

# **Z A K O N**

## **O POTVRĐIVANJU SPORAZUMA IZMEĐU VLADE REPUBLIKE SRBIJE I VLADE ČEŠKE REPUBLIKE O REGULISANJU DUGA REPUBLIKE SRBIJE PREMA ČEŠKOJ REPUBLICI**

### **Član 1.**

Potvrđuje se Sporazum između Vlade Republike Srbije i Vlade Češke Republike o regulisanju duga Republike Srbije prema Češkoj Republici, koji je potpisan u mestu Lani, Češka Republika, 10. decembra 2018. godine, u originalu na engleskom jeziku.

### **Član 2.**

Tekst Sporazuma između Vlade Republike Srbije i Vlade Češke Republike o regulisanju duga Republike Srbije prema Češkoj Republici, u originalu na engleskom jeziku i u prevodu na srpski jezik glasi:

# **Agreement**

**between**

**the Government of the Republic of Serbia**

**and**

**the Government of the Czech Republic**

**on the Settlement of the Debt of the Republic of Serbia**

**towards the Czech Republic**

**The Government of the Republic of Serbia** (hereinafter referred to as “the Serbian Party”)

and

**The Government of the Czech Republic** (hereinafter referred to as “the Czech Party” and collectively referred to as “the Parties”);

Desiring to develop long-term and stable trade, economic and financial co-operation based on principles of mutual benefits;

Intending to finalize the settlement of the debt of the Republic of Serbia towards the Czech Republic;

Having regard to

the Payment Agreement between the Socialist Federal Republic of Yugoslavia and the Czech and Slovak Federal Republic, signed at Belgrade on February 8th, 1991,

the Protocol from the Negotiations on the Solution of the Liquidation Account Balance held between March 23rd and March 26th 1992 in Prague, confirmed by the exchange of letters of the Prime Ministers of the Czech and Slovak Federative Republic and of the Federal Republic of Yugoslavia, dated May 7th and May 11th, 1992 (hereinafter referred to as “the 1992 Protocol”),

the Agreement between the Governments of the Czech Republic and of the Slovak Republic on Transfer of Governmental Claims towards Foreign States into the Competence of the CR and SR and on Ensuring Internal Financing of Provided Governmental Loans signed at Bratislava on April 7th 1993,

the Agreement on Succession Issues, concluded at Vienna on June 29th, 2001, Annex C thereto,

the Agreement on the Regulation of Membership in International Financial Organization and the Distribution of Financial Assets and Liabilities between the Republic of Serbia and the Republic of Montenegro, signed at Belgrade on July 10th, 2006,

the Vienna Convention on the Law of Treaties, concluded at Vienna on May 23rd, 1969;

Respecting the fact that the Czech Republic as one of the two legal successors of the former Czech and Slovak Federal Republic (hereinafter referred to as "the former CSFR") administers, independently and individually, its share in receivables and liabilities of the former CSFR;

Taking into account

the Minutes (Promemoria) of expert talks between the National Bank of Yugoslavia and the Československá obchodní banka, a.s. (hereinafter referred to as "CSOB") of October 22nd, 1997,

the Agreed Minutes on the Consolidation of the Debt of the Federal Republic of Yugoslavia concluded on December 13th, 2001 between the participating Paris Club creditor countries and the Government of the Federal Republic of Yugoslavia,

the Agreed Minutes of the sixth meeting of the Joint Working Group aiming to the settlement of the outstanding debt of the Republic of Serbia towards the Czech Republic signed at Belgrade on June 6th, 2017,

the Banking Arrangement between the National Bank of Serbia and the Československá obchodní banka, a.s. (CSOB) signed at Prague on July 17th, 2017 and at Belgrade on July 20th, 2017;

Have agreed as follows:

## **Article 1**

### **Treated Debt**

1. The Parties confirm that:

- a) the original principal of the former Socialist Federal Republic of Yugoslavia (hereinafter referred to as "the former SFRY") debt towards the former CSFR recorded on the Liquidation Clearing Account amounts to 85,970,743.82 Clearing Dollars;
- b) on 11 April 2000, the Czech Republic assigned 25% value of the Czech original part of the former CSFR claim towards the former SFRY in the amount of 13,720,481.57 Clearing Dollars to Rondex Finance Inc., British Virgin Islands;
- c) the new reconciled balance of the original Liquidation Clearing Account amounts to 72,250,262.25 Clearing Dollars, out of which 41,161,444.69 Clearing Dollars represents the Czech part of the principal amount.

2. The Parties agree that the principal of the debt of the Republic of Serbia towards the Czech Republic amounts to 35.7656% of the debt of the former SFRY to the Czech Republic, i.e. 14,721,637.66 Clearing Dollars;

3. The Parties agree that the principal referred to in Paragraph 2 of this Article bears the simple interest that shall be calculated on the day count principle 30/360 p. a., with the following rates:

- a) fixed interest rate 5.50% shall be applied from November 1st, 1991 until August 31st, 2013;

- b) six month US Dollar Libor interest rate as published by the ICE (Intercontinental Exchange) Benchmark Administration, fixed last working day before the forthcoming six months interest period, shall be applied from September 1st, 2013 until June 30th, 2017;
- c) since July 1st, 2017 the interest shall not be calculated.

4. The final settlement balance between the Republic of Serbia and the Czech Republic, including the simple interest calculated in compliance with Paragraph 3 of this Article with the value date of June 30<sup>th</sup>, 2017 amounts to 32,755,576.55 Clearing Dollars. This amount consists of:

- a) principal amount of 14,721,637.66 Clearing Dollars; and
- b) interest amount of 18,033,938.89 Clearing Dollars.

5. The Parties agree to convert the amounts defined in Paragraph 4 of this Article applying the rate of exchange of 1 Clearing Dollar = 1 US Dollar, in accordance with the 1992 Protocol, into 32,755,576.55 US Dollars, which constitutes the debt of the Republic of Serbia towards the Czech Republic as of June 30<sup>th</sup>, 2017.

## **Article 2**

### **Settlement of the Debt**

1. The Parties agree on the following conditions on the settlement of the debt of the Republic of Serbia towards the Czech Republic:

- a) After this Agreement enters into force, the Serbian Party shall repay the debt due to the Czech Party based on the conditions of the Paris Club of Creditors. The debt of the Republic of Serbia will be settled through one-time payment. Such payment in the amount of 9,800,450.00 US Dollars (nine million eight hundred thousand four hundred and fifty dollars) shall be made within 45 days from the entry into force of this Agreement, by transfer of the total amount payable into the account of CSOB specified in Subparagraph c) below;
- b) The Parties shall instruct their respective banks to provide necessary steps for the technical implementation of this Article;
- c) The payment by the Serbian Party to the Czech Party hereunder shall be made in US Dollars in freely transferable and immediately available funds on the relevant payment date, free of any costs, taxes, levies or charges. Respective payment to the Czech Party shall be made in favour of the account of CSOB, No. 4030004, ABA routing No 021001033 USD, held with the Deutsche Bank Trust Americas, NY, swift: BKTRUS33. If payment shall become due and payable on a Saturday, Sunday or any other day which is not a business day, such payment shall be made on the next succeeding business day.

2. Upon execution of the payment in the amount specified in Paragraph 1(a) of this Article, it shall be deemed that the debt of the Republic of Serbia towards the Czech Republic is fully settled, subject to the provisions of Article 6 of this Agreement.

## **Article 3**

### **Settlement of Disputes**

Any dispute that may arise between the Parties in connection with the interpretation or implementation of this Agreement shall be resolved by mutual negotiations of the authorized representatives of the Parties.

**Article 4**  
**Amendments**

This Agreement may be amended and supplemented by mutual consent of the Parties. Any amendment or supplement to this Agreement shall be in writing and signed by both Parties.

**Article 5**  
**Notices and Other Communications**

Notices and other communications given under this Agreement addressed to either Party shall be made to the address set out in the diplomatic notes to be exchanged under Article 7 of this Agreement.

**Article 6**  
**Review Clause**

If the successor States of the former SFRY make a new agreement on final division of the overall debt of the former SFRY owed to the former CSFR which causes that the principle of the debt of the Republic of Serbia to the Czech Republic differs from the amount mentioned in Article 1, Paragraph 2 of this Agreement, the Parties shall review this Agreement accordingly.

**Article 7**  
**Final Provisions**

This Agreement shall enter into force on the day of receipt of the latter notification, through diplomatic channels, in which the Parties inform each other that their national procedures for the entry into force of this Agreement have been completed.

Done at Lány, on 10 December 2018, in two originals in the English language.

**On behalf of the Government  
of the Republic of Serbia**

**Siniša Mali**

**On behalf of the Government  
of the Czech Republic**

**Alena Schillerová**

**Sporazum**

**između Vlade Republike Srbije**

**i**

**Vlade Češke Republike**

**o regulisanju duga Republike Srbije**

**prema Češkoj Republici**

**Vlada Republike Srbije** (u daljem tekstu: „Srpska strana”)

i

**Vlada Češke Republike** (u daljem tekstu: „Češka strana” i zajedno nazvane u daljem tekstu: „Strane”);

Želeći da razviju dugoročnu i stabilnu trgovinsku, ekonomsku i finansijsku saradnju zasnovanu na principima uzajamne koristi;

Nameravajući da okončaju regulisanje duga Republike Srbije prema Češkoj Republici;

Imajući u vidu

Platni sporazum između Socijalističke Federativne Republike Jugoslavije i Češke i Slovačke Federativne Republike, potpisan u Beogradu, 8. februara 1991. godine,

Protokol sa razgovora o rešavanju salda na Likvidacionom računu, održanih od 23. do 26. marta 1992. godine u Pragu, potvrđen razmenom pisama predsednika vlada Češke i Slovačke Federativne Republike i Savezne Republike Jugoslavije, od 7. maja i 11. maja 1992. godine (u daljem tekstu: „Protokol iz 1992”),

Sporazum između vlada Češke Republike i Slovačke Republike o prenosu državnih potraživanja prema stranim državama u nadležnost Češke Republike i Slovačke Republike i o garantovanju unutrašnjeg finansiranja datih državnih zajmova, potpisan 7. aprila 1993. godine u Bratislavi,

Sporazum o pitanjima sukcesije, zaključen u Beču, 29. juna 2001. godine i njegov Aneks C,

Sporazum o regulisanju članstva u međunarodnim finansijskim organizacijama i razgraničenju finansijskih prava i obaveza između Republike Srbije i Republike Crne Gore, potpisan u Beogradu, 10. jula 2006. godine,

Bečku konvenciju o ugovornom pravu, zaključenu u Beču, 23. maja 1969. godine,

Uvažavajući činjenicu da Češka Republika kao jedna od dva pravna sledbenika bivše Češke i Slovačke Federativne Republike (u daljem tekstu: „bivša ČSFR”) upravlja, nezavisno i samostalno, svojim udelom u potraživanjima i obavezama bivše ČSFR;

Uzimajući u obzir

Zapisnik (Promemoriju) sa ekspertskih razgovora između Narodne banke Jugoslavije i Československá obchodní banka, a.s. (u daljem tekstu: „ČSOB”) od 22. oktobra 1997. godine,

Usaglašeni zapisnik o konsolidaciji duga Savezne Republike Jugoslavije, zaključen 13. decembra 2001. godine između zemalja učesnica Pariskog kluba poverilaca i Vlade Savezne Republike Jugoslavije,

Usaglašeni zapisnik sa šestog sastanka zajedničke Radne grupe održanog u cilju regulisanja neizmirenog duga Republike Srbije prema Češkoj Republici, potpisan u Beogradu, 6. juna 2017. godine,

Bankarski aranžman između Narodne banke Srbije i Československá obchodní banka, a.s. (ČSOB), potpisan u Pragu, 17. jula 2017. godine i u Beogradu, 20. jula 2017. godine;

Dogovorile su se sledeće:

## Član 1.

### Dug koji se razmatra

1. Strane potvrđuju da:
  - a) prvobitna glavnica duga bivše Socijalističke Federativne Republike Jugoslavije (u daljem tekstu: bivša „SFRJ”) prema bivšoj ČSFR evidentirana na Likvidacionom klirinškom računu iznosi 85.970.743,82 klirinških dolara;
  - b) 11. aprila 2000. godine Češka Republika je prenela 25% vrednosti češkog prvobitnog dela potraživanja bivše ČSFR prema bivšoj SFRJ u iznosu od 13.720.481,57 klirinških dolara na Rondex Finance Inc, Britanska Devičanska Ostrva;
  - c) novi usaglašeni saldo prvobitnog Likvidacionog klirinškog računa iznosi 72.250.262,25 klirinških dolara, od čega 41.161.444,69 klirinških dolara predstavlja češki deo iznosa glavnice.
2. Strane su saglasne da glavnica duga Republike Srbije prema Češkoj Republici iznosi 35,7656% duga bivše SFRJ prema Češkoj Republici, tj. 14.721.637,66 klirinških dolara.
3. Strane su saglasne da se na glavicu iz stava 2. ovog člana pripiše prosta kamata koja će se obračunati primenom meseca od 30 dana i godine od 360 dana, po sledećim stopama:
  - a) fiksna kamatna stopa 5,50% će se primeniti od 1. novembra 1991. godine do 31. avgusta 2013. godine;
  - b) šestomesečna Libor USD kamatna stopa koju objavljuje ICE (Intercontinental Exchange) Benchmark Administration, utvrđena poslednjeg radnog dana pre nastupajućeg šestomesečnog kamatnog perioda, će se primeniti od 1. septembra 2013. godine do 30. juna 2017. godine;
  - c) od 1. jula 2017. godine kamata se neće obračunavati.
4. Završni saldo obračuna između Republike Srbije i Češke Republike, uključujući prostu kamatu obračunatu u skladu sa stavom 3. ovog člana sa datumom valute 30. jun 2017. godine iznosi 32.755.576,55 klirinških dolara. Ovaj iznos obuhvata:
  - a) iznos glavnice od 14.721.637,66 klirinških dolara; i
  - b) iznos kamate od 18.033.938,89 klirinških dolara.
5. Strane su saglasne da se iznosi navedeni u stavu 4. ovog člana konvertuju primenom pariteta 1 klirinški dolar = 1 američki dolar, u skladu sa Protokolom iz 1992, u 32.755.576,55 američkih dolara, što predstavlja dug Republike Srbije prema Češkoj Republici na dan 30. jun 2017. godine.

## Član 2.

### Regulisanje duga

1. Strane su se dogovorile o sledećim uslovima za regulisanje duga Republike Srbije prema Češkoj Republici:
  - a) Nakon stupanja na snagu ovog sporazuma, Srpska strana će otplatiti dug o dospeću Češkoj strani prema uslovima Pariskog kluba poverilaca. Dug Republike Srbije biće izmiren jednokratnom isplatom. Ova isplata u iznosu od 9.800.450,00 američkih dolara (devet miliona



osamsto hiljada četrsto pedeset dolara) biće izvršena u roku od 45 dana od stupanja na snagu ovog sporazuma, prenosom ukupne plative sume na račun ČSOB naveden u tački c) ovog stava;

- b) Strane će dati nalog svojim bankama da preduzmu neophodne korake za tehničko sprovođenje ovog člana;
- c) Plaćanje Srpske strane Češkoj strani po ovom sporazumu biće izvršeno u američkim dolarima u slobodno prenosivim i odmah raspoloživim sredstvima na odgovarajući datum plaćanja, bez ikakvih troškova, poreza i drugih dažbina. Odgovarajuće plaćanje Češkoj strani biće izvršeno u korist računa ČSOB, Br. 4030004, identifikacioni kod banke (ABA) 021001033 USD, otvoren kod Deutsche Bank Trust Americas, NY, SWIFT: BKTRUS33. Ukoliko plaćanje dospe i postane plativo u subotu, nedelju ili bilo koji neradni dan, takvo plaćanje će biti izvršeno narednog radnog dana.

2. Kada se izvrši plaćanje u iznosu navedenom u stavu 1 tačka a) ovog člana, smatraće se da je dug Republike Srbije prema Češkoj Republici u potpunosti izmiren, osim u slučaju primene odredaba člana 6. ovog sporazuma.

### **Član 3.**

#### **Rešavanje sporova**

Bilo kakav spor koji može nastati između Strana u vezi sa tumačenjem i sprovođenjem ovog sporazuma rešavaće se međusobnim pregovorima ovlašćenih predstavnika Strana.

### **Član 4.**

#### **Izmene i dopune**

Ovaj sporazum može biti izmenjen i dopunjen zajedničkom saglasnošću Strana. Svaka izmena i dopuna ovog sporazuma mora biti u pisanoj formi i potpisana od obe Strane.

### **Član 5.**

#### **Obaveštavanje i druga komunikacija**

Obaveštenja i druga komunikacija po ovom sporazumu, naslovljena bilo kojoj Strani, vršiće se na adresu navedenu u diplomatskim notama koje će se razmeniti prema članu 7. ovog sporazuma.

### **Član 6.**

#### **Klauzula ponovnog razmatranja**

Ako države sukcesori bivše SFRJ sačine novi sporazum o konačnoj podeli ukupnog duga bivše SFRJ prema bivšoj ČSFR na osnovu kojeg bi se glavnica duga Republike Srbije prema Češkoj Republici razlikovala od iznosa navedenog u članu 1, stav 2. ovog sporazuma, Strane će u skladu sa tim ponovo razmotriti ovaj sporazum.

### **Član 7.**

#### **Završne odredbe**

Ovaj sporazum će stupiti na snagu na dan prijema poslednjeg obaveštenja, putem diplomatskih kanala, u kojem će Strane informisati jedna drugu da su njihove nacionalne procedure za stupanje na snagu ovog sporazuma okončane.

Sačinjeno u mestu Lani, 10. decembra 2018. godine, u dva originalna primerka na engleskom jeziku.

**U ime Vlade  
Republike Srbije**

**Siniša Mali, s. r.**

**U ime Vlade  
Češke Republike**

**Alena Šilerova, s. r.**

**Član 3.**

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