T. ATKINS
Brigadier General, USAF
Vice Commander, Seventh Air Force

Date:

29 SEPTEMBER 2005