

# **ZAKON**

## **O POTVRĐIVANJU SPORAZUMA IZMEĐU VLADE REPUBLIKE SEVERNE MAKEDONIJE I SAVETA MINISTARA REPUBLIKE ALBANIJE, SAVETA MINISTARA BOSNE I HERCEGOVINE, VLADE CRNE GORE, VLADE REPUBLIKE SRBIJE I VLADE REPUBLIKE SLOVENIJE O ARANŽMANIMA ZEMLJE DOMAĆINA U VEZI SA STATUSOM STALNE ORGANIZACIJE BALKANSKIH VOJNOMEDICINSKIH SNAGA I NJENOG OSOBLJA**

### **Član 1.**

Potvrđuje se Sporazum između Vlade Republike Severne Makedonije i Saveta ministara Republike Albanije, Saveta ministara Bosne i Hercegovine, Vlade Crne Gore, Vlade Republike Srbije i Vlade Republike Slovenije o aranžmanima zemlje domaćina u vezi sa statusom Stalne organizacije Balkanskih vojnomedicinskih snaga i njenog osoblja, koji je potpisan u Beogradu, 11. aprila 2022. godine, u originalu na engleskom jeziku.

### **Član 2.**

Tekst Sporazuma u originalu na engleskom jeziku i u prevodu na srpski jezik glasi:

**AGREEMENT**

**AMONG**

**THE GOVERNMENT OF THE REPUBLIC OF NORTH MACEDONIA**

**AND**

**THE COUNCIL OF MINISTERS OF THE REPUBLIC OF ALBANIA,**

**THE COUNCIL OF MINISTERS OF BOSNIA AND HERCEGOVINA,**

**THE GOVERNMENT OF MONTENEGRO,**

**THE GOVERNMENT OF THE REPUBLIC OF SERBIA,**

**AND THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA**

**ON**

**THE HOST NATION ARRANGEMENTS**

**ON THE STATUS OF THE BALKAN MEDICAL TASK FORCE  
STANDING ORGANIZATION AND ITS PERSONNEL**

The Government of the Republic of North Macedonia, on the one side

and

The Council of Ministers of the Republic of Albania, the Council of Ministers of Bosnia and Herzegovina, the Government of Montenegro, the Government of the Republic of Serbia and the Government of the Republic of Slovenia on the other side hereinafter jointly referred to as “the Parties”;

**Building** upon the commitments of the Agreement among the Council of Ministers of the Republic of Albania, the Council of Ministers of Bosnia and Herzegovina, the Government of the Republic of Macedonia, the Government of Montenegro, the Government of the Republic of Serbia and the Government of the Republic of Slovenia on the establishment of the Balkan Medical Task Force (BMTF), last signed on 14 January 2016;

**Noting** that the Memorandum of Understanding (MoU) outlines the regulation on operating, funding, manning and infrastructure of the Balkan Medical Task Force as well as for its administrative and logistical support,

**Recalling** that the South-Eastern Europe Clearinghouse (SEEC) has been an active and fruitful forum for cooperation and open discussions within the field of defense and security. It has contributed to security sector reform, increased regional co-operation and fostered smart defense initiatives like the establishment of Balkan Medical Task Force. The functionalities of SEEC remain in the framework of the Western Balkans Defence Policy Directors (WBDDPD).

**Considering** the Vienna Convention on Diplomatic Relations, dated 18 April 1961, being applicable to this Agreement;

**Recognizing** the establishment of the Balkan Medical Task Force as a multinational medical unit based on the existing military medical capabilities of the Parties;

Have agreed as follows:

## **Article 1**

### **Purpose and Objective**

1. The purpose of this Agreement is to regulate the status of the Balkan Medical Task Force Standing Organization (SO), its premises and staff.
2. The objective of this Agreement is to enable the SO to conduct (discharge) its duties and functions efficiently through the fully operational seat of the SO.

## **Article 2**

### **Definitions**

For the purposes of this present Agreement:

- a) Balkan Medical Task Force (BMTF): multinational medical military unit composed of medical modules formed by contributions of the Parties.
- b) SO: a permanent peacetime body of the BMTF responsible for organizing and planning the training activities and peacetime and/or contingency operations of the BMTF, located in Skopje, Republic of North Macedonia.
- c) Host Nation (HN): the Republic of North Macedonia hosting the BMTF SO.
- d) Steering Board (SB): the highest decision making body, consisting of authorized political and military representatives from each Party.
- e) Premises of the SO: Ilinden Barracks, Skopje.
- f) "Commander of the BMTF" means an official appointed as the Head of the BMTF, which acts also as commander of SO.
- g) "Official" means staff member of the SO.
- h) "Representative" means authorized representative to the so the BMTF.
- i) "Expert" means a person performing temporary mission for the BMTF other than under "g" and "h" of this Article.
- j) "Administrative and Technical Staff" means employees engaged in technical and administrative service of the SO.
- k) "Service Staff means employees providing domestic services for the BMTF.

## **Article 3**

### **Seat**

The SO is hereby established. The seat of the SO is in Ilinden Barracks, Skopje, the Republic of North Macedonia.

## **Article 4**

### **Legal Status**

1. The SO shall have legal personality and legal capacity necessary for carrying out its functions as to conclude contracts, to acquire and dispose movable and immovable property and to establish legal proceedings in accordance with the legislation of the Host Nation.
2. The SO shall be entitled to the same privileges and immunities as the ones accorded to the diplomatic missions in the Host Nation, in line with the Vienna Convention on Diplomatic Relations.
3. The Host Nation shall assist in the procedure of obtaining relevant documents for regulating legal status of the SO, in order this status to be achieved within 60 days from signing of this Agreement.

4. Should any form of expropriation be necessary, all appropriate action will be taken to prevent the exercising of the functions of the SO being impeded in any way. In this case Host Nation will give its assistance to enable relocation of the SO.

#### **Article 5**

##### **Host Nation contributions**

1. The Host Nation shall provide to the SO for duration of this Agreement, free of charge, the necessary facilities, including convenient and appropriate premises for effective performance of its functions.
2. The premises shall be made available upon signature of this Agreement.
3. Host Nation will provide a sufficient premises insurance.
4. The Host Nation shall provide to the SO personnel first aid; other support by the Host Nation military medical service system will be rendered in accordance to the applicable international agreements.

#### **Article 6**

##### **Internal regulations of the SO**

The SO may issue the necessary internal regulations concerning the implementation and organization of its functions, in line with the Agreement and MoU.

#### **Article 7**

##### **Visual identity**

1. The SO may display the BMTF items of visual identity (e.g. flag and logo) as adopted by the SB, on its premises and on motor vehicles used for official purposes.
2. Motor vehicles that belong to the SO shall be entitled to diplomatic registration plates and to appropriate status.

#### **Article 8**

##### **The Freedom of SO Functioning**

The Host Nation shall guarantee the SO a freedom of daily functioning.

#### **Article 9**

##### **Inviolability**

1. The premises of the SO shall be inviolable. Competent authorities of the Host Nation shall have the right to enter the premises of the SO in order to perform their duties, only with consent of the Command of the SO or duly authorized Officials of the SO, under conditions agreed by them.
2. The HN shall take all measures in order to protect the SO's premises against any intrusions or damages, and to prevent damaging of its dignity.
3. Records and archive of the SO as well as documentation including computer programs and photographs belonging to it or being in its possession shall be inviolable.
4. The SO shall ensure that its premises do not become a shelter for persons trying to avoid arrest at command issued by the authorities of the Host Nation, or for persons who are trying to avoid the execution of legal procedure or for persons for whom extradition or deportation order was issued.

## **Article 10**

### **Exemption from court proceedings and executions**

1. The SO shall enjoy an exemption from court proceedings and executions in the Host Nation except in cases:
  - a) when SO competent body has authorized waiver of immunity from court proceedings. Waiver of immunity from court proceedings shall not be held to imply in respect to any measures of execution or detention of property;
  - b) counter-claims in direct connection to procedure initiated by the SO.
2. SO shall endeavour to resolve through negotiation or if such negotiations fail by means of alternative dispute resolution of disputes arising from:
  - a) any agreement on purchase of goods and services, any loan or other transaction to provide financing, as well as any guarantee relationship or indemnification related to any such transaction or any other financial obligation;
  - b) lawsuits under Labour Law.
3. The SO, in terms of its movable and immovable property, wherever located and by whomsoever held in the Host Nation/ shall be exempted from any measure of execution. including confiscation, deprivation, freezing or any other form of execution or sequestration or any other deprivation of property provided for by the laws of the Host Nation.

## **Article 11**

### **Communication**

1. Freedom of communication for its official purposes shall be guaranteed to the SO. The SO shall, in terms of its official communication, be provided with the same treatment which is accorded to diplomatic missions in the Host Nation.
2. The SO may use the appropriate communication tools and shall have the right to use codes in its official communication. It shall also have the right to send and receive correspondence via properly identified couriers or in packages that shall be given the same privileges and enjoy exemptions as diplomatic couriers or diplomatic packages.
3. Official correspondence and other official communication of the SO, when properly identified shall not be censored.

## **Article 12**

### **Publications**

Import and export of publications for the needs of the SO as well as of other information material that the SO imports or exports within its official activities, shall not be the subject to restrictions of any kind.

## **Article 13**

### **Utility Services**

1. Competent authorities of the Host Nation shall be obligated to, at request of the SO and under the just conditions, provide utility services to SO, which it needs in order to perform its functions, including, but not being limited to, post services, phone, electricity, water, sewerage, gas, garbage pick-up services and fire fighting protection.

2. Prices for utility services under the previous paragraph shall not exceed the lowest comparable prices approved to diplomatic missions.
3. In case of termination or indication of termination of the aforementioned utility services, the SO shall be given the same priority as to diplomatic missions, for the requirements of its official functions.
4. At request of competent authorities of the Host Nation, the Commander of the SO shall be responsible to ensure to appropriately authorized representatives of utility service companies, to check, repair, maintain and relocate installations in the SO's premises, at appropriate time, under conditions that will not affect the functioning of the SO.

#### **Article 14**

##### **Exemption from Duties and Taxes**

1. The SO, its funds, income and other property shall be exempted from direct duties and taxes. This exemption shall not be applied to taxes and appropriations considered utility services taxes offered at fixed prices, in line with the quantity of provided services, which can be identified, described and divided.
2. In terms of value added tax included in prices or separately calculated, exemption shall be applied only on items acquired for official usage of the SO, whereas goods purchased for its usage, for which exemptions apply in line with this provision, must not be sold, given as a gift or in any other way deprived except in line with conditions agreed with the Government.
3. The SO shall be exempted from the state and local rates or fees, except rates or fees calculated as the price of actually rendered services.
4. The SO will not, as general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid.

#### **Article 15**

##### **Exemption from Customs and Treatment**

1. Customs treatment of items for the SO shall be equally favourable as the ones recorded to diplomatic missions in the Host Nation.
2. Goods imported or exported for the purpose of official use by the SO shall be exempted from payment of customs duties, taxes and fees.

#### **Article 16**

##### **Free disposal of funds and freedom of business**

The SO, for the purpose of executing its functions, shall have the right to receive, keep, convert and transfer all funds, currencies, cash and other transferable values, and freely dispose with them, perform business without restrictions, in line with the legislation of the Host Nation.

#### **Article 17**

##### **Privileges and Immunities of the Members of the SO**

1. During the time of performance of duty in the Host Nation, the Commander of the SO, provided that he/she is not a national of the Host Nation shall be entitled to the same privileges and immunities as the ones accorded to the head of diplomatic missions in the Host Nation.
2. During the time of performance of duty in the Host Nation, the Officials of the SO, provided that they are not nationals of the Host Nation shall be entitled to the

same privileges and immunities as the ones accorded to the diplomatic agents in the Host Country.

3. Members of the Administrative and Technical Staff, provided that they are not nationals of the Host Nation shall be entitled to the same privileges and immunities as the ones accorded to the administrative and technical personnel of diplomatic missions in the Host Nation.
4. The Government shall take all the necessary measures to facilitate the entry, into, departure from and residence in the Host Nation of the Commander of SO, Officials, Representatives, Experts and Administrative and Technical staff and their family members.
5. The family members of the SO personnel living in the same household shall be entitled to the same privileges and immunities as the ones accorded to the family members of diplomatic agents of comparable rank in the Host Nation.
6. SO personnel and members of their family, Representatives and Experts, which may require visa for performing professional activities in duration proportional to the duration of their mission, as well as permission for temporary residence shall be granted visa free of charge.

### **Article 18**

#### **Access to the Labour Market**

Under special conditions and within the limits of the relevant Host Nation Legislation, the spouses and children forming part of household of the members of the SO shall enjoy access to the labour market provided they reside in the Host Nation as the principal holder of the identity card, as long as they are not citizens of the Host Nation.

### **Article 19**

#### **Social Security**

Commander of BMTF, Officials, Experts and Technical and Administrative Staff, provided that they are not nationals of the Host Nation shall be exempted from paying obligatory contributions, in connection to any type of social security in the Host Nation.

### **Article 20**

#### **Officials**

1. Without prejudice to privileges and immunities provided in Article 17, Officials in the Host Nation shall enjoy the right to import for personal use, free from customs and other taxes or duties, under condition those are not taxes for rendered utility services, as well as exemption from import restrictions and limitations of import and export of:
  - a) their furniture and personal belongings at the moment when they first take their duty, in one or more separate shipments, and
  - b) one motor vehicle every four years.
2. The way in which imported goods will be disposed with, with exemption from payment of import duties, shall be applied in line with regulations on duty, tax and other facilities to which foreign diplomatic and consular representative office in the Host Nation are entitled.



## **Article 21**

### **Experts**

Experts shall enjoy the following privileges and exemptions in the Host Nation:

- a) exemption from court proceedings in respect of words spoken or written as well as all acts carried out by them in the performance of their official functions, even after they cease to be the Officials of the SO;
- b) exemption from check and seizure of personal and official luggage;
- c) inviolability of official documentation, data and other material;
- d) exemption from immigration restrictions, and obligation to register themselves, their members of their families living in the same household;
- e) equal protection and facilities in repatriation, for them, their members of their families living in the same household, accorded to the members of comparable rank in diplomatic missions.

## **Article 22**

### **Representatives**

Representatives shall enjoy the following exemptions, during the period of execution of their responsibilities in the Host Nation as well as during their trip on the territory of the Host Nation:

- a) exemption from court proceedings, in respect of words spoken or written as well as all acts carried out by them in the performance of their official functions, even after they cease to be the representatives;
- b) exemption from check and seizure of personal luggage;
- c) inviolability of official documentation, data and other material;
- d) exemption from immigration restrictions.

## **Article 23**

### **Citizens of the Host Nation and persons with Permanent residence permit**

Officials, Experts, and Administrative and Technical Staff who are citizens of the Host Nation or persons with permanent residence permit in the Host Nation, or personnel seconded by the Ministry of Defence of the Host Country shall be entitled only to privileges and immunities stated under Article 20, Paragraph 1, items a and b.

## **Article 24**

### **Administrative, Technical and Service Staff**

The SO shall have the right to engage Administrative Technical and Service Staff, who are citizens of the Host Nation and persons with permanent residence permit in the Host Nation in line with the laws of the Host Nation.

## **Article 25**

### **Exception to Immunity from Legal Proceedings and Execution**

Officials, Experts and Representatives shall not enjoy immunity in terms of civil action by third party for damages arising from a road traffic accident caused by motor vehicle operated by SO personnel where these damages are not recoverable from insurance.

## **Article 26**

### **The Purpose of Privileges and Exemptions**

1. Privileges and immunities under this Agreement are granted in the interests of the SO and not for the personal benefits of the individuals themselves.
2. Their purpose is solely to provide freedom of actions of the SO under all circumstances as well as full independence of mentioned persons in performing their duties for the SO.
3. The BMTF competent body shall have a right and duty to waive immunity of any Member of the SO in any case where in its opinion; the immunity would impede the course of justice and can be waived without prejudice to the interest of the BMTF. Waiver of immunity from jurisdiction in respect of administrative proceeding shall not be held to imply waiver of immunity in respect of the executing of the judgment, for which a separate waiver of immunity shall be necessary.

## **Article 27**

### **Notification**

1. The SO shall notify to the Ministry of Foreign Affairs of the Host Nation the names of the Commander, Officials, Experts, Administrative and Technical Staff, as well as of the members of their families immediately or, at latest, within three days as of the date of their arrival. The SO shall also notify the termination of the mandate of Commander or any Official, Expert or Administrative and Technical Staff as well as, where appropriate, the fact that a person ceases to be a member of their family.
2. The Ministry of Foreign Affairs of the Host nation shall issue to the Commander, Officials, Experts, Administrative and Technical Staff and to members of their families appropriate identity cards.

## **Article 28**

### **Not Assuming Responsibility by the Host Country**

The Host Nation shall not assume any international responsibilities for actions or omissions made by the SO at its territory.

## **Article 29**

### **Security Issues**

1. Nothing in this Agreement shall preclude the right of the Government of the Host Nation to apply all appropriate measures of protection in the interest of public security. Nothing in this Agreement shall prevent implementation of the laws of the Host Nation, necessary for perseverance of health or public order.
2. Should the Government of the Host Nation consider necessary to apply provisions of the Paragraph 1 of this Article, as soon as circumstances allow, it shall establish the connection with the SO in order to make a joint decision on measures that might be necessary to protect the interest of the SO.
3. The SO shall be obligated to cooperate with authorities of the Host Nation in order to prevent any impediment of public security due to any activity carried out by the SO.

### **Article 30**

#### **Settlement of Disputes**

All disputes concerning the interpretation and implementation of this Agreement shall be settled through negotiations between the Parties.

### **Article 31**

#### **Amendments**

This Agreement may be amended by mutual written consent of the Parties to this Agreement. Amendments shall enter into force and apply provisionally in accordance with Article 32 of this Agreement.

### **Article 32**

#### **Entry into Force**

1. This Agreement shall enter into force on the date of the receipt of the last notification of the Parties, including the Host Nation, by the Ministry of Foreign Affairs of the Host Nation about the completion of their internal requirements for its entry into force.
2. The accession of any new Party to this Agreement will be done through a Note of Accession (NOA), to be signed by the new Party and the existing Parties. NOA shall enter into force in accordance with paragraph 1.
3. After signing the Agreement one (1) original will be deposited with the Government of the Host Nation which shall serve as the Depository. The parties shall retain one (1) original copy each and the Depository shall provide the SO with a duly certified copy thereof.
4. This Agreement will apply provisionally as of the day of its signing.

### **Article 33**

#### **Duration, Denunciation, Withdrawal and Termination**

1. This Agreement shall remain in force for an unlimited period as long as the Agreement among the Council of Ministers of the Republic of Albania, the Council of Ministers of Bosnia and Herzegovina, the Government of the Republic of Macedonia, the Government of Montenegro, the Government of the Republic of Serbia and the Government of the Republic of Slovenia on the establishment of the Balkan Medical Task Force, last signed on 14 January 2016 is in force.
2. The Government of the Host Nation shall be entitled to denounce this Agreement, notifying the Parties in written form. In that case, this Agreement shall be terminated six (6) months as of the receipt of this notification.
3. Each Party may withdraw from this Agreement notifying the Depository and the other Parties in written form. In that case, this Agreement shall cease to be in force for that Party six (6) months as of the receipt of the notice by the depository.

In witness thereof, the undersigned Representatives, duly authorized by their respective Governments, have signed this agreement.

Signed in six (6) original copies in the English language.

**For the Government of the Republic of North Macedonia:**

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Signed in Skopje on 12.05.2022

**For the Council of Ministers of the Republic of Albania**

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Signed in Tirana on 06.05.2022

**For the Council of Ministers of Bosnia and Herzegovina:**

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Signed in Sarajevu on 25.04.2022.

**For the Government of Montenegro:**

\_\_\_\_\_ MINISTER OF DEFENCE

Signed in Podgorica on 6. April 2022

**For the Government of the Republic of Serbia:**

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Signed in Belgrade on 11. April 2022



**For the Government of the Republic of Slovenia:**

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Signed in Ljubljana on 19. April 2022

**SPORAZUM**

**IZMEĐU**

**VLADE REPUBLIKE SEVERNE MAKEDONIJE**

**I**

**SAVETA MINISTARA REPUBLIKE ALBANIJE,**

**SAVETA MINISTARA BOSNE I HERCEGOVINE,**

**VLADE CRNE GORE,**

**VLADE REPUBLIKE SRBIJE,**

**I VLADE REPUBLIKE SLOVENIJE**

**O**

**ARANŽMANIMA ZEMLJE DOMAĆINA**

**U VEZI SA STATUSOM STALNE ORGANIZACIJE BALKANSKIH  
VOJNOMEDICINSKIH SNAGA I NJENOG OSOBLJA**

Vlada Republike Severne Makedonije, sa jedne strane

i

Savet ministara Republike Albanije, Savet ministara Bosne i Hercegovine, Vlada Crne Gore, Vlada Republike Srbije i Vlada Republike Slovenije sa druge strane, u daljem tekstu pod zajedničkim nazivom: Strane;

**Polazeći od** obaveza Sporazuma između Saveta ministara Republike Albanije, Saveta ministara Bosne i Hercegovine, Vlade Republike Makedonije, Vlade Crne Gore, Vlade Republike Srbije i Vlade Republike Slovenije o osnivanju Balkanskih vojnomedicinskih snaga (BMS), potpisanog 14. januara 2016. godine;

**Konstatujući da** se Memorandumom o razumevanju (Memorandum), utvrđuju pravila rada, finansiranja, popune ljudstvom i infrastruktura Balkanskih vojnomedicinskih snaga kao i za njihovu administrativnu i logističku podršku;

**Podsećajući da** je Forum za pomoć zemljama Jugoistočne Evrope u oblasti odbrane (SEEC) bio aktivan i plodan forum za saradnju i otvorene razgovore u oblasti odbrane i bezbednosti. Doprineo je reformi sektora bezbednosti, većoj saradnji u regionu i negovao inicijative pametne odbrane kao što je uspostavljanje Balkanskih vojnomedicinskih snaga. Funkcije SEEC zadržane su u okviru Političkih direktora ministarstava odbrane zemalja Zapadnog Balkana;

**Imajući u vidu** da se na ovaj sporazum primenjuje Bečka konvencija o diplomatskim odnosima od 18. aprila 1961;

**Potvrđujući** osnivanje Balkanskih vojnomedicinskih snaga kao multinacionalne medicinske jedinice zasnovane na postojećim vojnomedicinskim sposobnostima Strana;

sporazumeli su se o sledećem:

## **Član 1.**

### **Svrha i cilj**

1. Svrha ovog sporazuma je da se reguliše status Stalne organizacije Balkanskih vojnomedicinskih snaga (SO), njenih prostorija i osoblja.
2. Cilj ovog sporazuma je da se omogući SO da efikasno sprovodi (izvršava) svoje dužnosti i funkcije kroz potpuno operativno sedište SO.

## **Član 2.**

### **Definicije**

Za svrhe ovog sporazuma:

- a) Balkanske vojnomedicinske snage (BMS): multinacionalna medicinska vojna jedinica sastavljena od medicinskih modula koji se formiraju od doprinosa Strana.
- b) SO: stalno mirnodopsko telo BMS odgovorno za organizovanje i planiranje aktivnosti obuke i mirnodopskih i/ili nepredviđenih operacija BMS, koje se nalazi u Skoplju, u Republici Severnoj Makedoniji.
- c) Zemlja domaćin (ZD): Republika Severna Makedonija koja je domaćin SO BMS.
- d) Upravni odbor (UO): najviši organ odlučivanja koji se sastoji od ovlašćenih političkih i vojnih predstavnika svake Strane.
- e) Prostorije SO: kasarna Ilinden u Skoplju.
- f) „komandant BMS” je službeno lice imenovano za načelnika BMS a koji istovremeno vrši dužnost komandanta SO.
- g) „službeno lice” je član osoblja SO.
- h) „predstavnik” je ovlašćeni predstavnik UO BMS.
- i) „stručnjak” je lice koje obavlja privremeni zadatak za BMS osim lica pod tačkama „g” i „h” ovog člana.
- j) „administrativno i tehničko osoblje” su zaposlena lica angažovana u tehničkoj i administrativnoj službi SO.
- k) „pomoćno osoblje” su zaposlena lica koja pružaju lokalne usluge za BMS.

## **Član 3.**

### **Sedište**

Ovim se formira SO. Sedište SO je u kasarni Ilinden, u Skoplju, Republika Severna Makedonija.

## **Član 4.**

### **Pravni status**

1. SO ima svojstvo pravnog lica i pravnu sposobnost neophodnu za obavljanje svojih funkcija da zaključuje ugovore, da stiče i raspolaže pokretnom i nepokretnom imovinom i da vodi pravne postupke u skladu sa zakonodavstvom Zemlje domaćina.
2. SO ima pravo na iste privilegije i imunitete kao i oni koji se dodeljuju diplomatskim predstavništvima u Zemlji domaćinu, u skladu sa Bečkom konvencijom o diplomatskim odnosima.

3. Zemlja domaćin dužna je da pruži pomoć u postupku pribavljanja relevantnih dokumenata za regulisanje pravnog statusa SO, kako bi se ovaj status dobio u roku od 60 dana od potpisivanja ovog sporazuma.
4. Ukoliko bude potreban bilo koji oblik eksproprijacije, biće preduzete sve odgovarajuće mere da se spreči ometanje obavljanja funkcija SO na bilo koji način. U ovom slučaju Zemlja domaćin će pružiti svoju pomoć kako bi se omogućilo preseljenje SO.

#### **Član 5.**

##### **Doprinosi Zemlje domaćina**

1. Za vreme trajanja ovog sporazuma, zemlja domaćin besplatno obezbeđuje SO potrebne sadržaje, uključujući pogodne i odgovarajuće prostorije za efikasno obavljanje njenih funkcija.
2. Prostorije se stavljaju na raspolaganje nakon potpisivanja ovog sporazuma.
3. Zemlja domaćin će obezbediti dovoljno osiguranje za prostorije.
4. Zemlja domaćin obezbeđuje osoblju SO prvu pomoć dok će druge vrste podrške od strane sistema vojnomedicinske službe Zemlje domaćina biti pružane u skladu sa važećim međunarodnim sporazumima.

#### **Član 6.**

##### **Interni propisi SO**

SO može da izda potrebne interne propise koji se odnose na vršenje i organizaciju njenih funkcija, u skladu sa Sporazumom i Memorandumom.

#### **Član 7.**

##### **Vizuelni identitet**

1. SO može da izloži predmete vizuelnog identiteta BMS (npr. zastava i logo) koje je usvojio UO, u svojim prostorijama i na motornim vozilima koja se koriste u službene svrhe.
2. Motorna vozila koja pripadaju SO imaju pravo na diplomatske tablice i odgovarajući status.

#### **Član 8.**

##### **Sloboda rada SO**

Zemlja domaćin garantuje SO slobodu svakodnevnog rada.

#### **Član 9.**

##### **Nepovredivost**

1. Prostorije SO su nepovredive. Nadležni organi Zemlje domaćina imaju pravo da uđu u prostorije SO radi obavljanja svojih dužnosti, samo uz saglasnost komande SO ili propisno ovlašćenih službenih lica SO, pod uslovima sa kojima su se oni saglasili.
2. ZD preduzima sve mere kako bi se zaštitile prostorije SO od bilo kakvih upada ili štete, i kako bi se sprečilo narušavanje dostojanstva SO.
3. Evidencija i arhiva SO kao i dokumentacija, uključujući i kompjuterske programe i fotografije koji joj pripadaju ili su u njenom posedu su nepovredivi.
4. SO je dužna da osigura da njene prostorije ne postanu utočište za osobe koje pokušavaju da izbegnu hapšenje na osnovu komande koju su izdali organi

Zemlje domaćina, ili za lica koja pokušavaju da izbegnu primenu zakonske procedure ili za lica za koja je izdat nalog za izručenje ili deportaciju.

### **Član 10.**

#### **Izuzeće od sudskih postupaka i izvršenja**

1. SO uživa izuzeće od sudskih postupaka i izvršenja u Zemlji domaćinu, osim u slučajevima:
  - a) kada nadležni organ SO odobri ukidanje imuniteta od sudskog postupka. Ukidanje imuniteta od sudskog postupka ne smatra se primenljivim u pogledu bilo kakvih mera izvršenja ili zadržavanja imovine;
  - b) protivtužbe koja je u direktnoj vezi sa postupkom koji je pokrenula SO.
2. SO nastoji da rešava putem pregovora, ili ako takvi pregovori nemaju uspeha, alternativnim rešavanjem sporova, sporove koji nastanu iz:
  - a) bilo kakvog sporazuma o kupovini robe i usluga, bilo kakvog zajma ili druge transakcije da se obezbedi finansiranje, kao i bilo kakvog jemstvenog odnosa ili obeštećenja u vezi sa svakom takvom transakcijom ili bilo kojom drugom finansijskom obavezom;
  - b) parnica prema Zakonu o radu.
3. SO, u smislu njene pokretne i nepokretne imovine, gde god da se nalazi i ko god da je poseduje u Zemlji domaćinu, izuzima se od svih mera izvršenja, uključujući oduzimanje, lišavanje, zamrzavanje ili bilo koji drugi oblik izvršenja ili sekvestracije ili bilo kog drugog lišavanja imovine predviđenog zakonima Zemlje domaćina.

### **Član 11.**

#### **Komunikacija**

1. SO se garantuje sloboda komunikacije za njene službene svrhe. SO, u smislu njene službene komunikacije, ima isti tretman koji se odobrava diplomatskim predstavništvima u Zemlji domaćinu.
2. SO može da koristi odgovarajuća sredstva komunikacije i ima pravo da koristi kodove u svojoj službenoj komunikaciji. Ona ima pravo i da šalje i prima prepisku preko propisno utvrđenih kurira ili u paketima koji treba da imaju iste privilegije i uživaju olakšice kao diplomatska pošta koja se prenosi kurirom ili diplomatskim paketima.
3. Zvanična prepiska i druga službena komunikacija u SO, ako je pravilno označena ne podleže cenzuri.

### **Član 12.**

#### **Publikacije**

Uvoz i izvoz publikacija za potrebe SO kao i drugih informativnih materijala koje SO uvozi ili izvozi u okviru svojih službenih aktivnosti, ne podležu ograničenjima bilo koje vrste.

### **Član 13.**

#### **Komunalne usluge**

1. Nadležni organi države domaćina dužni su da, na zahtev SO i pod pravednim uslovima, pružaju komunalne usluge SO, koje su joj potrebne da obavlja svoje funkcije, uključujući, ali ne ograničavajući se na poštanske usluge, telefon,

električnu energiju, vodu, kanalizaciju, gas, usluge odnošenja smeća i protivpožarnu zaštitu.

2. Cene komunalnih usluga iz prethodnog stava ne smeju premašivati najniže uporedive cene koje su odobrene za diplomatska predstavništva.
3. U slučaju prestanka ili naznake prestanka pružanja navedenih komunalnih usluga, SO se daje isti prioritet kao i diplomatskim predstavništvima, za potrebe njenih službenih funkcija.
4. Na zahtev nadležnih organa Zemlje domaćina, komandant SO je dužan da odgovarajuće ovlašćenim predstavnicima preduzeća za komunalne usluge omogući da proveravaju, popravljaju, održavaju i premeštaju instalacije u prostorijama SO, u odgovarajuće vreme, pod uslovima koji neće uticati na funkcionisanje SO.

#### **Član 14.**

##### **Izuzeće od dažbina i poreza**

1. SO, njena finansijska sredstva, prihodi i druga imovina biće izuzeti od direktnih dažbina i poreza. Ovo izuzeće ne primenjuje se na poreze i aproprijacije koji se smatraju porezima za komunalne usluge koje se nude po fiksnim cenama, u skladu sa količinom pruženih usluga, koje se mogu utvrditi, opisati i podeliti.
2. U pogledu poreza na dodatu vrednost uključenog u cene ili posebno obračunatog, izuzeće se primenjuje samo za stavke dobijene za službenu upotrebu SO, pri čemu roba kupljena za sopstvenu upotrebu, za koju važe olakšice u skladu sa ovom odredbom, ne sme da se prodaje, daje kao poklon ili na bilo koji drugi način otuđuje osim u skladu sa uslovima dogovorenim sa Vladom.
3. SO se oslobađa državnih i lokalnih doprinosa ili naknada, osim za doprinose ili naknade koje se obračunavaju kao cena stvarno pruženih usluga.
4. SO neće, po pravilu, tražiti izuzeće od akciza i od poreza na promet pokretne i nepokretne imovine koji čini deo cene koja se plaća.

#### **Član 15.**

##### **Izuzeće od carina i tretman**

1. Carinski tretman stavki za SO podjednako je povoljan kao i onaj koji važi za diplomatska predstavništva u Zemlji domaćinu.
2. Roba uvezena ili izvezena u svrhu službene upotrebe od strane SO oslobađa se plaćanja carinskih dažbina, poreza i taksi.

#### **Član 16.**

##### **Slobodno raspolaganje finansijskim sredstvima i sloboda poslovanja**

SO, radi obavljanja svojih funkcija, ima pravo da prima, čuva, konvertuje i prenosi sva finansijska sredstva, valute, gotov novac i druge prenosive vrednosti, i da slobodno njima raspolaže, obavlja posao bez ograničenja, u skladu sa propisima Zemlje domaćina.

#### **Član 17.**

##### **Privilegije i imuniteti članova SO**

1. Za vreme obavljanja dužnosti u Zemlji domaćinu, komandant SO, pod uslovom da on/ona nije državljanin Zemlje domaćina, ima pravo na iste privilegije i

imunitete kao oni koji se dodeljuju šefovima diplomatskih predstavništava u Zemlji domaćinu.

2. Za vreme vršenja dužnosti u Zemlji domaćinu, službena lica SO, pod uslovom da nisu državljani Zemlje domaćina, imaju pravo na iste privilegije i imunitete kao oni koji se dodeljuju diplomatskim predstavnicima u Zemlji domaćinu.
3. Pripadnici administrativnog i tehničkog osoblja, pod uslovom da nisu državljani Zemlje domaćina, imaju pravo na iste privilegije i imunitete kao oni koji se dodeljuju administrativnom i tehničkom osoblju diplomatskih predstavništava u Zemlji domaćinu.
4. Vlada preduzima sve neophodne mere kako bi se komandantu SO, službenim licima, predstavnicima, stručnjacima i administrativnom i tehničkom osoblju, kao i članovima njihovih porodica, olakšao ulazak u Zemlju domaćina, odlazak iz nje i boravak u njoj.
5. Članovi porodica osoblja SO koje žive u istom domaćinstvu imaju pravo na iste privilegije i imunitete koji se dodeljuju članovima porodica diplomatskih predstavnika uporedivog položaja u Zemlji domaćinu.
6. Osoblju SO i članovima njihovih porodica, predstavnicima i stručnjacima, kojima može biti potrebna viza za obavljanje profesionalne delatnosti u trajanju proporcionalnom trajanju njihove službene dužnosti, kao i dozvola za privremeni boravak, viza se izdaje besplatno.

#### **Član 18.**

##### **Pristup tržištu rada**

Pod posebnim uslovima i u okvirima odgovarajućih zakonskih propisa ZD, supružnici i deca koji čine deo domaćinstva pripadnika SO uživaju pravo pristupa tržištu rada pod uslovom da imaju prebivalište u Zemlji domaćinu kao glavni imaoци identifikacionog dokumenta, sve dok nisu državljani Zemlje domaćina.

#### **Član 19.**

##### **Socijalna sigurnost**

Komandant SO, službena lica, stručnjaci, tehničko i administrativno osoblje, pod uslovom da nisu državljani Zemlje domaćina, izuzimaju se od plaćanja obaveznih doprinosa u vezi sa svakom vrstom socijalne sigurnosti u Zemlji domaćinu.

#### **Član 20.**

##### **Službena lica**

1. Ne dovodeći u pitanje privilegije i imunitete iz člana 17, službena lica u Zemlji domaćinu uživaju pravo na uvoz za lične potrebe, bez plaćanja carine i drugih poreza odnosno dažbina, pod uslovom da se ne radi o porezima za pružene komunalne usluge, kao i izuzeće od uvoznih restrikcija i ograničenja u pogledu uvoza i izvoza:
  - a) sopstvenog nameštaja i ličnih stvari u trenutku kada po prvi put preuzimaju dužnost, i to u vidu jedne ili više zasebnih pošiljki, kao i
  - b) jednog motornog vozila svake četiri godine.
2. Način na koji će se raspolagati uvezenom robom, uz izuzimanje plaćanja uvoznih dažbina, primenjuje se u skladu sa propisima o carinskim, poreskim i drugim olakšicama na koje strana diplomatska i konzularna predstavništava u Zemlji domaćinu imaju pravo.

#### **Član 21.**



### **Stručnjaci**

Stručnjaci uživaju sledeće privilegije i izuzeća u Zemlji domaćinu:

- a) izuzeće od sudskih postupaka u pogledu pisanih i izgovorenih reči, kao i dela koja su izvršili tokom obavljanja svoje službene dužnosti, čak i kada prestanu da budu službena lica SO;
- b) izuzeće od provere i zaplene ličnog i službenog prtljaga;
- c) nepovredivost službene dokumentacije, podataka i drugog materijala;
- d) izuzeće od imigracionih ograničenja, kao i od obaveze da prijave svoj ili boravak članova svojih porodica sa kojima žive u istom domaćinstvu;
- e) jednaka zaštita i olakšice u pogledu repatrijacije za njih i članove njihovih porodica sa kojima žive u istom domaćinstvu koji se dodeljuju pripadnicima uporedivog položaja u diplomatskim predstavništvima.

### **Član 22.**

#### **Predstavnici**

Tokom perioda vršenja svojih dužnosti u Zemlji domaćinu, kao i tokom putovanja na teritoriji Zemlje domaćina, predstavnici uživaju pravo na sledeća izuzeća:

- a) izuzeće od sudskih postupaka u pogledu pisanih i izgovorenih reči, kao i dela koja izvrše tokom obavljanja svoje službene funkcije, čak i kada prestanu da budu predstavnici;
- b) izuzeće od provere i zaplene ličnog prtljaga;
- c) nepovredivost službene dokumentacije, podataka i drugog materijala;
- d) izuzeće od imigracionih ograničenja.

### **Član 23.**

#### **Državljeni Zemlje domaćina i lica sa stalnom dozvolom boravka**

Službena lica, stručnjaci, kao i administrativno i tehničko osoblje koji su državljani Zemlje domaćina ili su lica sa stalnom dozvolom boravka u Zemlji domaćinu, odnosno lica koja je na rad uputilo Ministarstvo odbrane Zemlje domaćina imaju pravo samo na privilegije i imunitete navedene u članu 20. stav 1, tač. a) i b).

### **Član 24.**

#### **Administrativno, tehničko i pomoćno osoblje**

SO ima pravo da angažuje administrativno, tehničko i pomoćno osoblje čiji su pripadnici državljani Zemlje domaćina i lica sa stalnom dozvolom boravka u Zemlji domaćinu u skladu sa zakonima Zemlje domaćina.

### **Član 25.**

#### **Izuzetak u pogledu imuniteta od pokretanja sudskih postupaka i izvršenja**

Službena lica, stručnjaci i predstavnici ne uživaju imunitet u pogledu građanskog postupka koji pokrene treća strana za štetu nastalu u slučaju saobraćajne nezgode koju izazove motorno vozilo kojim upravlja neko od osoblja SO kada se šteta ne može naplatiti od osiguranja.

### **Član 26.**

#### **Svrha privilegija i izuzeća**

1. Privilegije i imuniteti se saglasno ovom sporazumu dodeljuju u interesu SO, a ne radi lične koristi samih pojedinaca.
2. One služe isključivo da obezbede slobodu delovanja SO u svim okolnostima, kao i potpunu samostalnost pomenutih lica u obavljanju njihovih dužnosti za potrebe SO.
3. Nadležni organ BMS ima pravo i dužnost da ukine imunitet svakom članu SO u svakom slučaju kada bi po mišljenju tog organa taj imunitet ometao tok sprovođenja pravde a može se ukinuti bez dovođenja u pitanje interesa BMS. Ukidanje imuniteta od sudske nadležnosti u pogledu upravnog postupka ne smatra se da podrazumeva ukidanje imuniteta u pogledu sprovođenja sudske presude za koje je neophodno posebno ukidanje imuniteta.

#### **Član 27.**

##### **Obaveštavanje**

1. SO dostavlja Ministarstvu spoljnih poslova Zemlje domaćina imena komandanta, službenih lica, stručnjaka, pripadnika administrativnog i tehničkog osoblja, kao i imena članova njihovih porodica odmah ili najkasnije u roku od tri dana od datuma njihovog dolaska. SO dostavlja i podatke i o završetku mandata komandanta odnosno svakog službenog lica, stručnjaka ili pripadnika administrativnog i tehničkog osoblja, a po potrebi i podatke o tome da neko lice prestaje da bude član porodice navedenih lica.
2. Ministarstvo spoljnih poslova Zemlje domaćina izdaje komandantu, službenim licima, stručnjacima, pripadnicima administrativnog i tehničkog osoblja, kao i članovima njihovih porodica, odgovarajuće identifikacione kartice.

#### **Član 28.**

##### **Nepreuzimanje odgovornosti od strane Zemlje domaćina**

Zemlja domaćin ne preuzima nikakvu međunarodnu odgovornost za činjenja i nečinjenja SO na svojoj teritoriji.

#### **Član 29.**

##### **Bezbednosna pitanja**

1. Ništa u ovom sporazumu ne isključuje pravo Vlade Zemlje domaćina da primenjuje sve odgovarajuće mere zaštite u interesu javne bezbednosti. Ništa u ovom sporazumu ne sprečava primenu zakona Zemlje domaćina neophodnih za očuvanje zdravlja ili javnog poretka.
2. Ukoliko Vlada Zemlje domaćina smatra neophodnim da primeni odredbe iz stava 1. ovog člana, čim okolnosti to dozvole, ona uspostavlja vezu sa SO kako bi se donela zajednička odluka o merama koje bi mogle biti neophodne da se zaštite interesi SO.
3. SO je u obavezi da saraduje sa organima Zemlje domaćina kako bi se sprečilo svako remećenje javne bezbednosti usled sprovođenja bilo koje od aktivnosti SO.

#### **Član 30.**

##### **Rešavanje sporova**

Svi sporovi u vezi sa tumačenjem i primenom ovog sporazuma rešavaće se pregovorima između Strana.

#### **Član 31.**

##### **Izmene**

Ovaj sporazum se može izmeniti međusobnom pisanom saglasnošću Strana u ovom sporazumu. Izmene stupaju na snagu u skladu sa članom 32. ovog sporazuma i primenjuju se privremeno.

### **Član 32.**

#### **Stupanje na snagu**

1. Ovaj sporazum stupa na snagu na dan kada Ministarstvo spoljnih poslova Zemlje domaćina primi poslednje obaveštenje Strana, uključujući i Zemlju domaćina, o tome da su ispunjeni njihovi unutrašnji zahtevi za njegovo stupanje na snagu.
2. Pristupanje svake nove Strane ovom sporazumu vršiče se putem Note o pristupanju koju će potpisati nova Strana i postojeće Strane. Nota o pristupanju stupa na snagu u skladu sa stavom 1.
3. Nakon potpisivanja ovog sporazuma, jedan (1) originalni primerak biće deponovan kod Vlade Zemlje domaćina koja ima ulogu depozitara. Svaka od Strana zadržava po jedan (1) originalni primerak, a depozitar dostavlja SO propisno overenu kopiju ovog sporazuma.
4. Ovaj sporazum primenjivaće se privremeno od dana njegovog potpisivanja.

### **Član 33.**

#### **Trajanje, otkazivanje, jednostrano otkazivanje i prestanak važenja**

1. Ovaj sporazum ostaje na snazi na neodređeno vreme, sve dok je na snazi Sporazum između Saveta ministara Republike Albanije, Saveta ministara Bosne i Hercegovine, Vlade Republike Makedonije, Vlade Crne Gore, Vlade Republike Srbije i Vlade Republike Slovenije o osnivanju Balkanskih vojnomedicinskih snaga, koji je potpisan 14. januara 2016. godine.
2. Vlada Zemlje domaćina ima pravo da otkáže ovaj sporazum o čemu obaveštava Strane u pisanom obliku. U tom slučaju, ovaj sporazum prestaje da važi šest (6) meseci od prijema ovog obaveštenja.
3. Svaka od Strana može jednostrano da otkáže ovaj sporazum o čemu obaveštava depozitara i druge Strane u pisanom obliku. U tom slučaju, ovaj sporazum prestaje da važi za tu stranu šest (6) meseci od kada depozitar primi to obaveštenje.

Potvrđujući ovo, dolepotpisani predstavnici, propisno ovlašćeni od strane svojih vlada, potpisali su ovaj sporazum.

Potpisano u šest (6) originalnih primeraka na engleskom jeziku.

**Za Vladu Republike Severne Makedonije:**

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Potpisano u Skoplju, 12.05.2022.

**Za Savet ministara Republike Albanije**

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Potpisano u Tirani, 06.05.2022.

**Za Savet ministara Bosne i Hercegovine:**

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Potpisano u Sarajevu, 25.04.2022.

**Za Vladu Crne Gore:**

\_\_\_\_\_MINISTAR ODBRANE

Potpisano u Podgorici, 6. aprila 2022.

**Za Vladu Republike Srbije:**

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Potpisano u Beogradu, 11. aprila 2022.



**Za Vlado Republike Slovenije:**

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Potpisano u Ljubljani, 19. aprila 2022.

**Član 3.**

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