

# **ZAKON**

## **O POTVRĐIVANJU SPORAZUMA IZMEĐU DRŽAVA ČLANICA SEVERNOATLANTSKOG UGOVORA I OSTALIH DRŽAVA UČESNICA U PARTNERSTVU ZA MIR O STATUSU NJIHOVIH SNAGA, SA DODATNIM PROTOKOLOM SPORAZUMA IZMEĐU DRŽAVA ČLANICA SEVERNOATLANTSKOG UGOVORA I OSTALIH DRŽAVA UČESNICA U PARTNERSTVU ZA MIR O STATUSU NJIHOVIH SNAGA I NAREDNIM DODATNIM PROTOKOLOM SPORAZUMA IZMEĐU DRŽAVA ČLANICA SEVERNOATLANTSKOG UGOVORA I OSTALIH DRŽAVA UČESNICA U PARTNERSTVU ZA MIR O STATUSU NJIHOVIH SNAGA**

### **Član 1.**

Potvrđuje se Sporazum između država članica Severnoatlantskog ugovora i ostalih država učesnica u Partnerstvu za mir o statusu njihovih snaga, sa Dodatnim protokolom Sporazuma između država članica Severnoatlantskog ugovora i ostalih država učesnica u Partnerstvu za mir o statusu njihovih snaga, oba sačinjena u Briselu, 19. juna 1995. godine i Narednim dodatnim protokolom Sporazuma između država članica Severnoatlantskog ugovora i ostalih država učesnica u Partnerstvu za mir o statusu njihovih snaga.

### **Član 2.**

Tekstovi Sporazuma, Dodatnog protokola i Narednog dodatnog protokola, u originalu na engleskom jeziku i u prevodu na srpski jezik glase:

**Agreement  
among the States Parties to the North Atlantic Treaty and the other  
States participating in the Partnership for Peace regarding the Status  
of their Forces**

The States Parties to the North Atlantic Treaty done in Washington on 4 April 1949 and the States which accept the invitation to the Partnership for Peace issued and signed by the Heads of State and Government of the member States of the North Atlantic Treaty Organisation in Brussels on 10 January 1994 and which subscribe to the Partnership for Peace Framework Document;

Constituting together the States participating in the Partnership for Peace;

Considering that the forces of one State Party to the Present Agreement may be sent and received, by arrangement, into the territory of another State Party;

Bearing in mind that the decisions to send and to receive forces will continue to be the subject of separate arrangements between the States Parties concerned;

Desiring, however, to define the status of such forces while in the territory of another State Party;

Recalling the Agreement between the States Parties to the North Atlantic Treaty regarding the status of their forces done at London on 19 June 1951;

Have agreed as follows:

**Article I**

Except as otherwise provided for in the Present Agreement and any Additional Protocol in respect to its own Parties, all States Parties to the Present Agreement shall apply the provisions of the Agreement between Parties to the North Atlantic Treaty regarding the status of their forces, done at London on 19 June 1951, hereinafter referred to as the NATO SOFA, as if all State Parties to the Present Agreement were Parties to the NATO SOFA.

**Article II**

1. In addition to the area to which the NATO SOFA applies the Present Agreement shall apply to the territory of all States Parties to the Present Agreement, which are not Parties to the NATO SOFA.

2. For the purpose of the Present Agreement, references in the NATO SOFA to the North Atlantic Treaty area shall be deemed also to include the territories referred to in paragraph 1 of the present Article, and references to the North Atlantic Treaty shall be deemed to include the Partnership for Peace.

**Article III**

For purposes of implementing the Present Agreement with respect to matters involving Parties that are not Parties to the NATO SOFA, provisions of the NATO SOFA that provide for requests to be submitted, or differences to be referred to the North Atlantic Council, the Chairman of the North Atlantic Council Deputies or an arbitrator shall be construed to require the Parties concerned to negotiate between or among themselves without recourse to any outside jurisdiction.

**Article IV**

The Present Agreement may be supplemented or otherwise modified in accordance with international law.

#### **Article V**

1. The Present Agreement shall be open for signature by any State that is either a contracting party to the NATO SOFA, or that accepts the invitation to Partnership for Peace and subscribed to the Partnership for Peace Framework Document.

2. The Present Agreement shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America, which shall notify all signatory States of each such deposit.

3. Thirty days after three signatory States, at least one of which is a Party to the NATO SOFA and one which has accepted the invitation to the Partnership for Peace and subscribed to the Partnership for Peace Framework Document, have deposited their instruments of ratification, acceptance or approval, the Present Agreement shall enter into force in respect of those States. It shall enter into force in respect of each other signatory State thirty days after the date of deposit of its instrument.

#### **Article VI**

The Present Agreement may be denounced by any Party to this Agreement by giving written notification of denunciation to the Government of the United States of America, which will notify all signatory States of each such notification. The denunciation shall take effect one year after receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Present Agreement shall cease to be in force as regards the Party that denounces it, except for the settlement of outstanding claims that arose before the day on which the denunciation takes effect, but shall continue to be in force for the remaining Parties.

In witness whereof, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

Done in Brussels, this nineteenth day of June, 1995

In the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory States.

## **Sporazum između država članica Severnoatlantskog ugovora i ostalih država učesnica u Partnerstvu za mir o statusu njihovih snaga**

Države članice Severnoatlantskog ugovora sačinjenog u Vašingtonu 4. aprila 1949. godine i države koje prihvataju poziv u Partnerstvo za mir sačinjen i potpisan od strane predsednika država, odnosno predsednika vlada država članica Organizacije Severnoatlantskog ugovora, u Briselu 10. januara 1994. godine i koje potpisuju okvirni dokument Partnerstva za mir;

Zajedno čineći države učesnice Partnerstva za mir;

Uzimajući u obzir da snage jedne države učesnice ovog sporazuma mogu biti sporazumno upućene i prihvaćene na teritoriju druge države učesnice;

Imajući na umu da će odluke o upućivanju i prihvatanju biti predmet posebnih sporazuma između zainteresovanih država učesnica;

Želeći, međutim, da definišu status tih snaga dok se one nalaze na teritoriji druge države učesnice;

Pozivajući se na sporazum država članica Severnoatlantskog ugovora o statusu njihovih snaga sačinjenog u Londonu 19. juna 1951;

Sporazumele su se o sledećem:

### **Član I**

Osim ako se ovim sporazumom ili nekim dodatnim Protokolom u odnosu na njegove strane ne odredi drugačije, sve države učesnice ovog sporazuma primenjivaće odredbe Sporazuma između članica Severnoatlantskog ugovora o statusu njihovih snaga potpisanog u Londonu 19. juna 1951, u daljem tekstu: SOFA NATO, kao da su sve države učesnice ovog sporazuma članice SOFA NATO.

### **Član II**

1. Pored oblasti na koju se primenjuje SOFA NATO, ovaj sporazum se primenjuje i na teritoriji svih država učesnica ovog sporazuma koje nisu članice SOFA NATO.

2. Za potrebe ovog sporazuma, pozivanje na SOFA NATO Severnoatlantskog ugovora odnosiće se i na teritorije navedene u stavu 1. ovoga člana, a pozivanje na Severnoatlantski ugovor uključivaće i Partnerstvo za mir.

### **Član III**

Za potrebe primene ovog sporazuma u vezi sa pitanjima koja se odnose na učesnice koje nisu članice SOFA NATO, odredbe SOFA NATO koje uređuju podnošenje zahteva, odnosno rešavanje spornih pitanja koja se predaju u nadležnost Severnoatlantskom Savetu, zamenici predsedavajućeg Severnoatlantskog ugovora ili arbitar zahtevaće od učesnica u sporu da reše nesuglasice između sebe, bez obraćanja spoljnoj sudskoj nadležnosti .

### **Član IV**

Ovaj sporazum se može dopuniti ili izmeniti u skladu sa međunarodnim pravom.

## **Član V**

1. Ovaj sporazum biće otvoren za potpisivanje za svaku državu koja je, ili ugovorna strana SOFA NATO ili prihvata poziv u Partnerstvo za mir i koja potpisuje Okvirni dokument Partnerstva za mir.

2. Ovaj sporazum podleže ratifikaciji, prihvatanju ili odobrenju. Instrumenti ratifikacije, prihvatanja ili odobrenja biće deponovani u Vladi Sjedinjenih Američkih Država koja će sve države potpisnice obavestiti o svakom takvom deponovanju.

3. Za tri države potpisnice, od kojih je najmanje jedna članica SOFA NATO, a jedna je prihvatila poziv u Partnerstvo za mir i potpisala okvirni dokument Partnerstva za mir, ovaj sporazum će stupiti na snagu trideset dana nakon deponovanja instrumenta ratifikacije, prihvatanja ili odobrenja. Za svaku sledeću državu potpisnicu on će stupiti na snagu trideset dana od dana deponovanja navedenih instrumenata.

## **Član VI**

Ovaj sporazum može otkazati svaka učesnica ovog sporazuma upućivanjem pismenog obaveštenja o otkazivanju Vladi Sjedinjenih Američkih Država, koja će obavestiti sve države potpisnice o svakom takvom obaveštenju. Otkazivanje stupa na snagu godinu dana nakon što Vlada Sjedinjenih Američkih Država primi obaveštenje. Nakon isteka roka od godinu dana, ovaj sporazum prestaje da važi za učesnicu koja ga je otkazala, osim za rešavanje potraživanja nastalih pre datuma kojim otkaz stupa na snagu, ali i dalje ostaje na snazi za ostale učesnice.

Kao potvrdu toga, dole potpisani ovlašćeni od strane svojih vlada, potpisali su ovaj sporazum.

Sačinjeno u Briselu, 19. juna 1995. godine na engleskom i francuskom jeziku, pri čemu su oba teksta jednake važnosti, u jednom originalu koji će biti deponovan u arhivi Vlade Sjedinjenih Američkih Država. Vlada Sjedinjenih Američkih Država će dostaviti overene kopije Sporazuma svim državama potpisnicama.

**Additional Protocol  
to the Agreement among the States Parties to the North Atlantic  
Treaty and the other States participating in the Partnership for Peace  
regarding the Status of their Forces**

The State Parties to the Present Additional Protocol to the Agreement among the State Parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace regarding the status of their forces, hereinafter referred to as the Agreement;

Considering that the death penalty is not provided for under the domestic legislation of some Parties to the Agreement;

Have agreed as follows:

**Article I**

Insofar as it has jurisdiction according to the provisions of the Agreement, each State Party to the Present Additional Protocol shall not carry out a death sentence with regard to any member of a force and its civilian component, and their dependents from any other State Party to the Present Additional Protocol.

**Article II**

1. The Present Protocol shall be open for signature by any signatory of the Agreement.

2. The Present Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America, which shall notify all signatory States of each such deposit.

3. The Present Protocol shall enter into force 30 days after the date of deposit of the instrument of ratification, acceptance or approval by three signatory States, at least one of which is a Party to the NATO SOFA and one of which is a State having accepted the invitation to join the Partnership for Peace and having subscribed to the Partnership for Peace Framework Document.

4. The Present Protocol shall come into force in respect of each other signatory State on the date of the deposit of its instrument of ratification, acceptance or approval with the Government of the United States of America.

Done in Brussels, this nineteenth day of June, 1995

In the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory States.

**Dodatni protokol**  
**Sporazuma između država članica Severnoatlantskog ugovora i**  
**ostalih država učesnica u Partnerstvu za mir o statusu njihovih snaga**

Države učesnice u ovom dodatnom protokolu Sporazuma između država članica Severnoatlantskog ugovora i ostalih država učesnica u Partnerstvu za mir o statusu njihovih snaga, u daljem tekstu Sporazum;

Uzimajući u obzir da smrtna kazna nije predviđena nacionalnim zakonodavstvom nekih učesnica Sporazuma;

Sporazumele su se o sledećem:

**Član I**

U onoj meri u kojoj ima jurisdikciju u skladu sa odredbama Sporazuma, svaka država učesnica ovog dodatnog protokola neće izvršavati smrtne kazne za bilo kog pripadnika snaga i njihove civilne komponente i njihova izdržavana lica iz bilo koje države učesnice ovog dodatnog protokola.

**Član II**

Ovaj protokol će biti otvoren za potpisivanje za svaku potpisnicu Sporazuma.

Ovaj protokol podleže ratifikaciji, prihvatanju ili odobrenju. Instrumenti ratifikacije, prihvatanja ili odobrenja biće deponovani u Vladi Sjedinjenih Američkih Država koje će obavestiti sve države potpisnice o svakom takvom deponovanju.

Ovaj protokol stupa na snagu 30 dana nakon što instrumente ratifikacije, prihvatanja ili odobrenja deponuju tri države potpisnice, od kojih je najmanje jedna članica SOFA NATO a od kojih je jedna država prihvatila poziv da pristupi Partnerstvu za mir i potpisala okvirni dokument Partnerstva za mir.

Ovaj protokol stupa na snagu za svaku državu potpisnicu na dan kada deponuje svoj instrument ratifikacije, prihvatanja ili odobrenja u Vladu Sjedinjenih Američkih Država.

Sačinjeno u Briselu, 19. juna 1995. godine na engleskom i francuskom jeziku, pri čemu su oba teksta jednake važnosti, u jednom originalu koji će biti deponovan u arhivi Vlade Sjedinjenih Američkih Država. Vlada Sjedinjenih Američkih Država će dostaviti overene kopije Sporazuma svim državama potpisnicama.

**Further Additional Protocol  
to the Agreement among the States Parties to the North Atlantic  
Treaty and the other States participating in the Partnership for Peace  
regarding the Status of their Forces**

Considering the "Agreement among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces" and the Additional Protocol thereto, both done at Brussels, June 19, 1995;

Considering the need to establish and regulate the status of NATO military headquarters and headquarters personnel in the territory of States participating in the Partnership for Peace in order to facilitate the relationship with the Armed Forces of individual Partnership for Peace nations;

Considering the need to provide appropriate status for personnel of the Armed Forces of Partner States attached to or associated with NATO military headquarters;

and

Considering that the circumstances in particular NATO Member States or Partner States may make it desirable to meet the needs described above through the means of the present Protocol;

The Parties to the present Protocol have agreed as follows:

**Article I**

For purposes of the present Protocol, the expression

1. "Paris Protocol" means the "Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty," done at Paris, August 28, 1952.

a) The "Agreement," wherever the expression appears in the Paris Protocol, shall be construed to mean the NATO Status of Forces Agreement as made applicable through the "Agreement among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces," done at Brussels, June 19, 1995.

b) The "force" and "civilian component", wherever those expressions appear in the Paris Protocol, have the meanings defined in Article 3 of the Paris Protocol and shall also include such persons attached to or associated with NATO military headquarters from other States Parties participating in the Partnership for Peace.

c) "Dependent", wherever the expression appears in the Paris Protocol, means the spouse of a member of a force or civilian component as defined in paragraph b. of the present Article, or a child of such member depending on him or her for support.

2. "PfP SOFA," wherever the expression appears in the present Protocol, means the "Agreement among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces," done at Brussels, June 19, 1995.

3. "NATO" means the North Atlantic Treaty Organisation.

4. "NATO military headquarters" means Allied Headquarters and other international military headquarters or organisations falling within Article 1 and Article 14 of the Paris Protocol.



## **Article II**

Without prejudice to the rights of States which are Members of NATO or participants in the Partnership for Peace but which are not Parties to the present Protocol, the Parties hereto shall apply provisions identical to those set forth in the Paris Protocol, except as modified in the present Protocol, with respect to the activities of NATO military headquarters and their military and civilian personnel carried out in the territory of a Party hereto.

## **Article III**

1. In addition to the area to which the Paris Protocol applies, the present Protocol shall apply to the territory of all States Parties to the present Protocol, as described in Article II paragraph 1 of the PfP SOFA.

2. For purposes of the present Protocol, references in the Paris Protocol to the North Atlantic Treaty area shall be deemed to include the territories referred to in paragraph 1 of the present Article.

## **Article IV**

For purposes of implementing the present Protocol with respect to matters involving Partner States, provisions of the Paris Protocol that provide for differences to be referred to the North Atlantic Council shall be construed to require the Parties concerned to negotiate between or among themselves without recourse to any outside jurisdiction.

## **Article V**

1. The present Protocol shall be open for signature by any State that is a signatory of the PfP SOFA.

2. The present Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America, which shall notify all signatory States of each such deposit.

3. As soon as two or more signatory States have deposited their instruments of ratification, acceptance or approval, the present Protocol shall come into force in respect of those States. It shall come into force in respect of each other signatory State on the date of the deposit of its instrument.

## **Article VI**

The present Protocol may be denounced by any Party to this Protocol by giving written notification of denunciation to the Government of the United States of America, which will notify all signatory States of each such notification. The denunciation shall take effect one year after receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the present Protocol shall cease to be in force as regards the Party that denounces it, except for the settlement of outstanding claims that arose before the day on which the denunciation takes effect, but shall continue in force for the remaining Parties.

In witness whereof, the undersigned, being duly authorised, have signed this Protocol.

## **Naredni dodatni protokol**

### **Sporazuma između država članica Severnoatlantskog ugovora i ostalih država učesnica u Partnerstvu za mir o statusu njihovih snaga**

Uzimajući u obzir Sporazum između država članica Severnoatlantskog ugovora i ostalih država učesnica u Partnerstvu za mir o statusu njihovih snaga i njemu pridodat Dodatni protokol, oba sačinjena u Briselu, 19. juna 1995. godine;

Uzimajući u obzir potrebu da se uspostavi i reguliše status vojnog štaba NATO i štaba osoblja na teritoriji država učesnica u Partnerstvu za mir kako bi se olakšali odnosi sa oružanim snagama pojedinačnih zemalja iz Partnerstva za mir;

Uzimajući u obzir potrebu da se obezbedi adekvatan status za osoblje oružanih snaga partnerskih država pridodato ili pridruženo vojnom štabu NATO i

Uzimajući u obzir da zbog okolnosti u određenim državama članicama NATO ili partnerskim državama, može biti poželjno da se zadovolje gore opisane potrebe putem ovog protokola;

Učesnice ovog protokola su se sporazumele o sledećem:

#### **Član I**

Za potrebe ovog protokola, izraz:

1. „Pariski protokol” označava „Protokol o statusu međunarodnih vojnih štabova uspostavljenih u skladu sa Severnoatlantskim ugovorom” sačinjen u Parizu, 28. avgusta 1952. godine.

a) „Sporazum”, gde god se izraz pojavi u Pariskom protokolu, tumačiće se kao Sporazum NATO o statusu snaga kao što se primenjuje u „Sporazumu između država članica Severnoatlantskog ugovora i drugih država učesnica u Partnerstvu za mir o statusu njihovih snaga”, sačinjenom u Briselu, 19. juna 1995. godine.

b) „Snage” i „civilna komponenta”, gde god se ti izrazi pojave u Pariskom protokolu, imaju značenje definisano u članu 3. Pariskog protokola i obuhvataće i osoblje pridodato ili pridruženo vojnom štabu NATO iz drugih država učesnica Partnerstva za mir.

c) „Izdržavano lice”, gde god se izraz pojavi u Pariskom protokolu, označava suprurnika pripadnika snaga ili civilne komponente kao što je definisano u stavu b. ovog člana, ili dete takvog pripadnika koje od njega ili nje zavisi.

2. „SOFA PzM”, gde god se izraz pojavi u ovom protokolu, označava „Sporazum između država članica Severnoatlantskog ugovora i ostalih država učesnica u Partnerstvu za mir o statusu njihovih snaga” sačinjen u Briselu, 19. juna 1995. godine.

3. „NATO” označava Organizaciju severnoatlantskog ugovora.

4. „Vojni štab NATO” označava saveznički štab i druge međunarodne vojne štabove ili organizacije koje su obuhvaćene članom 1. i članom 14. Pariskog protokola.

#### **Član II**

Ne dovodeći u pitanje prava država članica NATO ili učesnica Partnerstva za mir koje nisu učesnice ovog Protokola, učesnice u ovom dokumentu će primenjivati odredbe identične onima datim u Pariskom protokolu, osim ukoliko su izmenjene ovim protokolom, po pitanju aktivnosti vojnog štaba NATO i njegovog vojnog i civilnog osoblja izvedenih na teritoriji učesnice u ovom dokumentu.

### **Član III**

1. Pored oblasti na koje se primenjuje Pariski protokol, ovaj protokol se primenjuje na teritoriju svih država učesnica u ovom protokolu, kao što je opisano u članu II stavu 1. SOFA PzM.

2. Za potrebe ovog protokola, smatraće se da upućivanje u Pariskom protokolu na oblasti Severnoatlantskog ugovora obuhvata teritorije naznačene u stavu 1. ovog člana.

### **Član IV**

Za potrebe primene ovog protokola u vezi sa pitanjima koja obuhvataju države partnere, odredbe Pariskog protokola koje regulišu neslaganja koja se prenose u nadležnost Severnoatlantskom savetu, tumače se na taj način da se od zainteresovanih učesnica zahteva da pregovaraju između sebe bez obraćanja bilo kom spoljnom nadležnom telu.

### **Član V**

1. Ovaj protokol će biti otvoren za potpisivanje za svaku državu koja je potpisnica SOFA PzM.

2. Ovaj protokol podleže ratifikaciji, prihvatanju ili odobrenju. Instrumenti ratifikacije, prihvatanja ili odobrenja će se deponovati u Vladi Sjedinjenih Američkih Država, koja će obavestiti sve države potpisnice o svakom takvom deponovanju.

3. Čim dve ili više država potpisnica deponuju svoje instrumente ratifikacije, prihvatanja ili odobrenja, za te države ovaj protokol će stupiti na snagu. Za svaku drugu državu potpisnicu će stupiti na snagu na dan kada ona deponuje svoj Instrument.

### **Član VI**

Svaka učesnica može otkazati ovaj protokol dostavljanjem pisanog obaveštenja o otkazivanju Vladi Sjedinjenih Američkih Država, koja će obavestiti sve države potpisnice o svakom takvom obaveštenju. Otkazivanje stupa na snagu godinu dana nakon što Vlada Sjedinjenih Američkih Država primi obaveštenje. Posle isteka tog perioda od godinu dana, ovaj protokol prestaje da važi za učesnicu koja ga otkazuje, osim za poravnanje nerešenih potraživanja koja su nastala pre datuma kojim otkazivanje stupa na snagu, ali će i dalje važiti za preostale učesnice.

Kao potvrdu toga, dole potpisani, propisno ovlašćeni, potpisali su ovaj protokol.

**Član 3.**

Sporazum iz člana 1. ovog zakona, upućuje na primenu odredbi Sporazuma između strana Severnoatlantskog ugovora o statusu njihovih snaga, koji je sačinjen u Londonu, 19. juna 1951. godine.

Objavljuje se Sporazum iz stava 1. ovog člana, koji u originalu na engleskom jeziku i u prevodu na srpski jezik glasi:

**Agreement  
Between the Parties to the North Atlantic Treaty  
Regarding the Status of Their Forces**

The parties to the North Atlantic Treaty signed in Washington on 4 April, 1949

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party;

Bearing in mind that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned;

Desiring, however, to define the status of such forces while in the territory of another Party;

Have agreed as follows:

**Article I**

1. In this Agreement the expression
  - a. 'force' means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain individuals, units or formations shall not be regarded as constituting or included in a 'force' for the purpose of the present Agreement;
  - b. 'civilian component' means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located.
  - c. 'dependent' means the spouse of a member of a force or a civilian component, or a child of such member depending on him or her for support;
  - d. 'sending State' means the Contracting Party to which the force belongs;
  - e. 'receiving State' means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit;
  - f. 'military authorities of the sending State' means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components;
  - g. 'North Atlantic Council' means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

2. This Agreement shall apply to the authorities of political sub-divisions of the Contracting Parties, within their territories to which the Agreement applies or extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by political sub-divisions

shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

## **Article II**

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary of measures to that end.

## **Article III**

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State

2. The following documents only will be required in respect of members of a force. They must be presented on demand:

- a. personal identity card issued by the sending State showing names, date of birth, rank and number (if any), service, and photograph;
- b. individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organization and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

4. If a member of a force or a civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than twenty-one days.

5. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

## **Article IV**

The receiving State shall either

- a. accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or
- b. issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

#### **Article V**

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

#### **Article VI**

Members of a force may possess and carry arms, on condition that they are authorized to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

#### **Article VII**

1. Subject to the provisions of this Article,
  - a. the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;
  - b. the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.
2.
  - a. The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.
  - b. The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending state.
  - c. For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include:
    - i. treason against the State;

- ii. sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State
3. In case where the right to exercise jurisdiction is concurrent the following rules shall apply:
  - a. The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to
    - i. offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;
    - ii. offences arising out of any act or omission done in the performance of official duty.
  - b. In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.
  - c. If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other state considers such waiver to be of particular importance.
4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.
5.
  - a. The authorities of the receiving and sending states shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.
  - b. The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.
  - c. The custody of an accused member of a force or civilian component over whom the receiving state is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.
6.
  - a. The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.



- b. The authorities of the Contracting parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7.

- a. A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving state does not provide for such punishment in a similar case.
- b. The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component of a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled:

- a. to a prompt and speedy trial;
- b. to be informed, in advance of trial, of the specific charge or charges made against him;
- c. to be confronted with the witnesses against him;
- d. to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;
- e. to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;
- f. if he considers it necessary, to have the services of a competent interpreter; and
- g. to communicate with a representative of the Government of the sending State and when the rules of the court permit, to have such a representative present at his trial.

10.

- a. Regularly constituted military units or formations of a force shall have the right to police any camps, establishment or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.
- b. Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.

11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

### **Article VIII**

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land; sea or air armed services, if such damage:

- i. was caused by a member or an employee of the armed services of the other Contracting Party in the execution of his duties in connection with the operation of the North Atlantic Treaty; or
- ii. arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services, provided either that the vehicle, vessel or aircraft causing the damage was being used in connection with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salvaged was owned by a contracting Party and being used by its armed services in connection with the operation of the North Atlantic Treaty.

2.

- a. In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph b. of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.
- b. The arbitrator referred to in sub-paragraph a. above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.
- c. Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.
- d. The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5 e. (i), (ii) and (iii) of this Article.
- e. The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to performance of his duties, be defrayed in equal proportions by them.
- f. Nevertheless, each Contracting Party waives its claim in any such case where the damage is less than:

Belgium:	B. fr. 70,000.	Luxembourg:	L. fr. 70,000.
Canada:	\$ 1,460.	Netherlands:	Fl. 5,320
Denmark:	Kr. 9,670.	Norway:	Kr. 10,000.
France:	F. fr. 490,000.	Portugal:	Es. 40,250.
Iceland:	Kr. 22,800.	United Kingdom:	500.
Italy:	Li. 850,000.	United States:	\$ 1,400.

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim up to the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members of a force or civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:

a. Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

b. The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.

c. Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.

d. Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs e. (i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

e. The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and para. 2 of this Article shall be distributed between the Contracting Parties, as follows:

i. Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent.

chargeable to the receiving State and 75 per cent. chargeable to the sending State.

- ii. Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them: however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.
- iii. Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned: however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.
- iv. Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

f. In cases where the application of the provisions of sub-paragraphs b. and e. of this paragraph would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.

g. A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.

h. Except in so far as sub-paragraph e. of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner:

a. The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

b. The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

c. If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.

d. Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or of a civilian component unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the force or civilian component is legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duty or as to whether the use of any vehicle of the armed services of a sending State was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2 b. of this Article, whose decision on this point shall be final and conclusive.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5 g. of this Article.

10. The authorities of the sending State and of the receiving State shall cooperate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

#### **Article IX**

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such services as they need, under the same conditions as the nationals of the receiving State.
2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.
3. Subject to agreements already in force or which may hereafter be made between the authorised representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.
4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalization, under the same conditions as comparable personnel of the receiving State.
6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.
7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs, 2, 3, 4 and, if necessary, 5 and 6, of this Article shall be made promptly by the authorities of the force.
8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

#### **Article X**

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.
2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Article shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such a member is liable under the law of that State.
3. Nothing in this Article shall apply to 'duty' as defined in paragraph 12 of Article XI.
4. For the purposes of this Article the term 'member of a force' shall not include any person who is a national of the receiving State.

#### **Article XI**

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search

members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2.
  - a. The temporary importation and the re-exportation of service vehicles of a force or civilian component under their own power shall be authorized free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement.
  - b. The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the re-exportation thereof by paragraph 8.
  - c. Service vehicles of a force or civilian component shall be exempt from any tax payable in respect of the use of vehicles on the roads.
3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order, issued in accordance with paragraph 2 b. of Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.
4. A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with such customs documents as shall be agreed, of a certificate in a form agreed between the receiving State and the sending State signed by a person authorized by the sending State for that purpose. The designation of the person authorised to sign the certificates as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving State.
5. A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the first arrival of any dependent to join him, import his personal effects and furniture free of duty for the term of such service.
6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.
7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.
8. Goods which have been imported duty-free under paragraphs 2 b., 4, 5 or 6 above:
  - a. may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph, is presented to the customs office: the customs

authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 2 b., 4, 5 or 6 as the case may be;

- b. shall not normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorized on conditions imposed by the authorities concerned of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).
9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.
10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.
11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.
12. In paragraphs 1-10 of this Article:
  - 'duty' means customs duties and all other duties and taxes payable on importation or exportation. as the case may be. except dues and taxes which are no more than charges for services rendered;
  - 'importation' includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.
13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression 'receiving State' in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

#### **Article XII**

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.
2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

#### **Article XIII**

1. In order to prevent offences against customs and fiscal laws regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.



2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.
3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.
4. Service vehicles and articles belonging to a force or to its civilian component, and not to a member of such force or civilian component, seized by the authorities of the receiving State in connection with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

#### **Article XIV**

- a. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.
- b. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

#### **Article XV**

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.
2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days' notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

#### **Article XVI**

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

#### **Article XVII**

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

#### **Article XVIII**

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United

States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.
3. After it has come into force, the present Agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

#### **Article XIX**

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.
2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.
3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

#### **Article XX**

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territory of a Contracting Party.
2. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend (subject, if the State making the declaration considers it to be necessary, to the conclusion of a special agreement between that State and each of the sending States concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present Agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreements if required, or when it has come into force under Article XVIII, whichever is the later.
3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.

In witness whereof the undersigned Plenipotentiaries have signed the present Agreement.

Done in London this nineteenth day of June, 1951, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

## **Sporazum između strana Severnoatlantskog ugovora o statusu njihovih snaga**

Strane Severnoatlantskog ugovora potpisanog u Vašingtonu 4. aprila 1949. godine,

Uzimajući u obzir da snage jedne od Strana mogu biti sporazumno upućene na službu na teritoriju druge Strane;

Imajući na umu da će odluka o njihovom slanju i uslovi pod kojima će biti poslani, ukoliko ti uslovi nisu utvrđeni ovim sporazumom, biti predmet posebnih sporazuma između zainteresovanih Strana;

Želeći, ipak, da definišu status tih snaga dok se one nalaze na teritoriji druge Strane;

Sporazumele su se o sledećem:

### **Član I**

1. Za potrebe ovog sporazuma, podrazumeva se da izraz:
  - a. „Snage” znači osoblje koje pripada kopnenom, mornaričkom ili vazduhoplovnom vidu jedne ugovorne strane, dok se nalazi na teritoriji druge ugovorne strane u oblasti na koju se odnosi Severnoatlantski ugovor u vezi sa njihovim službenim dužnostima, pod uslovom da se te dve ugovorne strane mogu sporazumeti da se, za potrebe ovoga sporazuma, određene osobe, jedinice ili formacije neće smatrati sastavnim delom „snaga” ili pridodatim „snagama”;
  - b. „Civilna komponenta” znači civilno osoblje pridruženo snagama ugovorne strane koje je zaposleno u vidovima te ugovorne strane, a koje ne čine osobe bez državljanstva, niti državljani zemlje koja nije Strana Severnoatlantskog ugovora, niti državljani ili rezidenti države u kojoj su snage smeštene;
  - c. „Izdržavano lice” znači supružnika pripadnika snaga ili civilne komponente ili dete tog pripadnika koje on izdržava;
  - d. „Država pošiljalac” znači ugovornu stranu kojoj snage pripadaju;
  - e. „Država primalac” znači ugovornu stranu na čijoj se teritoriji nalaze snage ili civilna komponenta, bilo da su tu smeštene ili da su u tranzitu;
  - f. „Nadležni vojni organi Države pošiljaoca” znači nadležne organe Države pošiljaoca koji su njenim zakonima ovlašćeni da sprovode vojni zakon te države u odnosu na svoje snage ili civilne komponente;
  - g. „Severnoatlantski savet” znači Savet ustanovljen članom 9. Severnoatlantskog ugovora ili svako njegovo pomoćno telo ovlašćeno da postupa u ime Veća.

2. Ovaj sporazum će se primenjivati na nadležne organe političkih poddeljenja ugovornih strana, u okviru svojih teritorija na koje se ovaj sporazum odnosi ili na koje se njegova primena proširuje u skladu s članom XX, kao što se primenjuje na centralne nadležne organe tih ugovornih strana, pod uslovom da se imovina u vlasništvu političkih pod-jedinica neće smatrati imovinom u vlasništvu ugovorne strane u skladu sa značenjem člana VIII.

## Član II

Dužnost snaga i njihove civilne komponente, njihovih pripadnika kao i izdržavanih lica jeste da poštuju zakone Države primaoca i da se u Državi primaocu uzdržavaju od svih aktivnosti koje nisu u duhu ovog sporazuma a posebno od svake političke aktivnosti. Takođe je dužnost Države pošiljaoca da preduzme sve neophodne mere u tom cilju.

## Član III

1. Pod uslovima navedenim u stavu 2. ovoga člana i u skladu sa poštovanjem formalnosti koje je uspostavila Država primalac u vezi sa ulaskom i izlaskom snaga ili njihovih pripadnika, ti pripadnici će biti oslobođeni primene pasoških i viznih procedura i imigracijske kontrole pri ulasku ili napuštanju teritorije Države primaoca. Oni će takođe biti oslobođeni primene propisa Države primaoca o evidenciji i kontroli stranaca, ali neće moći da ostvare pravo na stalno boravište ili prebivalište na teritoriji Države primaoca.

2. Od pripadnika snaga će se zahtevati samo sledeća dokumenta. Ona se moraju po zahtevu pokazati:

- a. Legitimacija izdata od strane Države pošiljaoca s imenom i prezimenom, datumom rođenja, činom i brojem (ako postoji), nazivom službe i slikom;
- b. Pojedinačno ili grupno naređenje za kretanje na jeziku Države pošiljaoca i na engleskom i francuskom, koje je izdala odgovarajuća služba Države pošiljaoca ili Organizacije Severnoatlantskog ugovora i koja potvrđuje status pojedinca ili grupe kao pripadnika snaga i odobreno kretanje. Država primalac može zatražiti da naređenje za kretanje potpišu i njeni odgovarajući predstavnici.

3. Status pripadnika civilne komponente i izdržavanih lica biće jasno naznačen u njihovim pasošima.

4. Ako pripadnik snaga ili civilne komponente prekine radni odnos u Državi pošiljaocu i ne bude vraćen u domovinu, nadležni organi Države pošiljaoca odmah će obavestiti nadležne organe Države primaoca i dati im potrebne pojedinosti ako je potrebno. Na sličan način će nadležni organi Države pošiljaoca obavestiti nadležne organe Države primaoca o svakom pripadniku koji je nedopušteno odsutan više od dvadeset i jednog dana.

5. Ako je Država primalac zatražila udaljavanje pripadnika snaga ili civilne komponente sa svoje teritorije ili je izdala naređenje za proterivanje bivšeg pripadnika snaga ili civilne komponente ili izdržavanog lica pripadnika ili bivšeg pripadnika, nadležni organi Države pošiljaoca biće odgovorni za prihvatanje te osobe na svojoj teritoriji ili za udaljavanje te osobe iz Države primaoca. Ovaj stav će se primenjivati samo na osobe koje nisu državljani Države primaoca, a ušle su u Državu primaoca kao pripadnici snaga ili civilne komponente ili kako bi to postale, i na izdržavana lica tih lica.

## Član IV

Država primalac će ili:

- a. prihvatiti kao važeću, bez vozačke provere ili naknade, privremenu vozačku dozvolu, vozačku dozvolu ili privremenu vojnu vozačku dozvolu koju je pripadniku snaga ili civilne komponente izdala Država pošiljalac ili njena pod-jedinica; ili

b. izdati svoju privremenu vozačku dozvolu ili vozačku dozvolu svakom pripadniku snaga ili civilne komponente koji ima privremenu vozačku dozvolu, vozačku dozvolu ili privremenu vojnu vozačku dozvolu koju je izdala Država pošiljalac ili njena pod-jedinica, s tim što polaganje vozačkog ispita nije potrebno.

#### **Član V**

1. Pripadnici snaga će obično nositi uniformu. U skladu sa dogovorom između nadležnih organa države pošiljaoca i primaoca da se postupa drugačije, pripadnici snaga će nositi civilnu odeću pod uslovima koji važe za pripadnike snaga Države primaoca. Pripadnici redovnih jedinica ili formacija snaga će nositi uniformu pri prelasku granice.

2. Službena vozila snaga ili civilne komponente imaće uz registarske tablice i jasno označeno državno obeležje.

#### **Član VI**

Pripadnici snaga mogu posedovati i nositi oružje pod uslovom da su za to ovlašćeni na osnovu svojih naređenja. Nadležni organi Države pošiljaoca će imati razumevanja za zahteve Države primaoca po tom pitanju.

#### **Član VII**

1. U skladu sa odredbama ovog člana:

- a. Vojni nadležni organi Države pošiljaoca imaće pravo da u Državi primaocu primenjuju svu krivičnu i disciplinsku nadležnost koja im je data u skladu sa zakonom Države pošiljaoca, nad svim osobama koje podležu vojnom zakonodavstvu te države;
- b. Nadležni organi Države primaoca imaće jurisdikciju nad pripadnicima snaga ili civilne komponente i njihovim izdržavanim licima u slučaju prestupa počinjenih na teritoriji Države primaoca koji su kažnjivi po zakonu te države.

2.

- a. Vojni nadležni organi Države pošiljaoca imaće pravo na isključivu jurisdikciju nad osobama koje podležu vojnom zakonu te države po pitanju prestupa, uključujući prestupe koji se odnose na povredu bezbednosti, kažnjivih zakonom Države pošiljaoca, ali ne i zakonom Države primaoca;
- b. Nadležni organi Države primaoca imaće pravo na isključivu jurisdikciju nad pripadnicima snaga ili civilne komponente i izdržavanim licima po pitanju prestupa, uključujući prestupe koji se odnose na bezbednost te države, koji su kažnjivi njenim zakonom, ali ne i zakonom Države pošiljaoca;
- c. Za potrebe ovog stava i stava 3. ovog člana, povreda bezbednosti države uključivaće:
  - i. veleizdaju;
  - ii. sabotazu, špijunažu ili kršenje zakona koji se odnose na službene tajne te države ili tajne koje se odnose na nacionalnu odbranu te države.

3. U slučaju istovremene jurisdikciju primenjivaće se sledeća pravila:

- a. Vojni nadležni organi Države pošiljaoca imaju primarno pravo na primenu jurisdikcije nad pripadnikom snaga ili civilne komponente po pitanju:
    - i. prestupa isključivo protiv imovine ili bezbednosti te države, odnosno prestupa isključivo protiv osoba ili imovine drugog pripadnika snaga ili civilne komponente te države ili izdržavanog lica;
    - ii. prestupa proisteklih iz bilo kakvog postupka ili propusta pri obavljanju službenih dužnosti.
  - b. U slučaju nekog drugog prestupa, nadležni organi Države primaoca imaće primarno pravo na primenu jurisdikcije.
  - c. Ako država koja ima primarno pravo na primenu jurisdikcije odluči da ne primeni jurisdikciju, o tome će što je pre moguće obavestiti nadležne organe druge države. Nadležni organi države koja ima primarno pravo imaće razumevanja za zahtev nadležnih organa druge države za odricanje od svog prava u slučajevima kada ta druga država smatra takvo odricanje veoma važnim.
4. Prethodne odredbe ovog člana ne podrazumevaju nikakvo pravo vojnih nadležnih organa Države pošiljoca da primenjuju jurisdikciju nad državljanima odnosno osobama koje imaju prebivalište u Državi primaocu, osim ako su oni pripadnici snaga Države pošiljaoca.
- 5.
- a. Nadležni organi Države pošiljaoca i Države primaoca će pomagati jedna drugoj pri hapšenju pripadnika snaga, civilne komponente ili njihovih izdržavanih lica na teritoriji Države primaoca, kao i prilikom njihove predaje nadležnim organima koji će primeniti jurisdikciju u skladu s gore navedenim odredbama.
  - b. Nadležni organi Države primaoca odmah će obavestiti vojne nadležne organe Države pošiljaoca o hapšenju svakog pripadnika snaga, civilne komponente, ili izdržavanog lica.
  - c. Pritvor optuženog pripadnika snaga ili civilne komponente nad kojim Država primalac ima jurisdikciju ostaće, ukoliko se nalazi u rukama vlasti Države pošiljaoca, i dalje na snazi u toj državi dok ga Država primalac ne optuži.
- 6.
- a. Nadležni organi Države primaoca i Države pošiljaoca će jedna drugoj pomagati u sprovođenju svih neophodnih istraga u vezi s prestupom, kao i u prikupljanju i pronalaženju dokaza, uključujući zaplenu, a u odgovarajućim slučajevima i predaju predmeta u vezi s prestupom. Predaja takvih predmeta, ipak, može, zavisiti od njihovog vraćanja u roku koji odrede nadležni organi koji ih predaju.
  - b. Nadležni organi ugovornih strana obavestiće jedna drugu o svim slučajevima u kojima postoje istovremena prava na jurisdikciju.
- 7.
- a. Nadležni organi Države pošiljaoca neće izvršavati smrtnu kaznu u Državi primaocu ako zakonodavstvo Države primaoca ne predviđa takvu kaznu za slične slučajeve.

- b. Nadležni organi Države primaoca imaće razumevanja za molbe nadležnih organa Države pošiljaoca za pomoć u izvršavanju zatvorske kazne koju su izrekli nadležni organi Države pošiljaoca, u skladu s odredbama ovoga člana, na teritoriji Države primaoca.

8. Ako su optuženom sudili nadležni organi jedne ugovorne strane, u skladu s odredbama ovoga člana, i on je oslobođen, odnosno osuđen pa je na odsluženju kazne ili je odslužio kaznu, ili je pomilovan, nadležni organi druge ugovorne strane mu ne mogu, na istoj teritoriji, ponovo suditi za isti prestup. Međutim, odredbe ovog stava ne sprečavaju vojne nadležne organe Države pošiljaoca da sude pripadniku svojih snaga za svako kršenje disciplinskih pravila koje proistekne iz postupaka ili propusta koji predstavljaju prestup zbog kojeg su mu već sudili nadležni organi druge ugovorne stranke.

9. Kada god se pripadnik snaga, civilne komponente ili izdržavano lice krivično goni pod jurisdikcijom Države pošiljaoca, imaće pravo:

- a. na neodložno i brzo suđenje;
- b. da bude obavešten, pre suđenja, o tačnoj optužbi odnosno optužbama koje mu se stavljaju na teret;
- c. da se suoči sa svedocima koji svedoče protiv njega;
- d. na obavezan postupak za pozivanje svedoka u njegovu korist, ako su oni pod jurisdikcijom Države primaoca;
- e. na pravne zastupnike po sopstvenom izboru za njegovu odbranu, odnosno na besplatno pravno zastupanje u skladu sa uslovima koji su u to vreme na snazi u Državi primaocu;
- f. na usluge stručnog prevodioca, ako to smatra potrebnim, i
- g. na komunikaciju s predstavnikom Vlade Države pošiljaoca i, kada pravila suda to dopuštaju, da takav predstavnik bude prisutan na njegovom suđenju.

10.

- a. Kao rezultat sporazuma sa Državom primaocem, redovne vojne jedinice i formacije snaga imaće pravo da održavaju red u svim vojnim bazama, objektima ili drugim prostorijama u kojima su smeštene. Vojna policija tih snaga može preduzimati odgovarajuće mere kako bi osigurala održavanje reda i bezbednosti u takvim objektima.
- b. Izvan tih objekata, vojna policija će delovati samo u dogovoru s nadležnim organima Države primaoca ili zajedno sa njima, i ako je takvo delovanje neophodno za održavanje discipline i reda među pripadnicima snaga.

11. Svaka ugovorna strana će, ako to smatra potrebnim za osiguravanje odgovarajuće bezbednosti i zaštite objekata, opreme, imovine, arhive i službenih dokumenata druge ugovorne strane na svojoj teritoriji, pribeći takvom zakonu i kazni za osobe koje prekrše zakone donete u tu svrhu.

### **Član VIII**

1. Svaka ugovorna strana se odriče svih odštetnih zahteva od bilo koje druge ugovorne strane za štetu na imovini u njenom vlasništvu i koju koristi njen kopneni, mornarički i vazduhoplovni vid, ako je:



- i. štetu prouzrokovao pripadnik ili lice zaposleno u oružanim snagama druge ugovorne strane tokom vršenja svojih dužnosti vezanih za operacije Severnoatlantskog ugovora; ili
- ii. šteta proistekla iz upotrebe bilo kog vozila, plovila ili vazduhoplova u vlasništvu druge ugovorne strane i koje su koristile njene oružane snage, pod uslovom da je ili vozilo, plovilo ili vazduhoplov koji je prouzrokovao štetu bilo upotrebljeno u vezi sa operacijom Severnoatlantskog ugovora, ili da je šteta prouzrokovana na imovini zbog upotrebe u tu svrhu.

Svaka ugovorna strana se odriče odštetnih zahteva od bilo koje druge ugovorne strane za spašavanje na moru, pod uslovom da je spašeno plovilo ili teret u vlasništvu ugovorne strane i u upotrebi u njenim oružanim snagama u vezi s operacijama Severnoatlantskog ugovora.

2.

- a. U slučaju da je šteta prouzrokovana ili nastala kao što je opisano u stavu 1. na drugoj imovini u vlasništvu ugovorne strane a koja se nalazi na njenoj teritoriji, arbitar, izabran u skladu s odredbama podstava b. ovoga stava, utvrdiće odgovornost bilo koje druge ugovorne strane i proceniti visinu iznosa štete, osim ako se zainteresovane ugovorne strane ne dogovore drugačije. Arbitar će takođe odlučiti i o mogućim protiv zahtevima proisteklim iz istog incidenta;
- b. Arbitar naveden u podstavu a. biće izabran na osnovu sporazuma zainteresovanih ugovornih strana iz reda državljana Države primaoca koji zauzimaju ili su bili na visokoj sudskoj dužnosti. Ukoliko zainteresovane ugovorne strane ne mogu u roku od dva meseca postići dogovor o izboru arbitra, obe strane mogu uputiti zahtev predsedavajućem predstavniku u Severnoatlantskom savetu da odabere osobu sa gore navedenim kvalifikacijama;
- c. Svaka odluka koju arbitar donese je obavezujuća i konačna za ugovorne strane;
- d. Iznos naknade troškova koji odredi arbitar raspodeliće se u skladu s odredbama iz stava 5. e. (i), (ii) i (iii) ovoga člana;
- e. Visina naknade za rad arbitra odrediće se dogovorom između zainteresovanih ugovornih strana, i one će ih, zajedno sa neophodnim troškovima nastalim u vezi sa izvršavanjem obaveza arbitra, isplatiti u jednakim delovima;
- f. Međutim, svaka ugovorna strana se odriče svojih odštetnih zahteva u svakom slučaju kada je iznos štete niži od:

Belgija: 70.000 belgijskih franaka	Luksemburg: 70.000 luksemburških franaka
Kanada: 1.460 kanadskih dolara	Holandija: 5.320 florina
Danska: 9.670 danskih kruna	Norveška: 10.000 norveških kruna
Francuska: 490.000 franaka	Portugal: 40.250 eskuda
Island: 22.800 islandskih kruna	Velika Britanija: 500 funti
Italija: 850.000 lira	Sjedinjene Države: 1.400 američkih dolara

Svaka druga ugovorna strana čija je imovina oštećena u istom incidentu će se takođe odreći svojih odštetnih zahteva do visine gore navedenih iznosa. U slučaju značajnih varijacija deviznog kursa navedenih valuta, ugovorne strane će se sporazumeti o odgovarajućem prilagođavanju tih iznosa.

3. Za potrebe st. 1. i 2. ovoga člana izraz „u vlasništvu ugovorne strane” u slučaju plovila obuhvata plovila iznajmljena toj ugovornoj strani po principu „goli brod” ili plovila koja je ugovorna strana rekvirirala pod uslovima za iznajmljivanje plovila po principu „goli brod” ili koje ona zapleni (osim ako rizik gubitka ili odgovornost ne snosi lice koje nije ugovorna strana).

4. Svaka ugovorna strana se odriče svih odštetnih zahteva od druge ugovorne strane usled povrede ili smrti pripadnika njenih oružanih snaga do koje je došlo dok je taj pripadnik vršio svoje službene dužnosti.

5. Potraživanja (osim ugovornih potraživanja i onih na koje se primenjuju st. 6. i 7. ovog člana) koja proisteknu iz postupaka ili propusta pripadnika snaga ili civilne komponente počinjenih tokom vršenja službenih dužnosti ili iz nekog drugog postupka, propusta ili događaja za koje su snage ili civilna komponenta pravno odgovorni i koji su, na teritoriji Države primaoca, prouzrokovali štetu trećoj strani koja nije ugovorna strana, rešavaće Država primalac u skladu sa sledećim odredbama:

a. Potraživanja će se evidentirati, razmotriti i rešiti ili će se o njima presuditi u skladu sa zakonima i propisima Države primaoca, na isti način kao i potraživanja koja proističu iz aktivnosti njenih oružanih snaga.

b. Država primalac može rešiti svako takvo potraživanje i izvršiti plaćanje iznosa koji je dogovoren ili dosuđen u svojoj valuti.

c. Takva isplata, bilo da je u skladu sa nagodbom ili presudom nadležnog suda Države primaoca, ili konačnom odlukom takvog nadležnog suda kojom se odbija zahtev za isplatu, biće obavezujuća i konačna za ugovorne strane.

d. Država primalac će o svakom isplaćenom potraživanju obavestiti zainteresovane Države pošiljaoca zajedno sa svim pojedinostima i predloženom raspodelom u skladu s dole datim podstavom e.(i), (ii) i (iii). U slučaju da Država pošiljalac ne odgovori u roku od dva meseca, predlog raspodele će se smatrati prihvaćenim.

e. Ugovorene strane će podeliti troškove nastale usled izmirenja potraživanja u skladu sa prethodnim podstavovima i stavom 2. ovoga člana, na sledeći način:

- i. Kada je utvrđena odgovornost samo jedne Države pošiljaoca, dodeljeni odnosno dosuđeni iznos će se podeliti u srazmeri 25% koji se potražuju od Države primaoca i 75% koji se potražuju od Države pošiljaoca.
- ii. Kada je za štetu utvrđena odgovornost više država, dodeljeni odnosno dosuđeni iznos će se podeliti na jednake delove: međutim, ako Država primalac nije jedna od odgovornih država, njen udeo će biti polovina iznosa koji daje pojedinačna Država pošiljalac.
- iii. Kada štetu počine oružane snage ugovornih strana a nije moguće utvrditi isključivu odgovornost jedne ili više oružanih snaga, dodeljeni odnosno dosuđeni iznos će se podeliti na jednake delove između ugovornih strana koje su učestvovala u incidentu; međutim, ako Država primalac nije jedna od država čije su oružane snage prouzrokovala štetu, njen udeo će biti polovina iznosa koji daje pojedinačna Država pošiljalac.

iv. Svakih pola godine Država primalac će poslati svim Državama pošiljaocima, uključenim u postupak naknade štete, izveštaj o iznosima koje je Država primalac uplatila u toku šestomesečnog perioda za svaku naknadu štete za koju je prihvaćen predlog raspodele na bazi procenata kao i zahtev za naknadu troškova. Takva naknada troškova će se izvršiti u najkraćem mogućem roku u valuti Države primaoca.

f. U slučaju gde bi primena odredbi iz podstava b. i e. ovoga stava prouzrokovala ozbiljne poteškoće ugovornoj strani, ona može zatražiti od Severnoatlantskog saveta da utvrdi drugačije rešenje.

g. Protiv pripadnika snaga ili civilne komponente neće se voditi nikakav postupak za sprovođenje presude u Državi primaocu donete u predmetima vezanim za vršenje njegovih službenih dužnosti.

h. Osim u meri u kojoj se podstav e. ovog stava primenjuje na potraživanja navedena u stavu 2. ovog člana, odredbe ovog stava se neće primenjivati na potraživanja koja proističu ili su u vezi sa navigacijom ili upravljanjem brodom ili ukrcavanjem, prevozom ili iskrcavanjem tereta osim na ona potraživanja u slučaju smrti ili telesnih povreda na koje se stav 4. ovog člana ne primenjuje.

6. Potraživanja od pripadnika snaga ili civilne komponente proistekla iz deliktne radnje ili propusta počinjenih u Državi primaocu, a koji nisu u vezi sa vršenjem službenih dužnosti, rešavaće se na sledeći način:

a. Nadležni organi Države primaoca će razmotriti zahtev i proceniti visinu naknade potražiocu na pravedan i nepristrasan način, uzimajući u obzir sve okolnosti predmeta, uključujući i ponašanje oštećenog, i pripremiće izveštaj o predmetu.

b. Izveštaj će se dostaviti nadležnim organima Države pošiljaoca, koja će bez odlaganja odlučiti da li će ponuditi isplatu *ex gratia* i ako hoće, u kom iznosu.

c. Ako isplata *ex gratia* bude ponuđena a potražilac je prihvati u iznosu koji u potpunosti zadovoljava njegovo potraživanje, nadležni organi Države pošiljaoca će izvršiti isplatu i obavestiti nadležne organe Države primaoca o svojoj odluci i visini isplaćenog iznosa.

d. Ni jedna odredba ovog stava neće uticati na nadležnost sudova Države primaoca da razmotri mere protiv pripadnika snaga ili civilne komponente osim ako i dok se ne izvrši isplata koja u potpunosti zadovoljava potraživanje.

7. Potraživanja koja proističu iz neovlašćene upotrebe svakog vozila oružanih snaga Države pošiljaoca, rešavaće se u skladu sa stavom 6. ovoga člana, osim u slučaju da postoji pravna odgovornost snaga ili civilne komponente.

8. U slučaju nesporazuma oko pitanja da li je deliktne radnje ili propust pripadnika snaga ili civilne komponente učinjen prilikom obavljanja službenih dužnosti, ili je upotreba nekog vozila oružanih snaga Države pošiljaoca bila neovlašćena, pitanje će biti dostavljeno posebnom arbitru imenovanom u skladu sa stavom 2. b. ovoga člana, čija će odluka biti konačna i obavezujuća.

9. Država pošiljalac neće zahtevati imunitet od jurisdikcije sudova Države primaoca za pripadnike njenih snaga ili civilne komponente u pitanjima u kojima postoji jurisdikcija civilnih sudova Države primaoca, osim u slučajevima na koje se primenjuje odredba stava 5. g. ovoga člana.

10. Nadležni organi Države pošiljaoca i Države primaoca će saradivati prilikom prikupljanja dokaza za pravično saslušanje i rešavanje potraživanja u vezi sa slučajevima koji se tiču ugovornih strana.

## Član IX

1. Pripadnici snaga ili civilne komponente i njihova izdržavana lica mogu kupovati lokalnu robu potrebnu za njihovu potrošnju i koristiti potrebne usluge pod istim uslovima koji važe za državljane Države primaoca.

2. Roba iz lokalnih izvora za snabdevanje snaga ili civilne komponente obično će se nabavljati preko nadležnih organa koji nabavljaju takvu robu za oružane snage Države primaoca. Da bi se izbegao negativan efekat takve nabavke na ekonomiju Države primaoca, nadležni organi te države će naznačiti, ako to bude potrebno, svaki proizvod čija bi nabavka mogla biti ograničena ili zabranjena.

3. U skladu sa sporazumima koji su već na snazi, odnosno onima koji bi mogli biti sklopljeni između ovlašćenih predstavnika Države pošiljaoca i primaoca, nadležni organi Države primaoca će preuzeti isključivu odgovornost za sklapanje odgovarajućih aranžmana kojima bi se snagama ili civilnoj komponenti obezbedile potrebne zgrade i zemljište, kao i prateći objekti i usluge. Ti sporazumi i aranžmani će biti, koliko je god to moguće, u skladu s propisima kojima se uređuje zbrinjavanje i smeštaj takvog osoblja Države primaoca. U nedostatku posebnog ugovora kojim se nalaže drugačije, prava i obaveze proistekle iz zauzimanja ili korišćenja zgrada, zemljišta, objekata ili usluga utvrđivaće se u skladu sa zakonima Države primaoca.

4. Potreba snaga ili civilne komponente za lokalnom civilnom radnom snagom biće zadovoljena na isti način kao i slični zahtevi Države primaoca i uz pomoć nadležnih organa Države primaoca kroz razmene radnika. Uslovi zaposlenja i rada, a posebno plate, dodaci na platu i uslovi za zaštitu radnika biće definisani zakonima Države primaoca. Civilni zaposleni pri snagama ili civilnoj komponenti ni u kom slučaju se neće smatrati pripadnicima tih snaga niti civilne komponente.

5. Kada, na mestu gde su smešteni, snage ili civilna komponenta nemaju odgovarajuće zdravstvene ili stomatološke kapacitete, njihovi pripadnici i njihova izdržavana lica mogu dobiti medicinsku i stomatološku negu, uključujući i bolničko lečenje, pod istim uslovima kao i takvo osoblje Države primaoca.

6. Država primalac će u najvećoj meri udovoljiti zahtevima pripadnika snaga ili civilne komponente za korišćenje posebnih pogodnosti za putovanja i povlastica po pitanju cena. Te pogodnosti i povlastice će biti predmet posebnih dogovora između Vlada uključenih država.

7. U zavisnosti od opštih ili posebnih finansijskih sporazuma između ugovornih strana, nadležni organi snaga će plaćati bez odlaganja, u domaćoj valuti robu, smeštaj i usluge obezbeđene u skladu sa st. 2, 3. i 4. i, ako je potrebno, 5. i 6. ovog člana.

8. Ni jedne od snaga niti civilnih komponenti niti njihovi pripadnici, kao ni njihova izdržavana lica neće zbog ovog člana biti izuzeti od plaćanja poreza ili obaveza koje se odnose na nabavke i usluge koje se naplaćuju u skladu s finansijskim propisima Države primaoca.

## Član X

1. Ako obaveza plaćanja poreza u Državi primaocu zavisi od boravišta ili prebivališta, periodi u kojim se pripadnik snaga ili civilne komponente nalazi na teritoriji te Države primaoca isključivo kao član tih snaga ili civilne komponente, neće se, u svrhu takvog oporezivanja, smatrati periodom prebivališta odnosno promenom prebivališta ili boravišta. Pripadnici snaga ili civilne komponente će, u Državi primaocu, biti izuzeti od plaćanja poreza na platu i ostala primanja koja im kao pripadnicima tih snaga daje Država pošiljalac, kao od poreza na pokretnosti koje se nalaze u Državi primaocu isključivo zbog privremenog boravka pripadnika.

2. Ni jedna odredba ovog člana neće sprečiti oporezivanje pripadnika snaga ili civilne komponente po pitanju svake profitabilne delatnosti, osim njegovog zaposlenja kao pripadnika, u koju se može uključiti u Državi primaocu i, osim u vezi sa njegovom platom, ostalim primanjima i pokretnostima iz stava 1, ni jedna odredba ovoga člana neće sprečiti plaćanje poreza na koje je svaki pripadnik obavezan prema zakonu te Države, čak i ako se smatra da ima prebivalište ili boravište izvan njene teritorije.

3. Ni jedna odredba ovoga člana neće se primenjivati na „carine” definisane u članu XI stavu 12.

4. Za potrebe ovog člana izraz „pripadnik snaga” neće obuhvatati lica koja su državljanji Države primaoca.

## Član XI

1. Osim ako ovim sporazumom nije izričito drugačije propisano, pripadnici snaga ili civilne komponente kao i njihova izdržavana lica podležu zakonima i propisima koje sprovode carinski organi Države primaoca. Konkretno, carinski organi Države primaoca imaju pravo, u okviru opštih pravila utvrđenih zakonima i propisima Države primaoca, da pretresaju pripadnike snaga ili civilne komponente i njihova izdržavana lica, da pregledaju njihov prtljag i vozila, i da zaplene predmete u skladu sa tim zakonima i propisima.

2.

- a. Privremeni uvoz i ponovni izvoz službenih vozila snaga ili civilne komponente kojima oni raspolazu biće odobren bez obaveze plaćanja carine po davanju na uvid dozvole za privremeni uvoz vozila u obliku prikazanom u apendiksu ovog sporazuma;
- b. Privremeni uvoz vozila snaga i civilne komponente bez prava raspolaganja rukovodiće se stavom 4. ovoga člana, a na ponovni izvoz će se primenjivati stav 8;
- c. Službena vozila snaga ili civilne komponente biće izuzeta od plaćanja poreza za upotrebu vozila na putevima.

3. Zvanično zapečaćeni službeni dokumenti ne podležu carinskoj kontroli. Kada kuriri, bez obzira na njihov status, nose takve dokumente, moraju posedovati lični nalog za prenos izdat u skladu sa stavom 2. b. člana III. U nalogu za prenos biće naznačen broj pošiljki i potvrda da one sadrže samo službene dokumente.

4. Snage mogu bez plaćanja carinskih dažbina uvesti opremu i razumnu količinu zaliha, namirnica i druge robe za isključivu upotrebu snaga i, u slučajevima kada Država primalac to dopusti, za potrebe civilne komponente i izdržavanih lica. Za bescarinski uvoz potrebno je položiti sertifikat u kancelariji carine na mestu ulaska u državu, zajedno sa dogovorenom carinskom dokumentacijom u obliku koji dogovore Država primalac i Država pošiljalac, s potpisom osobe koju Države pošiljalac ovlasti u tu svrhu. Podaci o osobi ovlašćenoj da potpiše sertifikat kao i uzorci potpisa i pečata koji će se koristiti biće dostavljeni carinskoj upravi Države primaoca.

5. Pripadnik snaga ili civilne komponente može, prilikom prvog dolaska radi preuzimanja dužnosti u Državi primaocu ili prilikom prvog dolaska izdržavanog lica koje će mu se pridružiti, tokom trajanja te dužnosti, uvesti svoju imovinu i nameštaj bez plaćanja carine.

6. Pripadnici snaga ili civilne komponente mogu bez plaćanja carine privremeno uvesti vlastita motorna vozila za ličnu upotrebu ili upotrebu svojih

izdržavanih lica. Ovim članom se ne propisuje obaveza plaćanja taksi za upotrebu puteva za privatna vozila.

7. Svaki uvoz od strane nadležnih organa snaga koji nije isključivo za potrebe snaga ili civilne komponente, kao i uvoz, osim onog navedenog u stavu 5. i 6. ovog člana, koji izvrše pripadnici snaga ili civilne komponente neće, ni iz kog razloga, uživati pravo na izuzeće od plaćanja carine ili drugih uslova.

8. Roba koja je u skladu sa stavovima 2. b, 4, 5. ili 6. uvezena bez plaćanja carine:

- a. može se ponovno izvoziti bez plaćanja carine, pod uslovom da se kancelariji carine ako je roba uvezena u skladu sa stavom 4, priloži sertifikat izdat u skladu s tim stavom; međutim, organi carine mogu potvrditi da je roba koja se ponovno izvozi istovetna onoj opisanoj u sertifikatu, ako ona postoji, i da je uvezena pod uslovima utvrđenim u stavovima 2. b, 4, 5. ili 6;
- b. ne sme se prodavati ni pokloniti u Državi primaocu; međutim, u određenim slučajevima to može biti odobreno, pod uslovima koje odrede nadležni organi Države primaoca (npr. plaćanje carina i poreza u skladu sa zahtevima kontrole trgovine i razmene).

9. Roba kupljena u Državi primaocu se može iz nje izvoziti isključivo u skladu sa propisima koji su na snazi u Državi primaocu.

10. Carinski organi će odobriti redovnim jedinicama i formacijama posebne aranžmane za prelazak granice, pod uslovom da o tome budu blagovremeno obavješteni.

11. Država primalac će uspostaviti posebne aranžmane kako bi gorivo, ulje i maziva za potrebe službenih vozila, vazduhoplova i plovila snaga ili civilne komponente mogli biti isporučeni bez plaćanja carinskih dažbina i poreza.

12. U stavovima 1–10. ovoga člana: „carina” označava carinske dažbine i sve druge dažbine i poreze koji se plaćaju pri uvozu i izvozu, osim nameta i poreza koji se isključivo odnose na plaćanje pruženih usluga;

„uvoz” označava iznošenje robe iz carinskih skladišta ili stalnog carinskog nadzora, pod uslovom da roba nije uzgajana, proizvedena ili izrađena u Državi primaocu.

13. Odredbe ovoga člana će se primenjivati na robu ne samo prilikom uvoza ili izvoza iz Države primaoca, već i kada je ona u tranzitu kroz teritoriju ugovorne strane, i za tu svrhu naziv „Država primalac” u ovom članu obuhvata i svaku ugovornu stranu kroz čiju teritoriju roba prolazi u tranzitu.

## Član XII

1. Carinski ili finansijski nadležni organi Države primaoca mogu, kao uslov za odobrenje bilo kog carinskog ili finansijskog izuzeća ili povlastice predviđenih ovim sporazumom, zatražiti da se ispune uslovi koje smatraju neophodnim za sprečavanje zloupotrebe.

2. Ti nadležni organi mogu odbiti svako izuzeće predviđeno ovim sporazumom po pitanju uvoza u Državu primaoca proizvoda koji su uzgajani, proizvedeni ili izrađeni u toj državi, a koji su iz nje izvezeni bez plaćanja ili na osnovu povraćaja poreza ili dažbina kojima inače podleže svaki osim takvog izvoza. Roba izneta iz carinskih skladišta smatraće se uvezenom ako se smatrala izvezenom zbog razloga njenog čuvanja u skladištu.

### **Član XIII**

1. U cilju sprečavanja kršenja odredbi carinskih i finansijskih zakona, nadležni organi Države primaoca i Države pošiljaoca će pomagati jedna drugoj prilikom vođenja istrage i prikupljanja dokaza.

2. Nadležni organi snaga će pružiti svu moguću pomoć kako bi se osiguralo da svi predmeti koji podležu zapleni od strane ili u ime carinskih ili finansijskih nadležnih organa Države primaoca budu predati organima.

3. Nadležni organi snaga će pružiti svu moguću pomoć kako bi se osiguralo plaćanje carina, poreza i kazni koje pripadnici snaga, civilne komponente odnosno njihova izdržavana lica članovi treba da plate.

4. Službena vozila i predmeti u vlasništvu snaga ili civilne komponente, a ne u vlasništvu pripadnika takvih snaga ili civilne komponente, koje zaplene nadležni organi Države primaoca zbog povrede njenih carinskih ili finansijskih zakona ili propisa biće predati odgovarajućim nadležnim organima tih snaga.

### **Član XIV**

1. Na snage, civilnu komponentu i njihove pripadnike, kao i na njihova izdržavana lica, primenjivaće se devizni propisi Države pošiljaoca kao i propisi Države primaoca.

2. Nadležni organi za devizne propise Države pošiljaoca i Države primaoca mogu doneti posebne propise koji će se primenjivati na snage ili civilnu komponentu ili njihove pripadnike kao i na njihova izdržavana lica.

### **Član XV**

1. U skladu sa stavom 2. ovog člana, ovaj sporazum će ostati na snazi u slučaju neprijateljstava na koja se primenjuje Severnoatlantski ugovor, osim što se odredbe za rešavanje potraživanja iz stavova 2. i 5. člana VIII neće primenjivati na ratnu štetu, i što će odredbe sporazuma, a posebno članova III i VII, odmah razmotriti i preispitati uključene ugovorne strane koje se mogu sporazumeti o željenim izmenama koje se odnose na primenu odredbi Sporazuma.

2. U slučaju takvih neprijateljstava svaka od ugovornih strana ima pravo, ako u roku od 60 dana o tome obavesti druge ugovorne strane, da suspenduje primenu bilo koje odredbe ovoga sporazuma koje se na nju odnose. U slučaju korišćenja ovog prava, ugovorne strane će se odmah konsultovati u cilju dogovora o izradi odgovarajućih odredbi koje će zameniti suspendovane odredbe.

### **Član XVI**

Svi sporovi između ugovornih strana u vezi sa tumačenjem ili primenom ovog sporazuma rešavaće se pregovorima i bez obraćanja spoljnim sudskim organima. Osim ako to odredbom ovog sporazuma nije izričito drugačije propisano, sporovi koji se ne mogu rešiti direktnim pregovorima, proslediće se Severnoatlantskom savetu.

### **Član XVII**

Svaka ugovorna strana može u svako doba tražiti izmenu bilo kog člana ovog sporazuma. Zahtev se upućuje Severnoatlantskom savetu.

### **Član XVIII**

1. Ovaj sporazum će biti ratifikovan a instrumenti ratifikacije će biti deponovani u najkraćem mogućem roku pri Vladi Sjedinjenih Američkih Država, koja će sve države potpisnice obavestiti o datumu deponovanja.

2. Za četiri države potpisnice ovaj sporazum stupa na snagu trideset dana pošto deponuju svoje instrumente ratifikacije. Za svaku sledeću državu potpisnicu Sporazum stupa na snagu trideset dana od dana deponovanja svog instrumenta ratifikacije.

3. Nakon stupanja na snagu ovaj sporazum će, u zavisnosti od odobrenja Severnoatlantskog saveta i uslova koje Savet može postaviti, biti otvoren za pristupanje svakoj državi koja pristupi Severnoatlantskom ugovoru. Pristupanje će se izvršiti deponovanjem instrumenata pristupanja pri Vladi Sjedinjenih Američkih Država, koja će o datumu deponovanja obavestiti svaku državu potpisnicu i državu koja mu je pristupila. Za državu za koju je izvršeno deponovanje instrumenta pristupanja, Sporazum stupa na snagu trideset dana od dana deponovanja tog instrumenta.

### **Član XIX**

1. Ovaj sporazum može otkazati svaka ugovorna strana po isteku roka od četiri godine od dana kada Sporazum stupi na snagu.

2. Otkaz ovoga sporazuma od strane ugovorne strane će biti izvršen pisanim obaveštenjem koje će ugovorna strana uputiti Vladi Sjedinjenih Američkih Država, koja će obavestiti ostale ugovorne strane o svakom takvom obaveštenju i datumu prijema.

3. Otkaz stupa na snagu godinu dana pošto Vlada Sjedinjenih Američkih Država primi obaveštenje. Po isteku roka od godinu dana Sporazum prestaje da važi za ugovornu stranu koja ga je otkazala, ali i dalje ostaje na snazi za ostale ugovorne strane.

### **Član XX**

1. U zavisnosti od odredbi st. 2. i 3. ovog člana, ovaj sporazum će se primenjivati samo na matičnoj državnoj teritoriji ugovorne strane.

2. Međutim, svaka država može u trenutku deponovanja instrumenta ratifikacije ili pristupanja, odnosno naknadno, izjaviti putem obaveštenja Vladi Sjedinjenih Američkih Država da će se ovaj sporazum proširiti (u skladu sa, ukoliko država koja daje izjavu smatra to neophodnim, zaključivanjem posebnih sporazuma između te države i svake od Država pošiljalaca na koje se sporazum odnosi) na sve ili neke od teritorija za čije je međunarodne odnose odgovorna na području Severnoatlantskog ugovora. Ovaj sporazum će se proširiti na navedenu teritoriju ili teritorije trideset dana nakon što Vlada Sjedinjenih Američkih Država primi obaveštenje ili trideset dana od dana zaključenja posebnog sporazuma, ako je to potrebno, odnosno od dana stupanja na snagu u skladu s članom XVIII, zavisno od toga koji je datum kasniji.

3. Država koja je dala izjavu, u skladu sa stavom 2. ovoga člana, o proširenju ovog sporazuma na bilo koje područje za čije je međunarodne odnose odgovorna, može otkazati Sporazum za to područje prema odredbama člana XIX.

Potvrđujući gore navedeno, dole potpisani opunomoćenici potpisali su ovaj sporazum.

Sačinjeno u Londonu, 19. juna 1951. godine, na engleskom i francuskom jeziku, pri čemu su oba teksta jednake važnosti, u jednom originalnom primerku koji će biti deponovan u arhivi Vlade Sjedinjenih Američkih Država. Vlada Sjedinjenih Američkih Država će dostaviti overene kopije Sporazuma svim državama potpisnicama i onima koje mu pristupaju.



**Član 4.**

Naredni dodatni protokol iz člana 1. ovog zakona, upućuje na primenu Protokola o statusu međunarodnih vojnih štabova uspostavljenih u skladu sa Severnoatlantskim ugovorom, koji je sačinjen u Parizu, 28. avgusta 1952. godine.

Objavljuje se Protokol iz stava 1. ovog člana, koji u originalu na engleskom jeziku i u prevodu na srpski jezik glasi:

**Protocol  
on the Status of International Military Headquarters set up pursuant to  
the North Atlantic Treaty**

The parties to the North Atlantic Treaty signed in Washington on 4th April, 1949, Considering that international military Headquarters may be established in their territories, by separate arrangement, under the North Atlantic Treaty, and Desiring to define the status of such Headquarters and of the personnel thereof within the North Atlantic Treaty area,

Have agreed to the present Protocol to the Agreement signed in London on 19th June, 1951, regarding the Status of their Forces:

**Article I**

In the present Protocol the expression

- a. 'the Agreement' means the Agreement signed in London on 19th June, 1951, by the Parties to the North Atlantic Treaty regarding the status of their Forces;
- b. 'Supreme Headquarters' means Supreme Headquarters Allied Powers in Europe, Headquarters of the Supreme Allied Commander Atlantic and any equivalent international military Headquarters set up pursuant to the North Atlantic Treaty;
- c. 'Allied Headquarters' means any Supreme Headquarters and any international military Headquarters set up pursuant to the North Atlantic Treaty which is immediately subordinate to a Supreme Headquarters;
- d. 'North Atlantic Council' means the Council established by Article IX of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

**Article II**

Subject to the following provisions of this Protocol, the Agreement shall apply to Allied Headquarters in the territory of a Party to the present Protocol in the North Atlantic Treaty area, and to the military and civilian personnel of such Headquarters and their dependents included in the definitions in sub-paragraphs a., b. and c. of paragraph 1 of Article III of this Protocol, when such personnel are present in any such territory in connection with their official duties or, in the case of dependents, the official duties of their spouse or parent.

**Article III**

1. For the purpose of applying the Agreement to an Allied Headquarters the expressions 'force', 'civilian component' and 'dependent', wherever they occur in the Agreement shall have the meanings set out below:

- a. 'force' means the personnel attached to the Allied Headquarters who belong to the land, sea or air armed services of any Party to the North Atlantic Treaty;
- b. 'civilian component' means civilian personnel who are not stateless persons, nor nationals of any State which is not a Party to the Treaty, nor nationals of, nor ordinarily resident in the receiving State, and who are (i) attached to the Allied Headquarters and in the employ of an armed service of a Party to the North Atlantic Treaty or (ii) in such categories of civilian personnel in the employ of the Allied Headquarters as the North Atlantic Council shall decide;

- c. 'dependent' means the spouse of a member of a force or civilian component, as defined in sub-paragraphs a. and b. of this paragraph, or a child of such member depending on him or her support.

2. An Allied Headquarters shall be considered to be a force for the purposes of Article II, paragraph 2 of Article V, paragraph 10 of Article VII, paragraphs 2,3,4,7 and 8 of Article IX, and Article XIII, of the Agreement.

#### **Article IV**

The rights and obligations which the Agreement gives to or imposes upon the sending State or its authorities in respect of its forces or their civilian components or dependents shall, in respect of an Allied Headquarters and its personnel and their dependents to whom the Agreement applies in accordance with Article II of the present Protocol, be vested in or attached to the appropriate Supreme Headquarters and the authorities responsible under it, except that:

- a. the right which is given by Article VII of the Agreement to the military authorities of the sending State to exercise criminal and disciplinary jurisdiction shall be vested in the military authorities of the State, if any, to whose military law the person concerned is subject;
- b. the obligations imposed upon the sending state or its authorities by Article II, paragraph 4 of Article III, paragraphs 5 a. and 6 a. of Article VII paragraphs 9 and 10 of Article VIII, and Article XIII, of the Agreement , shall attach both to the Allied Headquarters and to any State whose armed service, or any member or employee of whose armed service, or the dependent of such member or employee, is concerned;
- c. for the purposes of paragraphs 2 a. and 5 of Article III, and Article XIV, of the Agreement the sending State shall be, in the case of members of a force and their dependents, the State to whose armed service the member belongs, or, in the case of members of a civilian component and their dependents, the State, if any, by whose armed service the member is employed;
- d. the obligations imposed on the sending State by virtue of paragraphs 6 and 7 of Article VIII of the Agreement shall attach to the State to whose armed service the person belongs whose act or omission has given rise to the claim or, in the case of a member of a civilian component, to the State by whose armed service he is employed or, if there is no such State, to the Allied Headquarters of which the person concerned is a member.

Both the State, if any, to which obligations attach under this paragraph and the Allied Headquarters concerned shall have the rights of the sending State in connection with the appointment of an arbitrator under paragraph 8 of Article VIII.

#### **Article V**

Every member of an Allied Headquarters shall have a personal identity card issued by the Headquarters showing names, date and place of birth, nationality, rank or grade, number (if any), photograph and period of validity. This card must be presented on demand.

## **Article VI**

1. The obligations to waive claims imposed on the Contracting Parties by Article VIII of the Agreement shall attach both to the Allied Headquarters and to any Party to this Protocol concerned.
2. For the purposes of paragraphs 1 and 2 of Article VIII of the Agreement,
  - a. property owned by an Allied Headquarters or by a Party to this Protocol and used by an Allied Headquarters shall be deemed to be property owned by a Contracting Party and used by its armed services;
  - b. damage caused by a member of a force or civilian component as defined in paragraph 1 of Article III of this Protocol or by any other employee of an Allied Headquarters shall be deemed to be damage caused by a member or employee of the armed services of a Contracting Party;
  - c. the definition of the expression 'owned by a Contracting Party' in paragraph 3 of Article VIII shall apply in respect of an Allied Headquarters.
3. The claims to which paragraph 5 of Article VIII of the Agreement applies shall include claims (other than contractual claims and claims to which paragraphs 6 or 7 of that Article apply) arising out of acts or omissions of any employees of an Allied Headquarters, or out of any other act, omission or occurrence for which an Allied Headquarters, or out of any other act, omissions or occurrence for which an Allied Headquarters is legally responsible, and causing in the territory of a receiving State to third parties, other than any of the Parties to this Protocol.

## **Article VII**

1. The exemption from taxation accorded under Article X of the Agreement to members of a force or civilian component in respect of their salaries and emoluments shall apply, as regards personnel of an Allied Headquarters within the definitions in paragraph 1 a. and b. (i) of Article 3 of this Protocol, to salaries and emoluments paid to them as such personnel by the armed service to which they belong or by which they are employed, except that this paragraph shall not exempt any such member or employee from taxation imposed by a State of which he is a national.
2. Employees of an Allied Headquarters of categories agreed by the North Atlantic Council shall be exempted from taxation on the salaries and emoluments paid to them by the Allied Headquarters in their capacity as such employees. Any Party to the present Protocol may, however, conclude an arrangement with the Allied Headquarters whereby such Party will employ and assign to the Allied Headquarters all of its nationals (except, if such Party so desires, any not ordinarily resident within its territory) who are to serve on the staff of the Allied Headquarters and pay the salaries and emoluments of such persons from its own funds, at a scale fixed by it. The salaries and emoluments so paid may be taxed by the Party concerned but shall be exempted from taxation by any other Party. If such an arrangement is entered into by any Party to the present Protocol and is subsequently modified or terminated, Parties to the present Protocol shall no longer be bound under the first sentence of this paragraph to exempt from taxation the salaries and emoluments paid to their nationals.

#### **Article VIII**

1. For the purpose of facilitating the establishment, construction, maintenance and operation of Allied Headquarters, these Headquarters shall be relieved, so far as practicable, from duties and taxes, affecting expenditures by them in the interest of common defence and for their official and exclusive benefit, and each Party to the present Protocol shall enter into negotiations with any Allied Headquarters operating in its territory for the purpose of concluding an agreement to give effect to this provision.
2. An Allied Headquarters shall have the rights granted to a force under Article XI of the Agreement subject to the same conditions.
3. The provisions in paragraphs 5 and 6 of Article XI of the Agreement shall not apply to nationals of the receiving States, unless such nationals belong to the armed services of a Party to this Protocol other than the receiving State.
4. The expression 'duties and taxes' in this Article does not include charges for services rendered.

#### **Article IX**

Except in so far as the North Atlantic Council may decide otherwise,

- a. any assets acquired from the international funds of an Allied Headquarters under its capital budget and no longer required by the Headquarters shall be disposed of under arrangements approved by the North Atlantic Council and the proceeds shall be distributed among or credited to the Parties to the North Atlantic Treaty in the proportions in which they have contributed to the capital costs of the Headquarters. The receiving State shall have the prior right to acquire any immovable property so disposed of in its territory provided that it offers terms no less favourable than those offered by any third party;
- b. any land, buildings or fixed installations provided for the use of an Allied Headquarters by the receiving State without charge to the Headquarters (other than a nominal charge) and no longer required by the Headquarters shall be handed back to the receiving State, and any increase or loss in the value of the property provided by the receiving State resulting from its use by the Headquarters shall be determined by the North Atlantic Council (taking into consideration any applicable law of the receiving State) and distributed among or credited or debited to the Parties to the North Atlantic Treaty in the proportions in which they have contributed to the capital costs of the Headquarters.

#### **Article X**

Each Supreme Headquarters shall possess juridical personality; it shall have the capacity to conclude contracts and to acquire and dispose of property. The receiving State may, however, make the exercise of such capacity subject to special arrangements between it and the Supreme Headquarters or any subordinate Allied Headquarters acting on behalf of the Supreme Headquarters.

#### **Article XI**

1. Subject to the provisions of Article VIII of the Agreement, a Supreme Headquarters may engage in legal proceedings as claimant or defendant. However, the receiving State and the Supreme Headquarters or any subordinate Allied Headquarters authorized by it may agree that the

receiving State shall act on behalf of the Supreme Headquarters in any legal proceedings to which that Headquarters is a party before the courts of the receiving State.

2. No measure of execution or measure directed to the seizure or attachment of its property or funds shall be taken against any Allied Headquarters, except for the purposes of paragraph 6 a. of Article VII and Article XIII of the Agreement.

#### **Article XII**

1. To enable it to operate its international budget, an Allied Headquarters may hold currency of any kind and operate accounts in any currency
2. The Parties to the present Protocol shall, at the request of an Allied Headquarters, facilitate transfers of the funds of such Headquarters from one country to another and the conversion of any currency held by an Allied Headquarters into any other currency, when necessary to meet the requirements of any Allied Headquarters.

#### **Article XIII**

The archives and other official documents of an Allied Headquarters kept in premises used by those Headquarters or in the possession of any properly authorized member of the Headquarters shall be inviolable, unless the Headquarters has waived this immunity. The Headquarters shall, at the request of the receiving State and in the presence of a representative of that State, verify the nature of any documents to confirm that they are entitled to immunity under this Article.

#### **Article XIV**

1. The whole or any part of the present Protocol or of the Agreement may be applied, by decision of the North Atlantic Council, to any international military Headquarters or organization (not included in the definitions in paragraphs b. and c. of Article I of this Protocol) which is established pursuant to the North Atlantic Treaty.
2. When the European Defence Community comes into being, the present Protocol may be applied to the personnel of the European Defence Forces attached to an Allied Headquarters and their dependents at such time and in such manner as may be determined by the North Atlantic Council

#### **Article XV**

All differences between the Parties to the present Protocol or between any such Parties and any Allied Headquarters relating to the interpretation or application of the Protocol shall be settled by negotiation between the parties in dispute without recourse to any outside jurisdiction. Except where express provision is made to the contrary in the present Protocol or in the Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

#### **Article XVI**

1. Articles XV and XVII to XX of the Agreement shall apply as regards the present Protocol as if they were an integral part thereof, but so that the Protocol may be reviewed, suspended, ratified, acceded to, denounced or extended in accordance with those provisions independently from the Agreement.

2. The present Protocol may be supplemented by bilateral agreement between the receiving State and a Supreme Headquarters, and the authorities of a receiving State and a Supreme Headquarters may agree to give effect, by administrative means in advance of ratification, to any provisions of this Protocol or of the Agreement as applied by it.

In witness whereof the undersigned Plenipotentiaries have signed the present Protocol. Done in Paris this 28th day of August 1952, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

## **Protokol o statusu međunarodnih vojnih štabova uspostavljenih u skladu sa Severnoatlantskim ugovorom**

Države članice Severnoatlantskog ugovora potpisanog u Vašingtonu 4. aprila 1949. godine,

Uzimajući u obzir da međunarodni vojni štabovi mogu biti uspostavljeni na njihovim teritorijama, na osnovu posebnog aranžmana i u skladu sa Severnoatlantskim ugovorom, i

U želji da definišu status takvih štabova i njihovog osoblja u okviru oblasti primene Severnoatlantskog ugovora,

Saglasili su se sa ovim protokolom Sporazuma potpisanog u Londonu 19. juna 1951. godine u vezi sa statusom njihovih snaga.

### **Član I**

U ovom protokolu izraz

- a. „Sporazum” znači Sporazum potpisan u Londonu 19. juna 1951. godine od strane država članica Severnoatlantskog ugovora u vezi sa statusom njihovih snaga;
- b. „Vrhovni štab” znači Vrhovni štab savezničkih snaga u Evropi, Štab vrhovnog komandanta savezničkih snaga za Atlantik i svaki ekvivalentni međunarodni vojni štab uspostavljen u skladu sa Severnoatlantskim ugovorom;
- v. „Štab savezničkih snaga” znači vrhovni štab i svaki međunarodni vojni štab uspostavljen u skladu sa Severnoatlantskim ugovorom koji je direktno podređen Vrhovnom štabu;
- g. „Severnoatlantski savet” znači Savet uspostavljen na osnovu člana IX Severnoatlantskog ugovora ili neko od njegovih pomoćnih tela ovlašćeno da deluje u njegovo ime.

### **Član II**

Na osnovu sledećih odredbi ovog protokola, Sporazum će se primenjivati na Štab savezničkih snaga na teritoriji države članice ovog protokola u oblasti primene Severnoatlantskog ugovora, kao i na vojno i civilno osoblje tog štaba i njihova izdržavana lica obuhvaćena definicijom u članu III, stav 1, podstavovi a, b. i v. ovog protokola, kada se takvo osoblje nalazi na toj teritoriji zbog vršenja njihovih zvaničnih dužnosti ili, u slučaju izdržavanih lica, zbog vršenja zvaničnih dužnosti njihovih supružnika odnosno roditelja.

### **Član III**

1. Za potrebe primene Sporazuma na Štab savezničkih snaga, izrazi „snage”, „civilna komponenta” i „izdržavano lice”, gde god da se pojave u Sporazumu imaće značenje definisano u nastavku teksta:
  - a. „snage” označava osoblje privremeno pridodato Štabu savezničkih snaga koje pripada koprenom, pomorskom i vazduhoplovnom vidu oružanih snaga svake države članice Severnoatlantskog ugovora;
  - b. „civilna komponenta” označava civilno osoblje koje ne čine osobe bez državljanstva, niti državljani zemlje koja nije država članica Severnoatlantskog ugovora, niti državljani ili rezidenti države



primaoca, i koji su (i) pridruženi Štabu savezničkih snaga a zaposleni su u vidovima te države članice Severnoatlantskog ugovora ili (ii) takve kategorije civilnog osoblja koje je zaposleno u Štabu savezničkih snaga u skladu sa odlukom Severnoatlantskog saveta;

- v. „Izdržavano lice” označava supružnika pripadnika snaga ili civilne komponente, kao što je definisano u podstavovima a. i b. ovog protokola, ili dete takvog pripadnika koje on izdržava.
2. Štab savezničkih snaga će se smatrati snagama za potrebe člana II, člana V stav 2, člana VII stava 10, člana IX stavovi 2, 3, 4, 7 i 8 i člana XIII Sporazuma.

#### Član IV

Prava i obaveze koje Sporazum garantuje ili nameće državi pošiljaocu ili njenim nadležnim organima u pogledu njihovih snaga ili njihove civilne komponente odnosno izdržavanih lica će, u odnosu na Štab savezničkih snaga i njegovo osoblje i njihova izdržavana lica, na koja se Sporazum primenjuje u skladu sa članom II ovog protokola, biti data ili pridodata Vrhovnom štabu ili njegovim nadležnim organima, osim što:

- a. će pravo na krivičnu i disciplinsku jurisdikciju koje je na osnovu člana VII Sporazuma dato vojnim organima Strane pošiljaoca, biti dato vojnim organima države, ukoliko ih ima, čijem vojnom zakonu podleže dotična osoba;
- b. će obaveze nametnute državi pošiljaocu ili njenim organima prema članu II, članu III stav 4, članu VII stavovi 5a. i 6a, članu VIII stavovi 9. i 10, i članu XIII Sporazuma, biti pridodate i Štabu savezničkih snaga i svakoj državi čije oružane snage ili čiji pripadnik odnosno zaposleni u oružanim snagama ili izdržavano lice takvog pripadnika ili zaposlenog su u pitanju;
- v. za potrebe člana III stavovi 2a. i 5. i člana XIV Sporazuma, država pošiljalac će biti, u slučaju pripadnika snaga i njihovih izdržavanih lica, država čijim oružanim snagama pripadnik pripada ili, u slučaju pripadnika civilne komponente i njihovih izdržavanih lica, država, ukoliko postoji, u čijim je oružanim snagama pripadnik zaposlen;
- g. obaveze nametnute državi pošiljaocu na osnovu člana VIII st. 6. i 7. Sporazuma, pridodaće se državi čijim oružanim snagama osoba pripada a čiji je postupak ili propust prouzrokovao potraživanja ili, u slučaju pripadnika civilne komponente, državi u čijim je oružanim snagama to lice zaposleno ili, ukoliko takva država ne postoji, Štabu savezničkih snaga čiji je dotična osoba pripadnik.

I država, ukoliko postoji, kojoj se prema ovom protokolu pridodaju obaveze i dotični Štab savezničkih snaga, imaće prava države pošiljaoca koja se odnose na imenovanje arbitra u skladu sa članom VIII stav 8.

#### Član V

Svaki pripadnik Štaba savezničkih snaga imaće ličnu identifikacionu kartu koju izdaje Štab a na kojoj je ime, datum i mesto rođenja, nacionalnost, čin ili nivo, broj (ako ga ima), fotografija i period važenja. Ova karta se mora pokazati na zahtev.

## Član VI

1. Obaveze odricanja od odštetnih zahteva koje su nametnute ugovornim stranama na osnovu člana VIII Sporazuma biće nametnute i Štabu savezničkih snaga i svakoj zainteresovanoj državi članici ovog protokola.
2. Za potrebe člana VIII st. 1. i 2. Sporazuma,
  - a. imovina u vlasništvu Štaba savezničkih snaga ili države članice ovog protokola a koju koristi Štab savezničkih snaga, smatraće se vlasništvom ugovorne strane koju koriste njene oružane snage;
  - b. šteta koju nanese pripadnik snaga ili civilne komponente kao što je definisano u članu III stav 1 ovog protokola smatraće se štetom koju je prouzrokovao pripadnik ili zaposleni oružanih snaga ugovorne strane;
  - v. definicija izraza „u vlasništvu ugovorne strane” u članu VIII stav 3 primenjivaće se na Štab savezničkih snaga.
3. Odštetni zahtevi na koje se primenjuje član VIII stav 5. Sporazuma obuhvataće odštetne zahteve (osim ugovornih odštetnih zahteva i zahteva na koji se primenjuju st. 6. i 7. tog člana) koji nastanu usled postupaka ili propusta bilo kojeg zaposlenog u Štabu savezničkih snaga ili usled nekog drugog postupka, propusta ili događaja za koje je Štab savezničkih snaga pravno nadležan i koji se dogodio na teritoriji države primaoca trećoj strani koja nije država članica ovog protokola.

## Član VII

1. Izuzeće od plaćanja poreza usaglašeno članom X Sporazuma za pripadnike snaga ili civilne komponente u pogledu njihovih plata i dohodaka primenjivaće se, u pogledu osoblja Štaba savezničkih snaga u okviru definicija člana III stavovi 1a. i b. (i) ovog protokola, na plate i dohotke koje tom osoblju isplaćuju oružane snage kojima oni pripadaju ili koje su ih zaposlile, osim što ovaj stav ne izuzima od plaćanja poreza svakog pripadnika ili zaposlenog koje nameće država čiji je državljanin.
2. Kategorije zaposlenih u Štabu savezničkih snaga koje Severnoatlantski savet odobri biće oslobođeni plaćanja poreza na plate i dohotke koje im Štab savezničkih snaga uplati u njihovom svojstvu takvih zaposlenih. Svaka država članica ovog protokola međutim, može zaključiti aranžman sa Štabom savezničkih snaga prema kojem će takva država članica angažovati i dodeliti Štabu savezničkih snaga sve svoje državljane (osim, ako ta država članica posebno ne želi, lica bez stalnog boravišta na njenoj teritoriji) koji će služiti kao osoblje Štaba savezničkih snaga i isplaćivati plate i dohotke tim licima iz sopstvenih fondova prema utvrđenoj tabeli. Tako isplaćene plate i dohoci dotična država članica može oporezovati ali će biti izuzeti od plaćanja poreza bilo kojoj drugoj državi članici. Ukoliko država članica ovog protokola zaključi takav aranžman i on se naknadno izmeni ili otkaže, države članice ovog protokola neće više biti obavezane prvom rečenicom ovog stava o izuzeću od plaćanja poreza na plate i dohotke isplaćene svojim državljanima.

## Član VIII

1. Radi olakšavanja uspostavljanja, izgradnje, održavanja i rada Štaba savezničkih snaga, ovi štabovi će biti oslobođeni, u meri u kojoj je to izvodivo, carinskih dažbina i poreza koji se odnose na njihove troškove u interesu zajedničke odbrane i za njihovu zvaničnu i isključivu dobrobit i

svaka država članica ovog protokola započeće pregovore sa svakim Štabom savezničkih snaga na svojoj teritoriji radi zaključivanja aranžmana kojim će se sprovesti ova odredba.

2. Štab savezničkih snaga užiće prava koja se daju snagama prema članu XI Sporazuma pod istim uslovima.
3. Odredbe člana XI st. 5. i 6. Sporazuma neće se primenjivati na državljane država primalaca osim ako ti državljani ne pripadaju oružanim snagama države članice ovog protokola koja nije država primalac.
4. Izraz „carinske dažbine i porezi” iz ovog člana ne obuhvata namete za pružene usluge.

#### **Član IX**

Osim ako Severnoatlantski savet ne odluči drugačije,

- a. sva imovina nabavljena iz međunarodnih fondova Štaba savezničkih snaga u okviru njegovog kapitalnog budžeta i koja više nije potrebna Štabu savezničkih snaga biće rashodovana prema aranžmanima odobrenim od strane Severnoatlantskog saveta i prihod će biti raspodeljen ili poveren državama članicama Severnoatlantskog ugovora u srazmeri u kojoj su dale doprinos za kapitalne troškove Štaba. Država primalac će imati prioritet prilikom sticanja tako rashodovane nepokretne imovine na svojoj teritoriji pod uslovom da ponudi uslove koji nisu nepovoljniji od onih koje ponudi neka treća strana;
- b. sva zemlja, zgrade ili fiksne instalacije koje država primalac besplatno da na upotrebu Štabu savezničkih snaga (osim nominalnih troškova) i koje više nisu potrebne Štabu biće vraćene državi primaocu i Severnoatlantski savet će utvrditi (uzimajući u obzir svaki važeći zakon države primaoca) svako povećanje ili smanjenje vrednosti imovine koju pruži država primalac nastalo usled korišćenja od strane Štaba koje će biti raspodeljeno, povereno ili stavljeno na teret državama članicama Severnoatlantskog ugovora u srazmeri u kojoj su dale doprinos za kapitalne troškove Štaba.

#### **Član X**

Svaki Vrhovni štab će imati status pravnog lica; imaće ovlašćenje da zaključuje ugovore, nabavlja i prodaje imovinu. Međutim, država primalac može koristiti to ovlašćenje u skladu sa posebnim aranžmanima između nje i Vrhovnog štaba ili drugog podređenog Štaba savezničkih snaga koji deluje u ime Vrhovnog štaba.

#### **Član XI**

1. U skladu sa odredbama člana VIII Sporazuma, Vrhovni štab se može uključiti u pravni postupak kao tužilac ili optuženi. Međutim, država primalac i Vrhovni štab ili neki podređeni ovlašćeni Štab savezničkih snaga mogu pristati da država primalac deluje u ime Vrhovnog štaba u svakom pravnom postupku u kojem je Štab jedna od strana na sudu države primaoca.
2. Neće se preduzeti ni jedna izvršna mera ili mera usmerena ka zapleni ili preuzimanja imovine ili sredstava bilo kog Štaba savezničkih snaga osim za potrebe člana VII stav 6a. i člana XIII Sporazuma.

### **Član XII**

1. Da bi se Štabu savezničkih snaga omogućilo upravljanje svojim međunarodnim budžetom, on može koristiti bilo koju valutu i upravljati računima u bilo kojoj valuti.
2. Države članice ovog protokola će po zahtevu Štaba savezničkih snaga olakšati transfer sredstava tog Štaba iz jedne zemlje u drugu kao i konverziju bilo koje valute u vlasništvu Štaba savezničkih snaga u bilo koju drugu valutu kada je to neophodno da bi se zadovoljili zahtevi nekog Štaba savezničkih snaga.

### **Član XIII**

Arhiva i drugi zvanični dokumenti Štaba savezničkih snaga koji se čuvaju u prostorijama koje taj Štab koristi ili su u vlasništvu bilo kog propisno ovlašćenog pripadnika Štaba biće nepovredivi osim ako Štab odbije njihov imunitet. Štab će po zahtevu države primaoca i u prisustvu predstavnika te države, proveriti prirodu svakog dokumenta radi potvrde da podležu imunitetu u skladu sa ovim članom.

### **Član XIV**

1. Po odluci Severnoatlantskog saveta, ovaj protokol se može u celosti ili delimično primeniti na bilo koji međunarodni vojni štab ili organizaciju (koji nisu obuhvaćeni definicijama u članu I stavovi b. i v. ovog protokola) koji se uspostave u skladu sa Severnoatlantskim ugovorom.
2. Po uspostavljanju Evropske odbrambene zajednice, ovaj protokol se može primenjivati na osoblje evropskih odbrambenih snaga koje je pridodato Štabu savezničkih snaga i na njihova izdržavana lica u vreme i na način koje utvrdi Severnoatlantski savet.

### **Član XV**

Sva sporna pitanja između država članica ovog protokola ili između jedne države članice i nekog Štaba savezničkih snaga koja se odnose na tumačenje i primenu Protokola, rešavaće se pregovorima između strana u sporu bez predavanja u nadležnost nekom drugom pravnom telu. Osim ako postoji izričita odredba u ovom protokolu ili u Sporazumu da se postupi drugačije, sporovi koji se ne mogu rešiti direktnim pregovorima, predaće se u nadležnost Severnoatlantskom savetu.

### **Član XVI**

1. Članovi XV i od XVII do XX Sporazuma primenjivaće se u pogledu ovog protokola kao da su njegov integralni deo ali tako da se Protokol može revidirati, suspendovati, ratifikovati, da se njemu može pristupiti, da se može osporiti ili produžiti u skladu sa tim odredbama nezavisno od Sporazuma.
2. Ovaj protokol se može dopuniti uz bilateralnu saglasnost Države primaoca i Vrhovnog štaba, a nadležni organi Države primaoca i Vrhovni štab se mogu dogovoriti da administrativnim putem pre ratifikacije primene sve odredbe ovog protokola ili Sporazuma kako je njima propisano.

Kao potvrdu toga dole potpisani punomoćnici potpisali su ovaj protokol. Sačinjeno u Parizu, 28. dana avgusta 1952. godine na engleskom i francuskom jeziku pri čemu su oba teksta jednake važnosti, u jednom primerku koji će biti deponovan u arhivi Vlade Sjedinjenih Američkih Država. Vlada Sjedinjenih Američkih Država će dostaviti overene kopije dokumenta svim potpisnicama i državama koje mu pristupaju.

#### **Član 5.**

Rezerve Republike Srbije na Sporazum između strana Severnoatlantskog ugovora o statusu njihovih snaga, glase:

Prihvatanje jurisdikcije vojnih organa Države pošiljaoca u skladu sa članom VII Sporazuma između država članica Severnoatlantskog ugovora o statusu njihovih snaga, u slučaju Republike Srbije ne može se primeniti na vršenje jurisdikcije sudova Države pošiljaoca, na teritoriji Republike Srbije.

Republika Srbija će predati pripadnike snaga, odnosno civilne komponente ili njihova izdržavana lica vlastima Države pošiljaoca u skladu sa članom VII stav 5. tačka a. Sporazuma između država članica Severnoatlantskog ugovora o statusu njihovih snaga, pod uslovom da Država pošiljalac neće izreći smrtnu kaznu prilikom vršenja krivične jurisdikcije u skladu sa odredbama navedenog člana.

#### **Član 6.**

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom glasniku Republike Srbije - Međunarodni ugovori”.