

Z A K O N
O POTVRĐIVANJU SPORAZUMA O RACVIAC - CENTRU ZA
SARADNJU U OBLASTI BEZBEDNOSTI

Član 1.

Potvrđuje se Sporazum o RACVIAC - Centru za saradnju u oblasti bezbednosti, koji je potpisan u Budvi, 14. aprila 2010. godine, u originalu na engleskom jeziku.

Član 2.

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

Agreement on RACVIAC – Centre for Security Cooperation

Preamble

States participating in the South-East European Co-operation Process – (SEECF), Parties to this Agreement (hereinafter referred to as “the Parties”),

Recalling the “Agreement between the Government of the Republic of Croatia and the Government of the Federal Republic of Germany on the establishment of the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC)”, done at Zagreb on 8 March 2001,

Recalling that in accordance with Article 1, paragraph (4) of that Agreement, the Italian Republic acceded to that Agreement on 21 August 2002, as well as the Republic of Turkey on 15 September 2004,

Recalling the Multinational Advisory Group (hereinafter referred to as “MAG”) decisions and deliberations on future legal status and new strategy of the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC),

Mindful of the efforts invested in establishing a closer regional co-operation and determined to the enhancing of regional ownership,

Ready to closely cooperate with the Regional Cooperation Council (RCC), and all other regional initiatives and arrangements,

Whereas it is the responsibility and duty of all countries in the South Eastern Europe to foster dialogue and cooperation on security matters in South Eastern Europe through a partnership between themselves as well as their international partners,

Convinced of the necessity to reorganize the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) in order to contribute to the opening of RACVIAC activities to all Parties ready to observe the provisions of this Agreement,

Aware that it is in their common interest to participate in the activities of the modernized and reorganized Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) and to capitalize from the progress and achievements made by RACVIAC so far

Have agreed as follows:

Title I

Establishment, Mission and Activities

Article 1

Establishment

- 1) The Parties hereby establish RACVIAC - Centre for Security Cooperation (hereinafter referred to as "RACVIAC").
- 2) RACVIAC is the legal successor to the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) established by the "Agreement between the Government of the Republic of Croatia and the Government of the Federal Republic of Germany on the establishment of the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC)", done at Zagreb on 8 March 2001, acceded by the Italian Republic on 21 August 2002 and Republic of Turkey on 15 September 2004.
- 3) RACVIAC - Centre for Security Cooperation is an international, independent, non-profit, regionally owned, academic organization.

Article 2

Mission

The mission of RACVIAC is to foster dialogue and cooperation on security matters in South Eastern Europe through a partnership between the Parties and their international partners.

Article 3

Scope of Activities

RACVIAC shall accomplish its mission by primarily promoting:

- a) Security dialogue and security sector reform, arms control as well as confidence and security building measures;
- b) Synergy with other organizations and institutions such as NATO, EU, OSCE, as well as bilateral partners on all issues of mutual interest and concern,
- c) Close cooperation with RCC and all other regional initiatives and arrangements,
- d) Dialogue with civil society, academia and opinion makers.

Title II

Members of RACVIAC

Article 4

Members

- 1) The Parties to this Agreement are Members of RACVIAC.

- 2) The Members shall second personnel to the Secretariat and make a financial contribution to the Budget of RACVIAC according to the Financial Regulations.
- 3) The position of the Chair of MAG and the position of the Director shall be exclusively open to secondment by Members. Other senior positions, open to exclusive secondment by Members shall be defined through a separate decision by MAG.

Article 5

Associate Members

- 1) Associate Member status shall be open upon a written request to any state that expresses its readiness to cooperate with and contribute to RACVIAC.
- 2) MAG shall decide regarding the application.
- 3) Associate Member status shall entail the secondment of personnel and / or financial contribution and / or contribution in kind to the operations of RACVIAC.
- 4) Associate Member status may be suspended or terminated by a decision of MAG, in accordance with the provisions of this Agreement.
- 5) Associate Members may attend MAG meetings and participate in its work, as appropriate.

Article 6

Observers

- 1) Other interested states, as well as international organizations, non-governmental organizations and institutions may participate in RACVIAC as Observers after approval by MAG.
- 2) MAG decides regarding the application to become an Observer in RACVIAC.
- 3) Observer status may be suspended or terminated by a decision of MAG, in accordance with the provisions of this Agreement.
- 4) Observers in RACVIAC may attend meetings and participate in the work of MAG but shall not have right to vote.

Title III

Organization and Structure of RACVIAC

Article 7

Multinational Advisory Group (MAG)

- 1) MAG is the sole decision making body of RACVIAC.
- 2) MAG acts as a steering committee for RACVIAC. MAG shall provide direction to ensure the operation and development of RACVIAC.

Article 8

Composition of MAG

- 1) MAG shall be comprised of one representative of each Member.

- 2) MAG appoints its Chairperson for a period of one year, which can be extended by MAG for an additional year. With the exception of a possible overlapping period, MAG Chairperson and the Director of RACVIAC shall not be representatives from the same State.
- 3) The Director of RACVIAC shall be a permanent advisor to MAG, shall participate in MAG meetings and shall have the right to make proposals to MAG.

Article 9

Procedures

- 1) MAG shall regularly meet twice a year.
- 2) Further meetings may be held as the Chairperson deems it necessary or upon request of at least 1/3 of MAG Members.
- 3) MAG can take decisions when more than half of its Members are present. The decisions of MAG are taken by consensus of its Members present. Consensus is understood as absence of objection.
- 4) If a MAG decision is required in-between MAG meetings that cannot be postponed to the next MAG meeting, a silence procedure may be implemented. The procedure provided in subparagraph 3) of this Article shall also apply for passing a decision by silence procedure.
- 5) A Member may not be represented by another Member during MAG meetings.
- 6) RACVIAC personnel may attend MAG meetings upon the request by MAG or the Director.
- 7) Representatives of States, international or regional organizations, bodies or individuals may be invited through MAG Chairperson, after consultation with the Members, as special guests to address MAG meeting or to inform MAG about specific areas of interest.

Article 10

Tasks of MAG

MAG decides:

- 1) on general guidelines for the operation of RACVIAC;
- 2) on the evaluation of measures carried out, the proposals made and reports submitted by the Director and reviews the progress of RACVIAC;
- 3) on the appointment of MAG Chairperson and the Director of RACVIAC;
- 4) on the adoption of MAG Terms of References (TOR), as well as on amendment on MAG TORs and all other regulations necessary for its work and the work of RACVIAC;
- 5) on the implementation of the current year's budget;
- 6) on the budget for the next fiscal year;
- 7) on the Annual Audit Report;
- 8) on the Annual Plan, including the proposed activities to be conducted, their financing and the resources required;

- 9) on Manpower Policy for RACVIAC personnel;
- 10) on changes to the overall structure of the Organisation and Manpower Table;
- 11) on the negotiation and signing of MOUs or political documents with third parties and authorizes either MAG Chairperson or the Director of RACVIAC to sign these documents;
- 12) on the date and venue of MAG meetings and approves the minutes of these meetings;
- 13) on all other issues that it deems relevant.

Article 11

Secretariat

- 1) RACVIAC shall have a Secretariat, which is the executive body of RACVIAC, headed by a Director. The Secretariat shall assist MAG and its subsidiary bodies in the performance of their functions. It shall carry out the duties provided for in this Agreement. It shall carry out the other functions entrusted to it under this Agreement as well as those functions delegated to it by MAG.
- 2) The Secretariat shall *inter alia*:
 - (a) prepare and submit to MAG the draft Annual Plan and budget of the organization;
 - (b) prepare and submit to MAG the draft report of the organization on the implementation of this Agreement and such other reports as MAG may request;
 - (c) provide administrative and technical support to MAG and its subsidiary bodies;
 - (d) address and receive communications on behalf of the organization to and from Members, Associate Members and Observers on matters pertaining to the implementation of this Agreement.
- 3) The Secretariat shall inform MAG of any problem that has arisen with regard to the discharge of its functions concerning the implementation of this Agreement that have come to its notice and that it has been unable to resolve or clarify through consultation with the Members, Associate Members and Observers concerned.
- 4) The Secretariat shall be responsible for ensuring that such tasks as may be required to ensure the proper functioning of RACVIAC, are carried out.

Article 12

Director

- 1) The Director shall be appointed by MAG upon the recommendation of Members, for a term of three years, renewable for a one further term, but not there after.
- 2) The Director shall be responsible to MAG for the appointment of the personnel and the organization and functioning of the Secretariat. Only citizens of Members shall serve as the Director.
- 3) The Director is the Head of the Secretariat and acts as the permanent advisor to MAG in accordance with Article 8 paragraph 3.

- 4) The Director is responsible for ensuring the regular and efficient functioning of RACVIAC. The Director reports to and is accountable to MAG.

Article 13

Personnel and Recruitment

- 1) RACVIAC organization shall be structured and approved by MAG to provide the most efficient, effective and flexible response to the needs of MAG States. Its organization shall provide a structure, which is regionally led and administratively and logistically self-sufficient.
- 2) RACVIAC Personnel includes Director, Deputy Director, seconded personnel and other administrative-technical personnel of the Secretariat.
- 3) RACVIAC is manned primarily by secondment of personnel who are open to coordination and cooperation, competent at finding multilateral solutions and have sufficient education, experience and background to meet their job descriptions. Where posts are reserved exclusively to the host nation, the Republic of Croatia as Host Nation shall ensure sustainable secondment of personnel.
- 4) Observers, international organizations, non-governmental organizations and institutions may second personnel, and / or assign personnel for specific projects on a temporary basis, pending a decision by MAG.
- 5) Regulations shall include rules, principles and procedures governing the selection of personnel, their recruitment, classification of posts and efficient operation of RACVIAC Secretariat in attainment of the objectives of this Agreement.

Article 14

Employment Conditions

- 1) MAG shall, by Decision, specify the Staff Regulations of RACVIAC. These shall reflect, at least, the following principles:
 - a) Unless otherwise provided in this Agreement, citizens of all the Members and Associate Members shall have equal access to employment in RACVIAC. Recruitment shall be guided by the necessity for the proper discharge of the responsibilities of the Secretariat.
 - b) Selection and promotion and all other aspects of personnel management shall be, according to the principle of merit, and respecting the requirements of fairness, transparency, diversity and representation from all Members.
- 2) The resolution of personnel disputes shall be processed by a Panel of Adjudicators to be established through a separate MAG decision.

Article 15

Impartiality

- 1) In the performance of their duties, the Director and personnel of the Secretariat shall neither seek nor receive instructions from any individual Member of MAG, or from any State or authority external to MAG.

- 2) Each Member, Associate Member or Observer shall respect the exclusively international character of the responsibilities of the Director and the other personnel and should not seek to influence them in the discharge of their responsibilities.

Title IV

Financial Management

Article 16

Financing

- 1) RACVIAC shall be financed from regular annual contributions of Members, as well as from voluntary contributions, donations, and other sources.
- 2) Scale of distribution of contributions and the timeframe of the transfer of contributions of Members shall be defined in the Financial Regulations.

Article 17

Annual Budget

- 1) RACVIAC budget shall be established on an annual basis and its content shall be defined in the Financial Regulations.
- 2) The Annual Budget sets forth total income and total expenditures for the year. The Annual Budget shall balance, with total annual income always covering total annual expenditures. RACVIAC is not permitted to enter into debt, unless decided by MAG.
- 3) The final authority for the Annual Budget rests with MAG based upon the proposal presented by the Director of RACVIAC, timely in advance, but not later than 90 days before the beginning of RACVIAC fiscal year.

Article 18

Financial Reporting

- 1) Director shall submit to MAG annual reports on the execution of the Annual Budget. The Report shall be a subject of approval by MAG.
- 2) There shall be an annual audit by independent auditors of the use of the Annual Budget. The Audit Report shall be subject to MAG approval. The Audit Report shall subsequently be made public.
- 3) MAG shall decide, on the independent external auditors, as well as on the extraordinary audit, which can be proposed by any MAG Member.

Title V

Legal Capacity, Privileges and Immunities

Article 19

Seat of RACVIAC

- 1) RACVIAC shall be seated in the Republic of Croatia.

- 2) A Host Nation Agreement shall be concluded between RACVIAC and the Government of the Republic of Croatia.
- 3) Official working language shall be English.

Article 20

Legal Capacity

- 1) RACVIAC shall enjoy such legal capacity to conclude international agreements with states and international organizations as may be necessary for the exercise of its functions and the fulfillment of its objectives.
- 2) It shall have the capacity to contract and to participate in legal proceedings, including acquiring and disposing of immovable and movable property.

Article 21

Privileges and Immunities of RACVIAC

RACVIAC, its premises and property shall enjoy in the Republic of Croatia, as Host Nation, a status equal to that accorded to diplomatic missions under the Vienna Convention on Diplomatic Relations of 18 April 1961.

Article 22

Privileges and Immunities of Personnel

- 1) Director, Deputy Director, as well as their spouses and members of their families forming part of their households, shall enjoy in the territory of the Republic of Croatia, as Host Nation, a status equal to that accorded to diplomatic agents and their spouses and members of their families forming part of their households, under the Vienna Convention on Diplomatic Relations of 18 April 1961.
- 2) All other members of RACVIAC Personnel and their spouses and members of their families forming part of their households shall enjoy in the territory of the Republic of Croatia, as Host Nation, a status equal to that accorded to administrative and technical staff and their spouses and members of their families forming part of their households under the Vienna Convention on Diplomatic Relations of 18 April 1961. In particular, they shall enjoy the right to import goods for their household requirements as well as to import or to purchase a motor vehicle for their personal use, exempt from customs duties and value added taxes (VAT), within one year of the day of their assuming duty in the Republic of Croatia as provided for by the national legislation.
- 3) If a member of RACVIAC Personnel is a national or permanent resident of the Republic of Croatia, as Host Nation, he/she shall however, on the territory of the Republic of Croatia, enjoy immunity with respect of acts done in his/her official capacity. This does not apply to personnel recruited in accordance with paragraph 4 of this Article.
- 4) The RACVIAC may recruit locally such auxiliary personnel as it requires, in accordance with national legislation of the Republic of Croatia.

Title VI

Final Provisions

Article 23

Amendments

- 1) This Agreement may be amended on the proposal of any Party.
- 2) Any such proposal shall be communicated to all other Parties by the Depositary for consideration and approval.
- 3) Parties shall notify Depositary as soon as possible of their acceptance of proposed amendments to this Agreement.
- 4) Amendments adopted by consensus in accordance with paragraph 3 shall enter into force in accordance with Article 27.

Article 24

Duration

This Agreement is concluded for an indefinite period of time.

Article 25

Reservations

No reservation may be made to this Agreement.

Article 26

Withdrawal

- 1) A Party to this Agreement may withdraw from this Agreement by written notice of withdrawal addressed to the Depositary. Such notice may take effect no earlier than the end of RACVIAC financial year in which the notice was received by the Depositary.
- 2) A Party to this Agreement shall not be discharged by reason of its withdrawal from financial obligations, which accrued while it was a Party to this Agreement.
- 3) A Party to this Agreement which has withdrawn from the present Agreement may subsequently apply to accede to the Agreement in accordance with Article 28 or to become an Observer in RACVIAC in accordance with Article 6.

Article 27

Entry into force

- 1) This Agreement shall be subject to ratification, acceptance or approval by the signatory States, in accordance with their respective legal requirements.
- 2) This Agreement shall be opened for signature on the date [*MAG shall decide upon the date*] and shall remain open for signature for two months thereafter.
- 3) This Agreement shall enter into force on the first day of the month following the date on which the fifth of the States, which have signed this Agreement, has deposited its instrument of ratification, acceptance or approval with the Depositary.

- 4) For the signatory State that ratifies, accepts or approves this Agreement after the date of its entry into force, in accordance with the Paragraph 3 of this Article, this Agreement shall enter into force for that State on the first day of the first month following the date of deposit of its instrument of ratification, acceptance or approval with the Depositary.

Article 28

Accession

- 1) After the entry into force of this Agreement, any non-signatory SEECF participating State may accede to this Agreement.
- 2) The opening of this Agreement to the accession for the States outside SEECF participating States shall be subject of separate decision of MAG.
- 3) For the State which accedes in accordance with the paragraphs 1 and 2 of this Article, Agreement shall enter into force on the first day following the date of the deposit of its instrument of accession with the Depositary.

Article 29

Transitional Provisions

- 1) All past decisions of the Regional Arms Control Verification and Implementation Assistance Centre, in force at the date of entry into force of this Agreement shall be deemed as decisions of RACVIAC- Centre for Security Cooperation, to the extent that they do not contradict the provisions of this Agreement.
- 2) On the date of entry into force of this Agreement all property belonging to the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) shall be transferred to RACVIAC.
- 3) All States that are Associate Members of the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) shall enjoy that status as it is defined in this Agreement, unless they inform otherwise.
- 4) All countries, international organizations or institutions that are Observers to the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) shall enjoy that status as it is defined in this Agreement, unless they inform otherwise.

Article 30

Settlement of Disputes

In case of a dispute between two or more Parties or between a Party and RACVIAC concerning the interpretation or application of this Agreement, the Parties concerned shall seek a solution through mutual consultations and negotiations. When such disputes are not settled within six months, the Parties concerned shall submit the dispute to MAG for consideration and appropriate action.

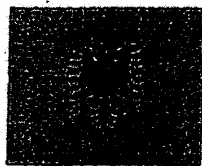
Article 31

Depositary

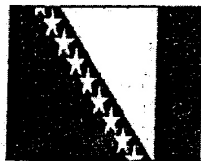
The Government of the Republic of Croatia shall be the Depositary of the present Agreement.

In witness whereof, the undersigned, being duly authorized, have signed this Agreement.

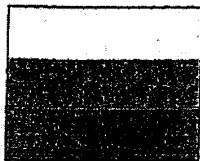
Done at Budva, Montenegro, this 14th April 2010, in a single authentic copy in the English language.



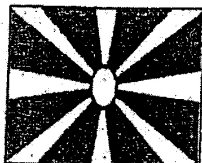
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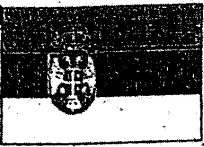
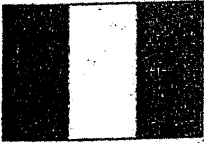
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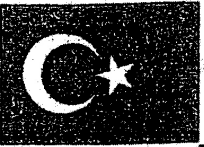
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Bkesoglu

Sporazum o RACVIAC – Centru za saradnju u oblasti bezbednosti

Preambula

Države koje učestvuju u Procesu saradnje zemalja Jugoistočne Evrope - (SEECP), Strane u ovom Sporazumu (u daljem tekstu „Strane”),

Pozivajući se na Sporazum između Vlade Republike Hrvatske i Vlade Savezne Republike Nemačke o osnivanju Regionalnog centra za pomoć u sprovođenju Sporazuma o kontroli naoružanja i verifikaciji (RACVIAC), sačinjen u Zagrebu dana 8. marta 2001. godine,

Podsećajući da je u skladu sa članom 1, stavom (4) tog Sporazuma, Republika Italija pristupila tom Sporazumu 21. avgusta 2002. godine, kao i Republika Turska 15. septembra 2004. godine,

Pozivajući se na odluke Multinacionalne savetodavne grupe (u daljem tekstu: „MAG”) i raspravu o budućem pravnom statusu i novoj strategiji Regionalnog centra za pomoć u sprovođenju Sporazuma o kontroli naoružanja i verifikaciji (RACVIAC),

Uzimajući u obzir napore koji su uloženi u uspostavljanje bliže regionalne saradnje i rešene da se poboljša regionalna inicijativa,

Spremlne da blisko sarađuju sa Regionalnim savetom za saradnju (RCC), i svim drugim regionalnim inicijativama i aranžmanima,

S obzirom na to da je odgovornost i obaveza svih zemalja u Jugoistočnoj Evropi da podstiču dijalog i saradnju po pitanjima bezbednosti u Jugoistočnoj Evropi kroz partnerstvo kako među njima tako i među njihovim međunarodnim partnerima,

Uverene u potrebu da se reorganizuje Regionalni centar za pomoć u sprovođenju Sporazuma o kontroli naoružanja i verifikaciji (RACVIAC), kako bi se doprinelo otvaranju aktivnosti RACVIAC-a za sve Strane koje su spremne da poštuju odredbe ovog Sporazuma,

Svesne da je u njihovom zajedničkom interesu da učestvuju u aktivnostima modernizovanog i reorganizovanog Regionalnog centra za pomoć u sprovođenju Sporazuma o kontroli naoružanja i verifikaciji (RACVIAC) i izvuku korist iz napretka i dostignuća koje je RACVIAC do sada ostvario

Sporazumele su se o sledećem:

Naslov I

Osnivanje, misija i aktivnosti

Član 1.

Osnivanje

1) Strane ovim osnivaju RACVIAC - Centar za saradnju u oblasti bezbednosti (u daljem tekstu: „RACVIAC”).

2) RACVIAC je pravni naslednik Regionalnog centra za pomoć u sprovođenju Sporazuma o kontroli naoružanja i verifikaciji (RACVIAC) osnovanog Sporazumom između Vlade Republike Hrvatske i Vlade Savezne Republike Nemačke o osnivanju Regionalnog centra za pomoć u sprovođenju Sporazuma o kontroli naoružanja i verifikaciji (RACVIAC), sačinjenim u Zagrebu 8. marta 2001. godine, kome su pristupili Republika Italija 21. avgusta 2002. godine i Republika Turska 15. septembra 2004. godine.

3) RACVIAC - Centar za saradnju u oblasti bezbednosti je međunarodna, nezavisna, neprofitna, regionalna, akademska organizacija.

Član 2.

Misija

Misija RACVIAC je da promoviše dijalog i saradnju po pitanjima bezbednosti u Jugoistočnoj Evropi kroz partnerstvo između strana i njihovih međunarodnih partnera.

Član 3.

Obim aktivnosti

RACVIAC će ispunjavati svoju misiju prvenstveno putem promovisanja:

- (a) Dijaloga u oblasti bezbednosti i reforme bezbednosnog sektora, kontrolu naoružanja, kao i izgradnju mera poverenja i bezbednosti;
- (b) Sinergije sa drugim organizacijama i institucijama, kao što su NATO, EU, OEBS, kao i bilateralnim partnerima, po svim pitanjima od zajedničkog interesa,
- (c) Bliske saradnje sa RCC i svim drugim regionalnim inicijativama i aranžmanima,
- (d) Dijaloga sa civilnim društvom, akademskom zajednicom i kreatorima javnog mnjenja.

Naslov II

Članice RACVIAC-a

Član 4.

Članice

1) Strane u ovom sporazumu su članice RACVIAC.

2) Članice će privremeno upućivati osoblje u Sekretarijat i uplaćivati finansijski doprinos u budžet RACVIAC u skladu sa Finansijskim propisima.

3) Funkcija predsedavajućeg MAG i funkcija direktora biće otvorene isključivo za privremeno upućivanje od strane članica. Ostale visoke funkcije, otvorene isključivo za privremeno upućivanje od strane članica biće definisane posebnom odlukom MAG.

Član 5.

Pridružene članice

1) Status pridružene članice biće otvoren na pisani zahtev bilo koje države koja izrazi spremnost da sarađuje i pruža svoj doprinos RACVIAC.

2) MAG donosi odluku u vezi sa prijavom.

3) Status pridružene članice podrazumevaće privremeno upućivanje osoblja, odnosno, finansijski doprinos odnosno doprinos u naturi za operacije RACVIAC.

4) Status pridružene članice može biti privremeno obustavljen ili ukinut odlukom MAG, u skladu sa odredbama ovog Sporazuma.

5) Pridružene članice mogu da prisustvuju sastancima MAG i učestvuju u njegovom radu, prema potrebi.

Član 6.

Posmatrači

1) Ostale zainteresovane države, kao i međunarodne organizacije, nevladine organizacije i institucije mogu da učestvuju u RACVIAC kao posmatrači, nakon što dobiju odobrenje od strane MAG.

2) MAG odlučuje o prijavi za dobijanje statusa posmatrača u RACVIAC.

3) Status posmatrača može biti privremeno obustavljen ili ukinut odlukom MAG, u skladu sa odredbama ovog sporazuma.

4) Posmatrači u RACVIAC mogu da prisustvuju sastancima i učestvuju u radu MAG, ali nemaju pravo da glasaju.

Naslov III

Organizacija i struktura RACVIAC

Član 7.

Multinacionalna savetodavna grupa (MAG)

1) MAG je jedini organ odlučivanja RACVIAC.

2) MAG deluje kao upravni odbor za RACVIAC. MAG će obezbediti smernice kako bi se obezbedilo funkcionisanje i razvoj RACVIAC.

Član 8.

Sastav MAG

1) MAG se sastoji od jednog predstavnika svake članice.

2) MAG imenuje svog predsedavajućeg na period od jedne godine, koji MAG može da produži za još jednu godinu. Uz izuzetak mogućeg preklapanja perioda, predsedavajući MAG i direktor RACVIAC ne smeju biti predstavnici iz iste države.

3) Direktor RACVIAC je stalni savetnik MAG, učestvuje na sastancima MAG i ima pravo da iznosi predloge MAG.

Član 9.

Procedure

- 1) MAG se redovno sastaje dva puta godišnje.
- 2) Dalji sastanci se mogu održavati kada predsedavajući smatra to potrebnim ili na zahtev najmanje 1/3 članica MAG.
- 3) MAG može da donosi odluke kada je prisutno više od polovine njegovih članica. Odluke MAG donose se konsenzusom prisutnih članica. Konsenzus se podrazumeva kao odsustvo prigovora.
- 4) Ako je potrebna odluka MAG između dva sastanka MAG, koja se ne može odložiti za sledeći sastanak MAG, može se primeniti tzv. «tiha procedura». Procedura koja se navodi u podstavu 3) ovog člana odnosiće se i na donošenje odluke „tihom procedurom”.
- 5) Tokom sastanaka MAG jednu članicu ne sme zastupati neka druga članica.
- 6) Osoblje RACVIAC može da prisustvuje sastancima MAG na zahtev MAG ili direktora.
- 7) Predstavnici država, međunarodnih ili regionalnih organizacija, tela ili pojedinci mogu biti pozvani preko predsedavajućeg MAG, nakon konsultacija sa članovima, kao specijalni gosti radi izlaganja na sastanku MAG ili da informišu MAG o konkretnim oblastima interesovanja.

Član 10.

Zadaci MAG

MAG odlučuje o:

- 1) opštim smernicama za rad RACVIAC;
- 2) oceni sprovedenih mera, iznesenim predlozima i izveštajima dostavljenim od strane direktora i kritički ocenjuje napredak RACVIAC;
- 3) imenovanju predsedavajućeg MAG i direktora RACVIAC;
- 4) usvajanju Poslovnika o radu MAG (TOR), kao i izmenama i dopunama Poslovnika o radu MAG i svih ostalih propisa neophodnih za njegov rad i rad RACVIAC;
- 5) realizaciji budžeta za tekuću godinu;
- 6) budžetu za sledeću fiskalnu godinu;
- 7) Godišnjem revizorskom izveštaju;
- 8) Godišnjem planu, uključujući i predložene aktivnosti koje treba sprovesti, njihovom finansiranju i potrebnim resursima;
- 9) Kadrovskoj politici za osoblje RACVIAC;
- 10) promenama u ukupnoj organizacionoj i kadrovskoj strukturi;
- 11) pregovaranju i potpisivanju Memoranduma o razumevanju ili političkih dokumenata sa trećim stranama i ovlašćuje bilo predsedavajućeg MAG bilo direktora RACVIAC da potpisuje ove dokumente;

12) datumu i mestu održavanja sastanaka MAG i odobrava zapisnike sa tih sastanaka;

13) svim drugim pitanjima koje smatra bitnim.

Član 11.

Sekretarijat

1) RACVIAC ima sekretarijat koji predstavlja izvršno telo RACVIAC, na čijem je čelu direktor. Sekretarijat pomaže MAG i njegovim organima u obavljanju njihovih funkcija. Obavlja dužnosti predviđene ovim sporazumom. Obavlja i druge funkcije koje mu se poveru na osnovu ovog sporazuma, kao i one funkcije koje mu delegira MAG.

2) Sekretarijat između ostalog:

(a) priprema i podnosi MAG nacrt Godišnjeg plana i budžet organizacije;

(b) priprema i podnosi MAG nacrt izveštaja organizacije o sprovođenju ovog Sporazuma, i druge takve izveštaje koje MAG zatraži;

(v) pruža administrativnu i tehničku podršku MAG i njegovim organima;

(g) upućuje i prima obaveštenja u ime organizacije za i od članica, pridruženih članica i posmatrača o pitanjima koja se odnose na sprovođenje ovog sporazuma.

3) Sekretarijat obaveštava MAG o svakom problemu koji nastane u pogledu obavljanja njegovih funkcija u vezi sa sprovođenjem ovog sporazuma za koji sazna a ne može da ga reši ili razjasni kroz konsultacije sa članicama, pridruženim članicama i posmatračima koji su u pitanju.

4) Sekretarijat je odgovoran da obezbedi da se izvrše oni zadaci koji su potrebni kako bi se obezbedilo pravilno funkcionisanje RACVIAC.

Član 12.

Direktor

1) Direktora postavlja MAG na preporuku članica, na period od tri godine, koji se može produžiti za još jedan mandat, ali ne nakon toga.

2) Direktor je odgovoran MAG za postavljanje osoblja i organizaciju i funkcionisanje Sekretarijata. Samo državljani članica mogu da obavljaju funkciju direktora.

3) Direktor je načelnik Sekretarijata i vrši dužnost stalnog savetnika MAG u skladu sa članom 8. stav 3.

4) Direktor je odgovoran za obezbeđivanje redovnog i efikasnog funkcionisanja RACVIAC. Direktor je podređen i odgovoran MAG.

Član 13.

Osoblje i zapošljavanje

1) Organizaciju RACVIAC formuliše i odobrava MAG kako bi se obezbedio najefikasniji, najdelotvorniji i najfleksibilniji odgovor na potrebe država MAG. Njegova organizacija obezbeđuje strukturu koja se rukovodi regionalnim potrebama, a administrativno i logistički je samostalna.

2) Osoblje RACVIAC obuhvata direktora, zamenika direktora, privremeno upućeno osoblje i drugo administrativno-tehničko osoblje Sekretarijata.

3) RACVIAC se popunjava pre svega privremenim upućivanjem osoblja koje je otvoreno za koordinaciju i saradnju, kompetentno za pronalaženje multilateralnih rešenja i ima dovoljno obrazovanja i iskustva da zadovolji zahteve svog radnog mesta. Za radna mesta koja su rezervisana isključivo za zemlju domaćina, Republika Hrvatska kao zemlja domaćin obezbeđuje privremeno upućivanje osoblja koje može materijalno da podrži.

4) Posmatrači, međunarodne organizacije, nevladine organizacije i institucije mogu da privremeno upućuju osoblje, odnosno ustupaju osoblje za konkretne projekte na privremenoj osnovi, dok čekaju na odluku MAG.

5) Pravilnik sadrži pravila, načela i postupke koje se odnose na odabir kadrova, njihovo zapošljavanje, klasifikaciju radnih mesta i efikasan rad Sekretarijata RACVIAC u postizanju ciljeva ovog Sporazuma.

Član 14.

Uslovi zapošljavanja

1) MAG, prema Odluci, utvrđuje Kadrovski pravilnik RACVIAC. On se zasniva najmanje na sledećim principima:

(a) Osim ako nije drugačije predviđeno ovim Sporazumom, državljani svih članica i pridruženih članica imaju jednak pristup zapošljavanju u RACVIAC. Zapošljavanje će se rukovoditi potrebom za pravilnim obavljanjem dužnosti Sekretarijata.

(b) Selekcija i unapređivanje i svi drugi aspekti upravljanja kadrovima vršiće se u skladu sa načelom zasluga i uz poštovanje zahteva pravičnosti, transparentnosti, raznolikosti i zastupljenosti svih članica.

2) Rešavanje kadrovskih sporova vrši Panel arbitara koji će se uspostaviti posebnom odlukom MAG.

Član 15.

Nepriistrasnost

1) Prilikom obavljanja svojih dužnosti, direktor i osoblje Sekretarijata neće tražiti niti primati uputstva od bilo koje pojedinačne članice MAG, niti od bilo koje države ili organa izvan MAG.

2) Svaka članica, pridružena članica ili posmatrač poštovaće isključivo međunarodni karakter nadležnosti direktora i drugog osoblja i ne treba da pokušava da utiče na njih u obavljanju njihovih dužnosti.

Naslov IV

Upravljanje finansijama

Član 16.

Finansiranje

1) RACVIAC će se finansirati iz redovnih godišnjih doprinosa članica, kao i iz dobrovoljnih priloga, donacija i drugih izvora.

2) Obim raspodele doprinosa i rok za prenošenje doprinosa članica biće definisani u Finansijskim propisima.

Član 17.

Godišnji budžet

1) Budžet RACVIAC utvrđuje se na godišnjoj osnovi i njegov sadržaj će biti definisan u Finansijskim propisima.

2) U Godišnjem budžetu utvrđuje se ukupni prihod i ukupni rashodi za tu godinu. Godišnji budžet biće izbalansiran, tako da ukupni godišnji prihodi uvek pokrivaju ukupne godišnje rashode. RACVIAC nije dozvoljeno da ulazi u dugove, osim ako to ne odluči MAG.

3) Krajnju nadležnost za Godišnji budžet ima MAG na osnovu predloga koji iznese direktor RACVIAC, blagovremeno unapred, ali najkasnije 90 dana pre početka fiskalne godine RACVIAC.

Član 18.

Finansijsko izveštavanje

1) Direktor podnosi MAG godišnje izveštaje o izvršenju Godišnjeg budžeta. Izveštaj odobrava MAG.

2) Jednom godišnje vrši se revizija od strane nezavisnih revizora o korišćenju Godišnjeg budžeta. Revizorski izveštaj odobrava MAG. Revizorski izveštaj se potom iznosi u javnost.

3) MAG odlučuje o nezavisnim spoljnim revizorima, kao i o vanrednoj reviziji, koju može da predloži bilo koja od članica MAG.

Naslov V

Pravna sposobnost, privilegije i imunitet

Član 19.

Sedište RACVIAC

1) RACVIAC će imati sedište u Republici Hrvatskoj.

2) Sporazum zemlje domaćina će biti zaključen između RACVIAC i Vlade Republike Hrvatske.

3) Zvanični radni jezik će biti engleski.

Član 20.

Pravna sposobnost

1) RACVIAC će imati pravnu sposobnost da zaključuje međunarodne sporazume sa državama i međunarodnim organizacijama koji mogu biti neophodni za vršenje njegovih funkcija i ispunjenje ciljeva.

2) Imaće sposobnost da zaključuje sporazume i učestvuje u pravnim postupcima, uključujući nabavku i otuđenje nepokretne i pokretne imovine.

Član 21.

Privilegije i imunitet RACVIAC

RACVIAC, njegove prostorije i imovina će u Republici Hrvatskoj kao zemlji domaćinu uživati status jednak onom koji je dat diplomatskim misijama na osnovu Bečke konvencije o diplomatskim odnosima od 18. aprila 1961. godine.

Član 22.

Privilegije i imunitet osoblja

1) Direktor, zamenik direktora kao i njihovi supružnici i članovi njihovih porodica koji čine deo domaćinstva, uživaće na teritoriji Republike Hrvatske, kao zemlje domaćina, status jednak onom koji je dat diplomatskim predstavnicima i njihovim supružnicima i članovima njihovih porodica koji čine deo domaćinstva na osnovu Bečke konvencije o diplomatskim odnosima od 18. aprila 1961. godine.

2) Svi drugi članovi osoblja RACVIAC i njihovi supružnici i članovi njihovih porodica koji čine deo domaćinstva uživaće, na teritoriji Republike Hrvatske kao zemlje domaćina, status jednak onom koji je dat administrativnom i tehničkom osoblju i njihovim supružnicima i članovima njihovih porodica koji čine deo domaćinstva na osnovu Bečke konvencije o diplomatskim odnosima od 18. aprila 1961. godine. Posebno, oni će imati pravo da uvoze robu za potrebe svojih domaćinstava kao i da uvezu ili kupe motorno vozilo za ličnu upotrebu koje je izuzeto od carinskih dažbina i PDV u roku od jedne godine od dana stupanja na dužnost u Republici Hrvatskoj kao što je predviđeno nacionalnim zakonodavstvom.

3) Ukoliko je član osoblja RACVIAC državljanin ili je stalno nastanjen u Republici Hrvatskoj kao zemlji domaćinu, on/ona će ipak uživati, na teritoriji Republike Hrvatske, imunitet u pogledu postupaka učinjenih u njegovom/njenom zvaničnom svojstvu. Ovo se ne odnosi na osoblje koje se angažuje u skladu sa stavom 4. ovog člana.

4) RACVIAC može angažovati u lokalnom okruženju pomoćno osoblje koje mu je potrebno u skladu sa nacionalnim zakonodavstvom Republike Hrvatske.

Naslov VI

Završne odredbe

Član 23.

Izmene i dopune

1) Ovaj sporazum se može izmeniti i dopuniti na predlog bilo koje Strane.

2) Depozitar će proslediti svaki takav predlog svim ostalim Stranama na razmatranje i odobrenje.

3) Strane će obavestiti depozitara što je pre moguće o tome da li prihvataju predložene izmene i dopune ovog sporazuma.

4) Izmene i dopune usvojene konsenzusom u skladu sa stavom 3. stupiće na snagu u skladu sa članom 27.

Član 24.

Trajanje

Ovaj sporazum se zaključuje na neodređeni vremenski period.

Član 25.

Rezerve

Na ovaj sporazum ne mogu biti stavljene rezerve.

Član 26.

Povlačenje iz sporazuma

1) Strana ovog sporazuma može da se povuče iz ovog sporazuma pisanim obaveštenjem o povlačenju koje upućuje depozitaru. Takvo obaveštenje ne može stupiti na snagu pre kraja fiskalne godine RACVIAC u kojoj je depozitar primio takvo obaveštenje.

2) Strana ovog sporazuma neće zbog povlačenja biti oslobođena finansijskih obaveza prispelih dok je bila Strana ovog sporazuma.

3) Strana ovog sporazuma koja se povukla iz ovog sporazuma može naknadno da zatraži da pristupi Sporazumu u skladu sa članom 28. ili da postane posmatrač u RACVIAC u skladu sa članom 6.

Član 27.

Stupanje na snagu

1) Ovaj sporazum podleže ratifikaciji, prihvatanju ili odobravanju Država potpisnica u skladu sa njihovim pojedinačnim pravnim zahtevima.

2) Ovaj sporazum se daje na potpisivanje na dan *[MAG će odlučiti o datumu]* i ostaće otvoren za potpisivanje dva meseca od tog datuma.

3) Ovaj sporazum stupa na snagu prvog dana u mesecu nakon dana kada peta od država koje su potpisale ovaj sporazum deponuje kod depozitara svoj akt o ratifikaciji, prihvatanju ili odobravanju.

4) Za Državu potpisnicu koja ratifikuje, prihvati ili odobri ovaj sporazum posle dana stupanja na snagu, u skladu sa stavom 3. ovog člana, ovaj sporazum će za tu državu stupiti na snagu prvog dana prvog meseca nakon datuma kada deponuje kod depozitara svoj akt o ratifikaciji, prihvatanju ili odobravanju.

Član 28.

Pristupanje

1) Pošto ovaj sporazum stupi na snagu, svaka država učesnica koja nije potpisnica SEECF može da pristupi ovom sporazumu.

2) O otvaranju ovog sporazuma za pristupanje država koje ne pripadaju državama učesnicama SEECF MAG donosi posebnu odluku.

3) Za državu koja pristupi u skladu sa st. 1 i 2. ovog člana, Sporazum stupa na snagu prvog dana nakon datuma deponovanja kod depozitara njihovog akta o pristupanju.

Član 29.

Prelazne odredbe

1) Sve ranije odluke Regionalnog centra za pomoć u sprovođenju Sporazuma o kontroli naoružanja i verifikaciji koje su na snazi na dan stupanja na snagu ovog sporazuma smatraju se odlukama Centra za saradnju u oblasti bezbednosti - RACVIAC- u meri u kojoj nisu u suprotnosti sa odredbama ovog sporazuma.

2) Na dan stupanja na snagu ovog sporazuma sva imovina koja pripada Regionalnom centru za pomoć u sprovođenju Sporazuma o kontroli naoružanja i verifikaciji (RACVIAC) prenosi se na RACVIAC.

3) Sve zemlje koje su pridružene članice Regionalnog centra za pomoć u sprovođenju Sporazuma o kontroli naoružanja i verifikaciji (RACVIAC) uživaće status kako je definisano u ovom sporazumu osim ukoliko ne dostave drugačije podatke.

4) Sve zemlje, međunarodne organizacije ili institucije koje su posmatrači u Regionalnom centru za pomoć u sprovođenju Sporazuma o kontroli naoružanja i verifikaciji (RACVIAC) uživaće status koji je definisan u ovom sporazumu osim ukoliko ne dostave drugačije podatke.

Član 30.

Rešavanje sporova

U slučaju spora između dve ili više Strana ili između neke od Strana i RACVIAC u vezi sa tumačenjem ili primenom ovog sporazuma, Strane koje su u pitanju tražiće rešenje putem uzajamnih konsultacija i pregovora. Ako se takvi sporovi ne reše u roku od šest meseci, Strane koje su u pitanju podnose spor MAG na razmatranje i odgovarajuće postupanje.

Član 31.

Depozitar

Vlada Republike Hrvatske će biti depozitar ovog sporazuma.

Potvrđujući ovo, dolepotpisani, propisno ovlašćeni, potpisali su ovaj sporazum.

Sačinjeno u Budvi, Crnoj Gori, 14. aprila 2010. godine, u jednom autentičnom primerku na engleskom jeziku.

Za Republiku HHH:

Za Republiku HHH:

Član 3.

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