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PREDSJEDNIKU HRVATSKOGA SABORA

Predmet: Prijedlog zakona o potvrđivanju Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, s Konačnim prijedlogom zakona

Na temelju članka 84. Ustava Republike Hrvatske i članaka 129. i 159. Poslovnika Hrvatskoga sabora, Vlada Republike Hrvatske podnosi Prijedlog zakona o potvrđivanju Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, s Konačnim prijedlogom zakona za hitni postupak.

Uz Prijedlog zakona, Vlada Republike Hrvatske dostavlja i Prethodno mišljenje Predsjednika Republike Hrvatske i Vrhovnog zapovjednika Oružanih snaga Republike Hrvatske, sukladno članku 7. stavku 2. točki 25. Zakona o obrani (Narodne novine, br. 33/2002, 58/2002, 76/2007 i 153/2009).

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila Branka Vukelića, ministra obrane, te Matu Rabotega, Željka Goršića i Pjera Šimunovića, državne tajnike u Ministarstvu obrane.

Priloga: 2

PREDSJEDNICA

Jadranka Kosor, dipl. iur.

**PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA O PRAVNOM
POLOŽAJU ORGANIZACIJE SJEVERNOATLANTSKOG UGOVORA,
NACIONALNIH PREDSTAVNIKA I MEĐUNARODNOG OSOBLJA,
S KONAČNIM PRIJEDLOGOM ZAKONA**

PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA O PRAVNOM POLOŽAJU ORGANIZACIJE SJEVERNOATLANTSKOG UGOVORA, NACIONALNIH PREDSTAVNIKA I MEĐUNARODNOG OSOBLJA

I. USTAVNA OSNOVA

Ustavna osnova za donošenje Zakona o potvrđivanju Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, sadržana je u odredbi članka 139. stavka 1. Ustava Republike Hrvatske.

II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI

Članstvo Republike Hrvatske u Organizaciji Sjevernoatlantskog ugovora (u daljnjem tekstu NATO) bilo je njezin vanjskopolitički i sigurnosni prioritet koji je ostvaren pristupanjem Sjevernoatlantskom ugovoru. Nakon što je postala punopravna članica NATO-a 1. travnja 2009. godine od Republike Hrvatske očekuje se da postane strankom određenog broja međunarodnih ugovora koji čine pravnu stečevinu NATO-a, a vezano uz koje je potrebno provođenje unutarnjih pravnih postupaka u narednom razdoblju.

Da bi postala strankom Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, koji je od iznimne važnosti, kako za djelovanje NATO-a tako i za djelovanje država članica, Republici Hrvatskoj, kao novoj državi članici NATO-a nije potrebno prethodno odobrenje Sjevernoatlantskog vijeća, kao što je to slučaj u vezi s nekim drugim međunarodnim ugovorima koji čine dio pravne stečevine NATO-a, već Republika Hrvatska kao nova članica NATO-a, može izraziti svoj pristanak biti njime vezana potpisivanjem, nakon čega slijedi polaganje isprave o ratifikaciji.

Napominje se da je, s obzirom na važnost Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, Sjevernoatlantsko vijeće, u očekivanju da Republika Hrvatska, kao nova država članica NATO-a postane strankom Sporazuma te da Sporazum za Republiku Hrvatsku formalno pravno stupi na snagu, prihvatilo privremenu primjenu Sporazuma od dana 9. travnja 2009. godine u dvjema novim državama članicama (Republici Hrvatskoj i Republici Albaniji), kao i u drugim državama članicama u odnosu na odnosne nove države članice. O istome je Republika Hrvatska obaviještena pismom glavnog tajnika NATO-a od 14. travnja 2009. godine.

Na temelju ovlaštenja za potpisivanje kojeg je Vlada Republike Hrvatske utvrdila Odlukom o pokretanju postupka za sklapanje Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, Sporazum je dana 23. srpnja 2009. godine potpisala Kolinda Grabar-Kitarović, izvanredna i opunomoćena veleposlanica Republike Hrvatske u Sjedinjenim Američkim Državama.

Potvrđivanjem Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja Republika Hrvatska će ispuniti unutarnje pravne uvjete za primjenu odredaba tog za djelovanje NATO-a, nacionalnih predstavnika i međunarodnog osoblja, iznimno značajnog pravnog okvira.

III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM

Ovim Zakonom potvrđuje se Sporazum o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja kako bi njegove odredbe, u smislu članka 140. Ustava Republike Hrvatske, postale dio unutarnjeg pravnog poretka Republike Hrvatske.

Sporazumom o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja uređuje se pravni položaj, povlastice, imuniteti i olakšice NATO-a, nacionalnih predstavnika i međunarodnog osoblja. Sporazum se ne primjenjuje ni na koje vojno zapovjedništvo uspostavljeno na temelju Sjevernoatlantskog ugovora, niti na bilo koja druga vojna tijela, osim ako Vijeće ne odluči drugačije. Ovaj Sporazum koji uređuje pravni položaj osoba, imovine, sredstva za rad i druga bitna pitanja za djelovanje NATO-a predstavlja neophodan pravni okvir za lakše djelovanje NATO-a te nesmetano obavljanje službenih zadaća i dužnosti nacionalnih predstavnika i međunarodnog osoblja Organizacije.

IV. OCJENA SREDSTAVA POTREBNIH ZA PROVOĐENJE ZAKONA

Provedba ovoga Zakona ne zahtjeva osiguranje dodatnih financijskih sredstava iz državnog proračuna Republike Hrvatske budući da će se odvijati kroz aktivnosti Ministarstva obrane te će se koristiti sredstva iz Državnog proračuna namijenjena radu Ministarstva obrane i Oružanih snaga Republike Hrvatske.

V. PRIJEDLOG ZA DONOŠENJE ZAKONA PO HITNOM POSTUPKU

Temelj za donošenje Zakona o potvrđivanju Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja po hitnom postupku nalazi se u članku 159. stavku 1. Poslovnika Hrvatskoga sabora (Narodne novine, br. 6/2002 - pročišćeni tekst, 41/2002, 91/2003, 58/2004, 39/2008 i 86/2008) i to u drugim osobito opravdanim državnim razlozima. Imajući u vidu da je Republika Hrvatska postala punopravna članica NATO-a potrebno je u najskorije vrijeme provesti postupak potvrđivanja Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja koji čini dio pravne stečevine NATO-a, kako bi polaganjem svoje isprave o ratifikaciji, Republika Hrvatska postala strankom ovog međunarodnog ugovora i kako bi on za nju stupio na snagu u najkraćem mogućem roku.

To bi omogućilo uspostavu pravnog okvira za ovo pravno područje što je temelj za nastavak međunarodne obrambene suradnje Republike Hrvatske u novom statusu.

S obzirom na prirodu postupka potvrđivanja međunarodnih ugovora, kojim država i formalno izražava spremnost da bude vezana već potpisanim međunarodnim ugovorom, kao i na činjenicu da se u ovoj fazi postupka ne može mijenjati ili dopunjavati tekst međunarodnog ugovora, predlaže se ovaj Prijedlog Zakona raspraviti i prihvatiti po hitnom postupku, objedinjavajući prvo i drugo čitanje.

VI. KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA O PRAVNOM POLOŽAJU ORGANIZACIJE SJEVERNOATLANTSKOG UGOVORA, NACIONALNIH PREDSTAVNIKA I MEĐUNARODNOG OSOBLJA

Na temelju članka 16. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96), a polazeći od članka 139. stavka 1. Ustava Republike Hrvatske, predlaže se pokretanje postupka za donošenje Zakona o potvrđivanju Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, po hitnom postupku.

Konačni prijedlog zakona o potvrđivanju Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, glasi:

**KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA O PRAVNOM
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Članak 1.

Potvrđuje se Sporazum o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, sastavljen u Ottawi dana 20. rujna 1951. godine, u izvorniku na francuskom i engleskom jeziku, a kojeg je Republika Hrvatska potpisala dana 23. srpnja 2009. godine.

Članak 2.

Tekst Sporazuma iz članka 1. ovoga Zakona, u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik, glasi:

**SPORAZUM O PRAVNOM POLOŽAJU ORGANIZACIJE
SJEVERNOATLANTSKOG UGOVORA, NACIONALNIH PREDSTAVNIKA
I MEĐUNARODNOG OSOBLJA**

Države potpisnice ovoga Sporazuma,
smatrajući da je za obavljanje njihovih zadaća i postizanje njihove svrhe potrebno da Organizacija Sjevernoatlantskog ugovora, njezino međunarodno osoblje i predstavnici država članica koji sudjeluju na njezinim sastancima imaju ovime utvrđeni pravni položaj,
sporazumjele su se kako slijedi:

Dio I. – Općenito

ČLANAK 1.

U ovom Sporazumu:

- (a) „Organizacija“ znači Organizaciju Sjevernoatlantskog ugovora koja se sastoji od Vijeća i njegovih pomoćnih tijela;
- (b) „Vijeće“ znači Vijeće uspostavljeno na temelju članka 9. Sjevernoatlantskog ugovora i zamjenici članova Vijeća;
- (c) „pomoćna tijela“ znači svako tijelo, odbor ili službu uspostavljenu od strane Vijeća ili po njegovoj ovlasti, osim onih na koje se, u skladu s člankom 2., ovaj Sporazum ne primjenjuje;
- (d) „predsjedavajući zamjenika članova Vijeća“ uključuje, u njegovoj odsutnosti, i zamjenika predsjedavajućeg, koji djeluje u njegovo ime.

ČLANAK 2.

Ovaj se Sporazum ne primjenjuje na vojna zapovjedništva uspostavljena na temelju Sjevernoatlantskog ugovora, niti na bilo koja druga vojna tijela, osim ako Vijeće ne odluči drugačije.

ČLANAK 3.

Organizacija i države članice u svako doba će surađivati, kako bi olakšale djelovanje pravosuđa, osigurale pridržavanje propisa koja uređuju rad policije i spriječile slučajeve zlorabe vezane za imunitete i povlastice utvrđene u ovom Sporazumu. Smatra li neka država članica da je došlo do zlorabe imuniteta ili povlastica dodijeljenih ovim Sporazumom, održat će se konzultacije između te države i Organizacije, ili između odnosnih država, kako bi se utvrdilo je li došlo do bilo kakve zlorabe i, ukoliko jest, nastojat će se osigurati da se ne dogode ponovni slučajevi. Unatoč gore navedenome ili bilo kojim drugim odredbama ovoga Sporazuma, država članica koja smatra da je neka osoba zlorabila svoju povlasticu boravka ili bilo koju drugu povlasticu ili imunitet koji su joj odobreni na temelju ovog Sporazuma može zatražiti od te osobe da napusti njezino državno područje.

Dio II. – Organizacija**ČLANAK 4.**

Organizacija ima pravnu osobnost; ona ima sposobnost sklapati ugovore, stjecati i raspolagati pokretnom i nepokretnom imovinom te pokretati pravne postupke.

ČLANAK 5.

Organizacija, njezina imovina i sredstva, bez obzira na to gdje se nalaze i u čijem su posjedu, uživaju imunitet od bilo kojeg pravnog postupka osim ako u pojedinom slučaju predsjedavajući zamjenika članova Vijeća, u ime Organizacije, izriječno ne odobri odricanje od ovog imuniteta. Podrazumijeva se, međutim, da se odricanje od imuniteta ne proteže na bilo koju mjeru ovrhe ili zadržavanja imovine.

ČLANAK 6.

Prostorije Organizacije nepovredive su. Njezina imovina i sredstva, bez obzira na to gdje se nalaze i u čijem su posjedu, uživaju imunitet od pretresa, rekvizicije, konfiskacije, izvlaštenja ili bilo kojeg drugog oblika smetanja.

ČLANAK 7.

Arhivi Organizacije i svi dokumenti koji joj pripadaju ili koje posjeduje nepovredivi su, bez obzira na to gdje se nalaze.

ČLANAK 8.

1. Bez da je ograničena financijskim nadzorima, propisima ili moratorijima bilo koje vrste,

- (a) Organizacija može posjedovati valutu bilo koje vrste i upravljati računima u bilo kojoj valuti;
- (b) Organizacija može slobodno prenositi svoja sredstva iz jedne zemlje u drugu ili unutar bilo koje zemlje i promijeniti svaku valutu koju posjeduje u svaku drugu valutu po najpovoljnijem službenom tečaju, radi prodaje ili kupnje, ovisno o slučaju.

2. U ostvarivanju svojih prava na temelju gornjeg stavka 1., Organizacija će voditi računa o svim primjedbama bilo koje države članice i uvažiti takve primjedbe u onoj mjeri u kojoj je to izvedivo.

ČLANAK 9.

Organizacija, njezina sredstva, prihodi i ostala imovina su oslobođeni:

- (a) od svih neposrednih poreza; Organizacija, međutim, neće tražiti oslobađanje od davanja, poreza ili pristojbi koje nisu ništa doli naknade za komunalne usluge;
- (b) od svih carina i količinskih ograničenja na uvoz i izvoz glede predmeta koje je Organizacija uvezla ili izvezla za svoju službenu uporabu; s predmetima uvezenim na temelju takvih oslobađenja neće se raspolagati, bilo prodajom ili darovanjem, u zemlji u kojoj su uvezeni, osim pod uvjetima koje odobri vlada te zemlje;
- (c) od svih carina i količinskih ograničenja na uvoz i izvoz svojih izdanja.

ČLANAK 10.

Iako Organizacija, u načelu, neće zahtijevati oslobađanje od davanja i poreza koji ulaze u cijenu pokretne i nepokretne imovine koja se prodaje, ipak će države članice u slučaju kad Organizacija u službene svrhe kupuje imovinu veće vrijednosti u čiju su cijenu uračunati ili se mogu uračunati takva davanja ili porezi usvojiti, kad god je to moguće, prikladne administrativne mjere radi naknade ili povrata iznosa tih davanja ili poreza.

ČLANAK 11.

1. Službena prepiska i ostala službena komunikacija Organizacije ne podliježe cenzuri.

2. Organizacija ima pravo rabiti šifre te slati i primati prepisku putem teklića ili u zapečaćenim valizama, koji imaju iste imunitete i povlastice kao diplomatski teklići i valize.

3. Ništa u ovom članku neće se tumačiti tako da isključuje usvajanje odgovarajućih preventivnih sigurnosnih mjera, koje će se utvrditi sporazumom između države članice i Vijeća koje djeluje u ime Organizacije.

Dio III. – Predstavnici država članica

ČLANAK 12.

Svaka osoba koju država članica odredi za svog glavnog stalnog predstavnika pri Organizaciji na državnom području druge države članice te oni članovi njegovog službenog osoblja s boravištem na tom državnom području kako mogu biti dogovoreni između države koja ih je imenovala i Organizacije te između Organizacije i države u kojoj će oni imati boravište, uživat će imunitete i povlastice koje se odobravaju diplomatskim predstavnicima i njihovom službenom osoblju odgovarajućeg ranga.

ČLANAK 13.

1. Svaki predstavnik države članice u Vijeću ili u nekom od njegovih pomoćnih tijela na koje se ne odnose odredbe članka 12. dok se nalazi na državnom području druge države članice radi obavljanja njegovih zadaća, uživa sljedeće povlastice i imunitete:

- (a) imunitet od uhićenja ili pritvaranja, jednak onom koji se odobrava diplomatskom osoblju odgovarajućeg ranga;
- (b) imunitet od pravnog postupka glede izgovorenih ili napisanih riječi i djela koje on počini u svojem službenom svojstvu;
- (c) nepovredivost svih spisa i dokumenata;
- (d) pravo na uporabu šifri te na primanje i slanje spisa ili prepiske putem teklića ili u zapečaćenim valizama;
- (e) izuzeće u odnosu na njega samoga i njegovog bračnog druga od ograničenja useljavanja, prijavljivanja stranaca i vojne obveze, jednako onome koje se odobrava diplomatskom osoblju odgovarajućeg ranga;
- (f) iste olakšice u pogledu ograničenja koja se tiču valute ili njezine zamjene, jednake onima koje se odobravaju diplomatskom osoblju odgovarajućeg ranga;
- (g) imunitete i olakšice što se tiče njegove osobne prtljage, jednake onima koje se odobravaju diplomatskom osoblju odgovarajućeg ranga;
- (h) pravo bez carine uvesti svoj namještaj i stvari prilikom prvoga dolaska radi preuzimanja svoje službe u odnosnoj zemlji te, po završetku njegovih zadaća u toj zemlji, ponovno izvesti taj namještaj i stvari bez carine, podložno u svakom slučaju uvjetima koje vlada zemlje u kojoj se pravo ostvaruje može smatrati potrebnima;
- (i) pravo privremeno uvesti bez carine svoje osobno motorno vozilo za svoju vlastitu osobnu uporabu, te naknadno ponovno izvesti to vozilo bez carine, podložno u svakom slučaju uvjetima koje vlada odnosne države zemlje može smatrati potrebnima.

2. Kada oporezivanje bilo koje vrste ovisi o boravištu, razdoblje tijekom kojeg predstavnik na kojeg se ovaj članak primjenjuje boravi na državnom području druge države članice radi obavljanja njegovih dužnosti neće se smatrati razdobljem boravka. Osobito, on će biti oslobođen od poreza na njegovu službenu plaću i ostale dohotke tijekom trajanja dužnosti.

3. U smislu ovog članka „predstavnik“ obuhvaća sve predstavnike, savjetnike i tehničke stručnjake izaslanstava. Svaka država članica dostavit će drugim odnosnim državama članicama, ukoliko to zatraže, imena svojih predstavnika na koje se primjenjuje ovaj članak i predviđeno trajanje njihovoga boravka na državnom području tih država članica.

ČLANAK 14.

Službenom administrativnom osoblju koje prati predstavnika države članice koje nije obuhvaćeno člancima 12. ili 13., tijekom boravka na državnom području druge države članice radi obavljanja njihovih dužnosti, odobrit će se povlastice i imuniteti utvrđeni u stavku 1. (b), (c), (e), (f), (h) i (i) te stavku 2. članka 13.

ČLANAK 15.

Povlastice i imuniteti ne odobravaju se predstavnicima država članica i njihovom osoblju radi njihove osobne koristi već radi osiguranja neovisnosti u obavljanju njihovih zadaća u vezi sa Sjevernoatlantskim ugovorom. Prema tome, država članica ne samo da ima pravo, nego i dužnost odreći se imuniteta svojih predstavnika i članova njihovog osoblja u svakom slučaju kad bi, po njezinu mišljenju, imunitet ometao izvršenje pravde i kad ga se može odreći bez da šteti svrsi za koju je odobren.

ČLANAK 16.

Odredbe gornjih članaka 12. do 14. ne zahtijevaju da bilo koja država odobri bilo koje u njima navedene povlastice ili imunitete bilo kojoj osobi koja je njezin državljanin ili bilo kojoj osobi kao njezinom predstavniku ili kao članu osoblja tog predstavnika.

Dio IV. – Međunarodno osoblje i stručnjaci na zadatku za Organizaciju

ČLANAK 17.

Kategorije službenih osoba Organizacije na koje se primjenjuju članci 18. do 20. utvrđuju predsjedavajući zamjenika članova Vijeća i svaka od odnosnih država članica. Predsjedavajući zamjenika članova Vijeća priopćit će državama članicama imena službenih osoba uključenih u te kategorije.

ČLANAK 18.

Službene osobe Organizacije utvrđene na temelju članka 17.:

- (a) uživaju imunitet od pravnog postupka u pogledu izgovorenih ili napisanih riječi ili djela koja počine u njihovom službenom svojstvu i u okvirima njihovih nadležnosti;
- (b) uživaju, zajedno s njihovim bračnim drugovima i članovima njihove uže obitelji koji s njima borave i koje oni uzdržavaju, imunitet od ograničenja useljavanja i prijave stranaca jednak onome koji se odobrava diplomatskom osoblju odgovarajućeg ranga;
- (c) uživaju iste olakšice u pogledu ograničenja koja se tiču valute ili njezine zamjene, jednake onima koje se odobravaju diplomatskom osoblju odgovarajućeg ranga;

- (d) uživaju, zajedno s njihovim bračnim drugovima i članovima njihove uže obitelji koji s njima borave i koje oni uzdržavaju, olakšice u pogledu repatrijacije u vrijeme međunarodnih kriza, jednake onima koje se odobravaju diplomatskom osoblju odgovarajućeg ranga;
- (e) imaju pravo bez carine uvesti svoj namještaj i stvari prilikom prvoga dolaska radi preuzimanja njihove službe u odnosnoj zemlji državi, te, po završetku njihovih zadaća u toj zemlji, ponovno izvesti taj namještaj i stvari bez carine, podložno u svakom slučaju uvjetima koje vlada zemlje u kojoj se pravo ostvaruje može smatrati potrebnima;
- (f) imaju pravo privremeno uvesti bez carine njihova osobna motorna vozila za njihovu vlastitu osobnu uporabu, te naknadno ponovno izvesti ta vozila bez carine, podložno u svakom slučaju uvjetima koje vlada odnosne zemlje može smatrati potrebnima.

ČLANAK 19.

Službene osobe Organizacije koje su utvrđene na temelju članka 17. oslobođene su oporezivanja plaće i ostalih dohodaka koje im isplaćuje Organizacija u njihovom svojstvu službene osobe. Svaka država članica može, međutim, sklopiti dogovor s Vijećem koje djeluje u ime Organizacije, kojim će država članica zaposliti i dodijeliti Organizaciji svoje državljane (osim, ako država članica tako želi, državljana koji inače nemaju prebivalište na njezinu državnom području) koji će raditi kao međunarodno osoblje Organizacije, te će isplaćivati plaće i ostale dohotke tim osobama iz vlastitih sredstava prema mjerilima koje sama utvrdi. Tako isplaćene plaće i ostale dohotke ta država članica može oporezivati, no oslobođeni su oporezivanja od strane bilo koje druge države članice. Ukoliko neka država članica sklopi takav dogovor a isti bude naknadno izmijenjen ili okončan, države članice više neće biti vezane odredbom prve rečenice ovoga članka u pogledu oslobođenja od oporezivanja plaća i dohodaka koje isplaćuju njihovim državljanima.

ČLANAK 20.

Pored imuniteta i povlastica predviđenih člancima 18. i 19., izvršnom tajniku Organizacije i koordinatoru Sjevernoatlantske obrambene proizvodnje, te drugim stalnim službenim osobama sličnog ranga kako može biti utvrđeno između predsjedavajućeg zamjenika članova Vijeća i vlada država članica, odobravaju se povlastice i imuniteti koji se uobičajeno odobravaju diplomatskim predstavnicima odgovarajućeg ranga.

ČLANAK 21.

1. Stručnjacima (različitim od službenih osoba obuhvaćenih člancima od 18. do 20.) koji obavljaju zadaće u ime Organizacije za nesmetano obavljanje njihovih zadaća dok se nalaze na državnom području države članice za trajanja njihovih dužnosti odobravaju se sljedeće povlastice i imuniteti u mjeri u kojoj su potrebni:

- (a) imunitet od uhićenja i pritvaranja te od zapljene njihove osobne prtljage;
- (b) imunitet od pravnog postupka u pogledu izgovorenih ili napisanih riječi ili djela koja počine u obavljanju njihovih službenih zadaća za Organizaciju;

- (c) iste olakšice u pogledu ograničenja koja se tiču valute ili njezine zamjene i u pogledu njihove osobne prtljage, koje se odobravaju predstavnicima stranih vlada na privremenim službenim misijama;
- (d) nepovredivost svih spisa i dokumenata koji se odnose na posao koji oni obavljaju za Organizaciju.

2. Predsjedavajući zamjenika članova Vijeća priopćit će odnosnim državama članicama imena svih stručnjaka na koje se primjenjuje ovaj članak.

ČLANAK 22.

Povlastice i imuniteti odobravaju se službenim osobama i stručnjacima u interesu Organizacije, a ne radi njihove osobne koristi. Predsjedavajući zamjenika članova Vijeća ima pravo i dužnost odreći se imuniteta svake službene osobe ili stručnjaka u svakom slučaju kad bi, po njegovom mišljenju, imunitet ometao izvršenje pravde i kad ga se može odreći bez da šteti interesima Organizacije.

ČLANAK 23.

Odredbe gornjih članaka 18., 20. i 21., ne zahtijevaju da bilo koja država odobri bilo koju od povlastica ili imuniteta u njima navedenih bilo kojoj osobi koja je njezin državljanin, osim:

- (a) imuniteta od pravnog postupka u pogledu izgovorenih ili napisanih riječi ili djela koje ona počini u obavljanju njezinih službenih zadaća za Organizaciju;
- (b) nepovredivost svih spisa i dokumenata koji se odnose na rad koji ona obavlja za Organizaciju;
- (c) olakšice u pogledu ograničenja koja se tiču valute ili njezine zamjene u mjeri u kojoj su potrebne za nesmetano obavljanje njezinih zadaća.

Dio V. – Rješavanje sporova

ČLANAK 24.

Vijeće će propisati načine rješavanja:

- (a) sporova koji proizlaze iz ugovora ili drugih sporova privatne naravi u kojima je Organizacija stranka;
- (b) sporova u koje je uključen bilo koja službena osoba ili stručnjak Organizacije na kojeg se primjenjuje Dio IV. ovoga Sporazuma koji s obzirom na njegov službeni položaj uživa imunitet, ako nije došlo do odricanja od imuniteta u skladu s odredbama članka 22.

Dio VI. – Dodatni sporazumi

ČLANAK 25.

Vijeće djelujući u ime Organizacije može sklopiti s bilo kojom državom članicom ili državama dodatne sporazume kojima se mijenjaju odredbe ovoga Sporazuma, u mjeri u kojoj se odnose na tu ili te države.

Dio VII. – Završne odredbe

ČLANAK 26.

1. Ovaj Sporazum je otvoren za potpisivanje državama članicama Organizacije i podliježe ratifikaciji. Isprave o ratifikaciji polažu se kod Vlade Sjedinjenih Američkih Država koja će obavijestiti sve države potpisnice o svakom takvom polaganju.

2. Čim šest država potpisnica položi svoje isprave o ratifikaciji, ovaj Sporazum stupa na snagu u odnosu na te države. U odnosu na svaku drugu državu potpisnicu, on stupa na snagu datumom polaganja njezine isprave o ratifikaciji.

ČLANAK 27.

Svaka država ugovornica može otkazati ovaj Sporazum uz pisanu obavijest o otkazu Vladi Sjedinjenih Američkih Država, koja će obavijestiti sve države potpisnice o takvoj obavijesti. Otkaz stupa na snagu godinu dana nakon što Vlada Sjedinjenih Američkih Država primi obavijest.

U potvrdu toga su potpisani punomoćnici potpisali ovaj Sporazum.

Sastavljeno u Ottawi dvadesetoga rujna 1951., na francuskom i engleskom, pri čemu su oba teksta jednako vjerodostojna, u jednom primjerku koji će biti pohranjen u arhivu Vlade Sjedinjenih Američkih Država, koja će ovjerenu presliku dostaviti svakoj od država potpisnica.

AGREEMENT ON THE STATUS OF THE NORTH ATLANTIC TREATY ORGANISATION, NATIONAL REPRESENTATIVES AND INTERNATIONAL STAFF

The States signatory to the present Agreement,
Considering that for the exercise of their functions and the fulfilment of their purposes it is necessary that the North Atlantic Treaty Organisation, its international staff and the representatives of Member States attending meetings thereof should have the status set out hereunder,

Have agreed as follows:

Part I. – General

ARTICLE 1

In the present Agreement,

- (a) "the Organisation" means the North Atlantic Treaty Organisation consisting of the Council and its subsidiary bodies;
- (b) "the Council" means the Council established under Article 9 of the North Atlantic Treaty and the Council Deputies;

- (c) "subsidiary bodies" means any organ, committee or service established by the Council or under its authority, except those to which, in accordance with Article 2, this Agreement does not apply;
- (d) "Chairman of the Council Deputies" includes, in his absence, the Vice-Chairman acting for him.

ARTICLE 2

The present Agreement shall not apply to any military headquarters established in pursuance of the North Atlantic Treaty nor, unless the Council decides otherwise, to any other military bodies.

ARTICLE 3

The Organisation and Member States shall co-operate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the immunities and privileges set out in the present Agreement. If any Member State considers that there has been an abuse of any immunity or privilege conferred by this Agreement, consultations shall be held between that State and the Organisation, or between the States concerned, to determine whether any such abuse has occurred, and, if so, to attempt to ensure that no repetition occurs. Notwithstanding the foregoing or any other provisions of this Agreement, a Member State which considers that any person has abused his privilege of residence or any other privilege or immunity granted to him under this Agreement may require him to leave its territory.

Part II. – The Organisation

ARTICLE 4

The Organisation shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

ARTICLE 5

The Organisation, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Chairman of the Council Deputies, acting on behalf of the Organisation, may expressly authorise the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

ARTICLE 6

The premises of the Organisation shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference.

ARTICLE 7

The archives of the Organisation and all documents belonging to it or held by it shall be inviolable, wherever located.

ARTICLE 8

1. Without being restricted by financial controls, regulations or moratoria of any kind,

- (a) the Organisation may hold currency of any kind and operate accounts in any currency;
- (b) the Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency at the most favourable official rate of exchange for a sale or purchase as the case may be.

2. In exercising its rights under paragraph 1 above, the Organisation shall pay due regard to any representations made by any Member State and shall give effect to such representations in so far as it is practicable to do so.

ARTICLE 9

The Organisation, its assets, income and other property shall be exempt:

- (a) from all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;
- (b) from all customs duties and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use; articles imported under such exemption shall not be disposed of, by way either of sale or gift, in the country into which they are imported except under conditions approved by the Government of that country;
- (c) from all customs duties and quantitative restrictions on imports and exports in respect of its publications.

ARTICLE 10

While the Organisation will not as a 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, nevertheless, when the Organisation is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE 11

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council acting on behalf of the Organisation.

Part III. – Representatives of Member States

ARTICLE 12

Every person designated by a Member State as its principal permanent representative to the Organisation in the territory of another Member State, and such members of his official staff resident in that territory as may be agreed between the State which has designated them and the Organisation and between the Organisation and the State in which they will be resident, shall enjoy the immunities and privileges accorded to diplomatic representatives and their official staff of comparable rank.

ARTICLE 13

1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article 12 shall, while present in the territory of another Member State for the discharge of his duties, enjoy the following privileges and immunities:

- (a) the same immunity from personal arrest or detention as that accorded to diplomatic personnel of comparable rank;
- (b) in respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;
- (c) inviolability for all papers and documents;
- (d) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags;
- (e) the same exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations as that accorded to diplomatic personnel of comparable rank;
- (f) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;
- (g) the same immunities and facilities in respect of his personal baggage as are accorded to diplomatic personnel of comparable rank;
- (h) the right to import free of duty his furniture and effects at the time of first arrival to take up his post in the country in question, and, on the termination of his functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;
- (i) the right to import temporarily free of duty his private motor vehicle for his own personal use and subsequently to re-export such vehicle free or duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

2. Where the legal incidence of any form of taxation depends upon residence, a period during which a representative to whom this Article applies is present in the territory of another Member State for the discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation on his official salary and emoluments during such periods of duty.

3. In this Article “representative” shall be deemed to include all representatives, advisers and technical experts of delegations. Each Member State shall communicate to the other Member States concerned, if they so request, the names of its representatives to whom this Article applies and the probable duration of their stay in the territories of such other Member States.

ARTICLE 14

Official clerical staff accompanying a representative of a Member State who are not covered by Articles 12 or 13 shall, while present in the territory of another Member State for the discharge of their duties, be accorded the privileges and immunities set out in paragraph 1 *(b)*, *(c)*, *(e)*, *(f)*, *(h)* and *(i)*, and paragraph 2 of Article 13.

ARTICLE 15

Privileges and immunities are accorded to the representatives of Member States and their staffs not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the North Atlantic Treaty. Consequently, a Member State not only has the right, but is under a duty to waive the immunity of its representatives and members of their staffs in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity is accorded.

ARTICLE 16

The provisions of Articles 12 to 14 above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national or to any person as its representative or as a member of the staff of such representative.

Part IV. – International Staff and Experts on Missions for the Organisation

ARTICLE 17

The categories of officials of the Organisation to which Articles 18 to 20 apply shall be agreed between the Chairman of the Council Deputies and each of the Member States concerned. The Chairman of the Council Deputies shall communicate to the Member States the names of the officials included in these categories.

ARTICLE 18

Officials of the Organisation agreed upon under Article 17 shall:

- (a) be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;
- (b) be granted, together with their spouses and members of their immediate families residing with and dependent on them, the same immunities from immigration restrictions and aliens' registration as is accorded to diplomatic personnel of comparable rank;
- (c) be accorded the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;
- (d) be given, together with their spouses and members of their immediate families residing with and dependent on them, the same repatriation facilities in time of international crisis as are accorded to diplomatic personnel of comparable rank;
- (e) have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;
- (f) have the right to import temporarily free of duty their private motor vehicles for their own personal use and subsequently to re-export such vehicles free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

ARTICLE 19

Officials of the Organisation agreed under Article 17 shall be exempt from taxation on the salaries and emoluments paid to them by the Organisation in their capacity as such officials. Any Member State may, however, conclude an arrangement with the Council acting on behalf of the Organisation whereby such Member State will employ and assign to the Organisation all of its nationals (except, if such Member State so desires, any not ordinarily resident within its territory) who are to serve on the international staff of the Organisation and pay the salaries and emoluments of such persons from its own funds at a scale fixed by it. The salaries and emoluments so paid may be taxed by such Member State but shall be exempt from taxation by any other Member State. If such an arrangement is entered into by any Member State and is subsequently modified or terminated, Member States shall no longer be bound under the first sentence of this Article to exempt from taxation the salaries and emoluments paid to their nationals.

ARTICLE 20

In addition to the immunities and privileges specified in Articles 18 and 19, the Executive Secretary of the Organisation, the Co-ordinator of North Atlantic Defence Production, and such other permanent officials of similar rank as may be agreed between the Chairman of the Council Deputies and the Governments of Member States, shall be accorded the privileges and immunities normally accorded to diplomatic personnel of comparable rank.

ARTICLE 21

1. Experts (other than officials coming within the scope of Articles 18 to 20) employed on missions on behalf of the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions while present in the territory of a Member State for the discharge of their duties:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written or acts done by them in the performance of their official functions for the Organisation, immunity from legal process;
- (c) the same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;
- (d) inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

2. The Chairman of the Council Deputies shall communicate to the Member States concerned the names of any experts to whom this Article applies.

ARTICLE 22

Privileges and immunities are granted to officials and experts in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any official or expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

ARTICLE 23

The provisions of Articles 18, 20 and 21, above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national, except:

- (a) immunity from legal process in respect of words spoken or written or acts done by him in the performance of his official functions for the Organisation;
- (b) inviolability for all papers and documents relating to the work on which he is engaged for the Organisation;
- (c) facilities in respect of currency or exchange restrictions so far as necessary for the effective exercise of his functions.

Part V. – Settlement of Disputes

ARTICLE 24

The Council shall make provision for appropriate modes of settlement of:

- (a) disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;
- (b) disputes involving any official or expert of the Organisation to whom Part IV of this Agreement applies who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Article 22.

Part VI. – Supplementary Agreements

ARTICLE 25

The Council acting on behalf of the Organisation may conclude with any Member State or States supplementary agreements modifying the provisions of the present Agreement, so far as that State or those States are concerned.

Part VII. – Final Provisions

ARTICLE 26

1. The present Agreement shall be open for signature by Member States of the Organisation and shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the United States of America, which will notify all signatory States of each such deposit.

2. As soon as six signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect of those States. It shall come into force in respect of each other signatory State, on the date of the deposit of its instrument of ratification.

ARTICLE 27

The present Agreement may be denounced by any Contracting State by giving written notification of denunciation to the Government of the United States of America, which will notify all signatory States of each such notification. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America.

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

Done in Ottawa this twentieth day of September, 1951, in French and in English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of the United States of America which will transmit a certified copy to each of the signatory States.

Članak 3.

Provedba ovoga Zakona u djelokrugu je središnjeg tijela državne uprave nadležnog za poslove obrane.

Članak 4.

Na dan stupanja na snagu ovoga Zakona, Sporazum iz članka 1. ovoga Zakona nije na snazi u odnosu na Republiku Hrvatsku već se privremeno primjenjuje od 9. travnja 2009. godine te će se podaci o njegovom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

Članak 5.

Ovaj Zakon stupa na snagu danom objave u Narodnim novinama.

OBRAZLOŽENJE

Člankom 1. utvrđuje se da Hrvatski sabor potvrđuje Sporazum o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, u skladu s člankom 139. stavkom 1. Ustava Republike Hrvatske i člankom 18. Zakona o sklapanju i izvršavanju međunarodnih ugovora, čime se iskazuje formalni pristanak Republike Hrvatske da bude vezana ovim Sporazumom, a na temelju čega će taj pristanak biti iskazan i na međunarodnoj razini polaganjem isprave o ratifikaciji.

Članak 2. sadrži tekst Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

Napominjemo da su u članku 1. Sporazuma navedene definicije određenih tijela NATO-a koje su postojale u vrijeme sklapanja istog, 20. rujna 1951. godine; kao što su „Vijeće“, „pomoćna tijela“, „zamjenici članova Vijeća“ te „predsjedavajući zamjenika članova Vijeća“. Radi boljeg shvaćanja današnjeg ustrojstva NATO-a ističemo da se izraz Vijeće i njegova pomoćna tijela odnosi na Sjevernoatlantsko vijeće i niz odbora i radnih skupina ustrojenih sa svrhom izvršavanja zadaća NATO-a, a temeljem članka 9. Sjevernoatlantskog ugovora. „Zamjenici članova Vijeća“ danas su stalni predstavnici država članica NATO-a. „Predsjedavajući zamjenika članova Vijeća“ danas je glavni tajnik NATO-a koji ima trojaku ulogu: prvo i najvažnije, on je predsjedatelj Sjevernoatlantskog vijeća, Odbora za obrambeno planiranje i Skupine za nuklearno planiranje kao i Euroatlantskog partnerskog vijeća, Vijeća NATO-Rusija, Komisije NATO-Ukrajina i Skupine za mediteransku suradnju. Kao drugo, on je glavni glasnogovornik NATO-a i predstavnik NATO-a u javnosti u ime država članica čime odražava njihove zajedničke stavove o političkim pitanjima. Kao treće, on je viši izvršni časnik Međunarodnog osoblja NATO-a te je odgovoran za primanje i razgovor s osobljem kao i za nadzor njihova rada.

Člankom 3. utvrđuje se da je provedba Zakona u djelokrugu središnjeg tijela državne uprave nadležnog za poslove obrane.

Člankom 4. utvrđuje se da na dan stupanja na snagu Zakona, Sporazum iz članka 1. Zakona nije na snazi u odnosu na Republiku Hrvatsku, privremeno se primjenjuje od 9. travnja 2009. godine te da će se podaci o njegovom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

Člankom 5. se u smislu članka 89. stavka 3. Ustava Republike Hrvatske („Narodne novine“ broj 41/01 – pročišćeni tekst i 55/01- ispravak), a zbog postojanja osobito opravdanih državnih razloga pobliže pojašnjenih u točki V. Prijedloga zakona, određuje da ovaj Zakon stupa na snagu danom objave u „Narodnim novinama“ kako bi Republika Hrvatska, odmah po okončanju svog unutarnjeg pravnog postupka, mogla i na međunarodnoj razini polaganjem svoje isprave o ratifikaciji kod Vlade Sjedinjenih Američkih Država, izraziti svoj pristanak biti vezana Sporazumom, što je preduvjet kako bi isti stupio na snagu za Republiku Hrvatsku te bio primjenjiv u odnosima Republike Hrvatske i ostalih država članica NATO-a.

**PRILOG – PRESLIKA TEKSTA SPORAZUMA U IZVORNIKU NA
ENGLESKOM I FRANCUSKOM JEZIKU**



AGREEMENT ON THE STATUS OF THE NORTH ATLANTIC TREATY
ORGANIZATION, NATIONAL REPRESENTATIVES AND
INTERNATIONAL STAFF

CONVENTION SUR LE STATUT DE L'ORGANISATION DU TRAITE DE
L'ATLANTIQUE NORD, DES REPRESENTANTS NATIONAUX ET DU
PERSONNEL INTERNATIONAL

**AGREEMENT ON THE STATUS OF THE NORTH ATLANTIC
TREATY ORGANISATION, NATIONAL REPRESENTATIVES
AND INTERNATIONAL STAFF**

The States signatory to the present Agreement,
Considering that for the exercise of their functions and the fulfilment of
their purposes it is necessary that the North Atlantic Treaty Organisation,
its international staff and the representatives of Member States attending
meetings thereof should have the status set out hereunder,
Have agreed as follows:

Part I.—General

ARTICLE 1

In the present Agreement,

- (a) "the Organisation" means the North Atlantic Treaty Organisation consisting of the Council and its subsidiary bodies;
- (b) "the Council" means the Council established under Article 9 of the North Atlantic Treaty and the Council Deputies;
- (c) "subsidiary bodies" means any organ, committee or service established by the Council or under its authority, except those to which, in accordance with Article 2, this Agreement does not apply;
- (d) "Chairman of the Council Deputies" includes, in his absence, the Vice-Chairman acting for him.

ARTICLE 2

The present Agreement shall not apply to any military headquarters established in pursuance of the North Atlantic Treaty nor, unless the Council decides otherwise, to any other military bodies.

ARTICLE 3

The Organisation and Member States shall co-operate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the immunities and privileges set out in the present Agreement. If any Member State considers that there has been an abuse of any immunity or privilege conferred by this Agreement, consultations shall be held between that State and the Organisation, or between the States concerned, to determine whether any such abuse has occurred, and, if so, to attempt to ensure that no repetition occurs. Notwithstanding the foregoing or any other provisions of this Agreement, a Member State which considers that any person has abused his privilege of residence or any other privilege or immunity granted to him under this Agreement may require him to leave its territory.

Part II.—The Organisation

ARTICLE 4

The Organisation shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

CONVENTION SUR LE STATUT DE L'ORGANISATION DU TRAITE DE L'ATLANTIQUE NORD, DES REPRESENTANTS NATIONAUX ET DU PERSONNEL INTERNATIONAL

Les Etats signataires à la présente Convention,
Considérant qu'il est nécessaire que l'Organisation du Traité de l'Atlantique Nord, son personnel international et les représentants des Etats membres assistant à ses réunions bénéficient du statut ci-après, pour exercer leurs fonctions et remplir leur mission,
Sont convenus de ce qui suit :

Titre I.—Généralités

ARTICLE 1

Dans la présente Convention,

- (a) "l'Organisation" désigne l'Organisation du Traité de l'Atlantique Nord se composant du Conseil et des organismes subsidiaires ;
- (b) "le Conseil" signifie le Conseil prévu à l'article 9 du Traité de l'Atlantique Nord et les Suppléants du Conseil ;
- (c) "organismes subsidiaires" désigne tout autre organisme, comité ou service créé par le Conseil ou placé sous son autorité, à l'exception de ceux auxquels, en vertu des dispositions de l'article 2, la présente Convention ne s'applique pas ;
- (d) "Président des Suppléants du Conseil" désigne également, en son absence, le Vice-Président agissant à sa place.

ARTICLE 2

La présente Convention ne s'applique pas aux quartiers généraux créés en exécution du Traité de l'Atlantique Nord, non plus qu'aux autres organismes militaires, à moins que le Conseil n'en décide autrement.

ARTICLE 3

L'Organisation et les Etats membres collaborent en tout temps en vue de faciliter la bonne administration de la justice, d'assurer l'observation des règlements de police et d'éviter tout abus auquel pourraient donner lieu les privilèges et immunités définis par la présente Convention. Si un Etat membre estime qu'une immunité ou un privilège conféré par la Convention a donné lieu à un abus, l'Organisation et cet Etat ou les Etats intéressés se concertent en vue de déterminer s'il y a eu effectivement abus et, dans l'affirmative, de prendre les mesures nécessaires pour en éviter le renouvellement. Nonobstant ce qui précède ou toute autre disposition de la présente Convention, tout Etat membre qui estime qu'une personne a abusé de son privilège de résidence ou de tout autre privilège ou immunité à elle conféré par la présente Convention, peut exiger que cette personne quitte son territoire.

Titre II.—L'Organisation

ARTICLE 4

L'Organisation possède la personnalité juridique ; elle a la capacité de contracter, d'acquérir et aliéner des biens mobiliers et immobiliers ainsi que d'ester en justice.

ARTICLE 5

The Organisation, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Chairman of the Council Deputies, acting on behalf of the Organisation, may expressly authorise the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

ARTICLE 6

The premises of the Organisation shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference.

ARTICLE 7

The archives of the Organisation and all documents belonging to it or held by it shall be inviolable, wherever located.

ARTICLE 8

1. Without being restricted by financial controls, regulations or moratoria of any kind,

- (a) the Organisation may hold currency of any kind and operate accounts in any currency;
- (b) the Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency at the most favourable official rate of exchange for a sale or purchase as the case may be.

2. In exercising its rights under paragraph 1 above, the Organisation shall pay due regard to any representations made by any Member State and shall give effect to such representations in so far as it is practicable to do so.

ARTICLE 9

The Organisation, its assets, income and other property shall be exempt:

- (a) from all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;
- (b) from all customs duties and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use; articles imported under such exemption shall not be disposed of, by way either of sale or gift, in the country into which they are imported except under conditions approved by the Government of that country;
- (c) from all customs duties and quantitative restrictions on imports and exports in respect of its publications.

ARTICLE 10

While the Organisation will not as a 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, nevertheless, when the Organisation is making important purchases for official use of property on which such duties

ARTICLE 5

L'Organisation, ses biens et avoirs, quels que soient leur siège et leur détenteur, jouissent de l'immunité de juridiction, sauf dans la mesure où le président des Suppléants du Conseil, agissant au nom de l'Organisation, y a expressément renoncé dans un cas particulier. Il est toutefois entendu que la renonciation ne peut s'étendre à des mesures de contrainte et d'exécution.

ARTICLE 6

Les locaux de l'Organisation sont inviolables. Ses biens et avoirs, où qu'ils se trouvent et quel que soit leur détenteur, sont exempts de perquisition, réquisition, confiscation, expropriation ou de toute autre forme de contrainte.

ARTICLE 7

Les archives de l'Organisation et, d'une manière générale, tous les documents lui appartenant ou détenus par elle, sont inviolables, où qu'ils se trouvent.

ARTICLE 8

1. Sans être astreinte à aucun contrôle, réglementation ou moratoire financiers:

- (a) l'Organisation peut détenir des devises quelconques et avoir des comptes en n'importe quelle monnaie;
- (b) l'Organisation peut transférer librement ses fonds, d'un pays dans un autre ou à l'intérieur d'un pays quelconque, et peut convertir toutes devises détenues par elle en toute autre monnaie, au cours officiel de change le plus favorable à la vente ou à l'achat suivant le cas.

2. Dans l'exercice des droits prévus au paragraphe 1 ci-dessus, l'Organisation tient compte de toutes représentations d'un Etat membre et y donne suite dans la mesure du possible.

ARTICLE 9

L'Organisation, ses avoirs, revenus et autres biens sont:

- (a) exonérés de tout impôt direct; toutefois, l'Organisation ne demandera pas l'exonération d'impôts qui ne constituent que la simple rémunération de services d'utilité publique;
- (b) exonérés de tous droits de douane et restrictions quantitatives à l'importation et à l'exportation sur les marchandises importées ou exportées par elle pour son usage officiel; les articles ainsi importés en franchise ne seront pas cédés à titre onéreux ou gratuit sur le territoire du pays dans lequel ils auront été introduits, à moins que ce ne soit à des conditions approuvées par le Gouvernement de ce pays;
- (c) exonérés de tous droits de douane et de toutes restrictions quantitatives à l'importation et à l'exportation en ce qui concerne ses publications.

ARTICLE 10

Bien que l'Organisation ne revende pas, en principe, l'exonération des droits de régie et des taxes à la vente entrant dans les prix des biens mobiliers ou immobiliers, cependant, quand elle effectue pour son usage officiel des achats importants dont le prix comprend des droits et taxes de cette nature,

and taxes have been charged or are chargeable, Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE 11

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council acting on behalf of the Organisation.

Part III.—Representatives of Member States

ARTICLE 12

Every person designated by a Member State as its principal permanent representative to the Organisation in the territory of another Member State, and such members of his official staff resident in that territory as may be agreed between the State which has designated them and the Organisation and between the Organisation and the State in which they will be resident, shall enjoy the immunities and privileges accorded to diplomatic representatives and their official staff of comparable rank.

ARTICLE 13

1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article 12 shall, while present in the territory of another Member State for the discharge of his duties, enjoy the following privileges and immunities:

- (a) the same immunity from personal arrest or detention as that accorded to diplomatic personnel of comparable rank;
- (b) in respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;
- (c) inviolability for all papers and documents;
- (d) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags;
- (e) the same exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations as that accorded to diplomatic personnel of comparable rank;
- (f) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;
- (g) the same immunities and facilities in respect of his personal baggage as are accorded to diplomatic personnel of comparable rank;
- (h) the right to import free of duty his furniture and effects at the time of first arrival to take up his post in the country in question, and, on the termination of his functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

les Etats membres prendront, chaque fois qu'il leur sera possible, les dispositions administratives appropriées en vue de la remise ou du remboursement du montant de ces droits et taxes.

ARTICLE 11

1. La correspondance officielle et les autres communications officielles de l'Organisation ne peuvent être censurées.

2. L'Organisation a le droit d'utiliser des codes, d'expédier et de recevoir de la correspondance par courriers spéciaux ou par valises sous scellés, qui jouissent des mêmes immunités et privilèges que les courriers et valises diplomatiques.

3. Les dispositions du présent article n'empêchent pas un Etat membre et le Conseil, agissant au nom de l'Organisation, d'adopter de commun accord des mesures de sécurité appropriées.

Titre III.—Représentants des Etats Membres

ARTICLE 12

Toute personne désignée par un Etat membre comme son représentant principal permanent auprès de l'Organisation sur le territoire d'un autre Etat membre, ainsi que les personnes qui font partie de son personnel officiel résidant sur ce territoire et ayant fait l'objet d'un accord entre l'Etat dont elles relèvent et l'Organisation et entre l'Organisation et l'Etat où elles résideront, bénéficient des immunités et privilèges accordés aux représentants diplomatiques et à leur personnel officiel de rang comparable.

ARTICLE 13

1. Tout représentant d'un Etat membre auprès du Conseil ou de l'un de ses organismes subsidiaires, non visé par l'article 12, jouit, pendant sa présence sur le territoire d'un autre Etat membre pour l'exercice de ses fonctions, des privilèges et immunités suivants :

- (a) la même immunité d'arrestation ou de détention que celle qui est accordée aux agents diplomatiques de rang comparable ;
- (b) immunité de juridiction en ce qui concerne les actes accomplis par lui dans sa qualité officielle (y compris ses paroles et ses écrits) ;
- (c) inviolabilité de tous papiers et documents ;
- (d) droit de faire usage de codes, de recevoir et d'envoyer des documents ou de la correspondance par courrier ou par valises sous scellés ;
- (e) la même exemption, pour lui-même et pour son conjoint, à l'égard de toutes mesures restrictives relatives à l'immigration, de toutes formalités d'enregistrement des étrangers et de toutes obligations de service national, que celle qui est accordée aux agents diplomatiques de rang comparable ;
- (f) les mêmes facilités, en ce qui concerne les réglementations monétaires ou de change, que celles accordées aux agents diplomatiques de rang comparable ;
- (g) les mêmes immunités et facilités, en ce qui concerne ses bagages personnels, que celles accordées aux agents diplomatiques de rang comparable ;
- (h) le droit d'importer en franchise son mobilier et ses effets à l'occasion de sa première prise de fonctions dans le pays intéressé et le droit, à la cessation de ses fonctions dans ledit pays, de réexporter en franchise ce mobilier et ces effets, sous réserve, dans l'un et l'autre cas, des conditions jugées nécessaires par le Gouvernement du pays où le droit est exercé ;

(i) the right to import temporarily free of duty his private motor vehicle for his own personal use and subsequently to re-export such vehicle free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

2. Where the legal incidence of any form of taxation depends upon residence, a period during which a representative to whom this Article applies is present in the territory of another Member State for the discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation on his official salary and emoluments during such periods of duty.

3. In this Article "representative" shall be deemed to include all representatives, advisers and technical experts of delegations. Each Member State shall communicate to the other Member States concerned, if they so request, the names of its representatives to whom this Article applies and the probable duration of their stay in the territories of such other Member States.

ARTICLE 14

Official clerical staff accompanying a representative of a Member State who are not covered by Articles 12 or 13 shall, while present in the territory of another Member State for the discharge of their duties, be accorded the privileges and immunities set out in paragraph 1 (b), (c), (e), (f), (h) and (i) and paragraph 2 of Article 13.

ARTICLE 15

Privileges and immunities are accorded to the representatives of Member States and their staffs not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the North Atlantic Treaty. Consequently, a Member State not only has the right, but is under a duty to waive the immunity of its representatives and members of their staffs in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity is accorded.

ARTICLE 16

The provisions of Articles 12 to 14 above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national or to any person as its representative or as a member of the staff of such representative.

Part IV.—International Staff and Experts on Missions for the Organisation

ARTICLE 17

The categories of officials of the Organisation to which Articles 18 to 20 apply shall be agreed between the Chairman of the Council Deputies and each of the Member States concerned. The Chairman of the Council Deputies shall communicate to the Member States the names of the officials included in these categories.

(f) le droit d'importer temporairement en franchise son automobile privée affectée à son usage personnel, et ensuite, de réexporter cette automobile en franchise, sous réserve, dans l'un et l'autre cas, des conditions jugées nécessaires par le Gouvernement du pays intéressé.

2. Lorsque l'assujettissement à un impôt quelconque dépend de la résidence, la période au cours de laquelle le représentant visé par le présent article se trouve, pour l'exercice de ses fonctions, sur le territoire d'un autre Etat membre, ne sera pas considérée comme période de résidence. En particulier, ses appointements officiels et ses émoluments seront exempts d'impôts au cours de cette période.

3. Pour l'application du présent article, le terme "représentants" comprend tous les représentants, conseillers et experts techniques des délégations. Chaque Etat membre communiquera aux autres Etats membres intéressés, si ceux-ci le demandent, les noms de leurs représentants à qui s'appliquent le présent article, ainsi que la durée probable de leur séjour dans le territoire desdits Etats membres.

ARTICLE 14

Le personnel officiel de secrétariat qui accompagne le représentant d'un Etat membre et qui n'est pas visé aux articles 12 et 13 bénéficie, au cours de son séjour sur le territoire d'un autre Etat membre, pour l'exercice de ses fonctions, des privilèges et immunités prévus au paragraphe 1 (b), (c), (e), (f), (h) et (i) et au paragraphe 2 de l'article 13.

ARTICLE 15

Ces privilèges et immunités sont accordés aux représentants des Etats membres et à leur personnel, non à leur propre avantage, mais en vue d'assurer en toute indépendance l'exercice de leurs fonctions en rapport avec le Traité de l'Atlantique Nord. Par conséquent, un Etat membre a non seulement le droit mais le devoir de lever l'immunité de ses représentants et des membres de leur personnel dans tous les cas où, à son avis, l'immunité empêcherait que justice soit faite et où elle peut être levée sans préjudicier aux fins pour lesquelles elle est accordée.

ARTICLE 16

Les dispositions des articles 12 et 14 ci-dessus ne peuvent obliger un Etat à accorder l'un quelconque des privilèges et immunités prévus par ces articles, à un de ses ressortissants, ou à un de ses représentants ainsi qu'à un membre du personnel officiel de ce dernier.

Titre IV.—Personnel international et experts en mission pour le compte de l'Organisation

ARTICLE 17

Les catégories de fonctionnaires auxquelles s'appliquent les articles 18 à 20 feront l'objet d'un accord entre le président des Suppléants du Conseil et chacun des Gouvernements des Etats membres intéressés. Le président des Suppléants du Conseil communiquera aux Etats membres les noms des personnes comprises dans ces catégories.

ARTICLE 18

Officials of the Organisation agreed upon under Article 17 shall:

- (a) be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;
- (b) be granted, together with their spouses and members of their immediate families residing with and dependent on them, the same immunities from immigration restrictions and aliens' registration as is accorded to diplomatic personnel of comparable rank;
- (c) be accorded the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;
- (d) be given, together with their spouses and members of their immediate families residing with and dependent on them, the same repatriation facilities in time of international crisis as are accorded to diplomatic personnel of comparable rank;
- (e) have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;
- (f) have the right to import temporarily free of duty their private motor vehicles for their own personal use and subsequently to re-export such vehicles free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

ARTICLE 19

Officials of the Organisation agreed under Article 17 shall be exempt from taxation on the salaries and emoluments paid to them by the Organisation in their capacity as such officials. Any Member State may, however, conclude an arrangement with the Council acting on behalf of the Organisation whereby such Member State will employ and assign to the Organisation all of its nationals (except, if such Member State so desires, any not ordinarily resident within its territory) who are to serve on the international staff of the Organisation and pay the salaries and emoluments of such persons from its own funds at a scale fixed by it. The salaries and emoluments so paid may be taxed by such Member State but shall be exempt from taxation by any other Member State. If such an arrangement is entered into by any Member State and is subsequently modified or terminated, Member States shall no longer be bound under the first sentence of this Article to exempt from taxation the salaries and emoluments paid to their nationals.

ARTICLE 20

In addition to the immunities and privileges specified in Articles 18 and 19, the Executive Secretary of the Organisation, the Co-ordinator of North Atlantic Defence Production, and such other permanent officials of similar rank as may be agreed between the Chairman of the Council Deputies and the Governments of Member States, shall be accorded the privileges and immunities normally accorded to diplomatic personnel of comparable rank.

ARTICLE 18

Les fonctionnaires de l'Organisation visés à l'article 17:

- (a) jouiront de l'immunité de juridiction pour les actes accomplis par eux en leur qualité officielle et dans les limites de leur autorité (y compris leurs paroles et leurs écrits);
- (b) jouiront, ainsi que leurs épouses et les membres de leur proche famille résidant avec eux ou à leur charge, quant aux dispositions limitant l'immigration et aux formalités d'enregistrement des étrangers, des mêmes privilèges que les agents diplomatiques de rang comparable;
- (c) jouiront, en ce qui concerne les réglementations monétaires de change, des mêmes privilèges que les agents diplomatiques de rang comparable;
- (d) jouiront, en période de crise internationale, ainsi que leurs épouses et les membres de leur proche famille résidant avec eux et à leur charge, des mêmes facilités de rapatriement que les agents diplomatiques de rang comparable;
- (e) jouiront du droit d'importer en franchise leur mobilier et leurs effets à l'occasion de leur première prise de fonctions dans le pays intéressé et du droit, à la cessation de leurs fonctions dans ledit pays, de réexporter en franchise ce mobilier et ces effets, sous réserve, dans l'un et l'autre cas, des conditions jugées nécessaires par le Gouvernement du pays où le droit est exercé;
- (f) jouiront du droit d'importer temporairement en franchise leurs automobiles privées affectées à leur usage personnel et ensuite de réexporter ces automobiles en franchise, sous réserve, dans l'un et l'autre cas, des conditions jugées nécessaires par le Gouvernement du pays intéressé.

ARTICLE 19

Les fonctionnaires de l'Organisation visés à l'article 17 seront exempts d'impôts sur les appointements et émoluments qui leur seront payés par l'Organisation en leur qualité de fonctionnaires de celle-ci. Toutefois, un Etat membre pourra conclure avec le Conseil, agissant au nom de l'Organisation, des arrangements permettant audit Etat membre de recruter et d'affecter à l'Organisation ses propres ressortissants (exception faite, si cet Etat membre le désire, de tout ressortissant ne résidant pas habituellement sur son territoire), devant faire partie du personnel international de l'Organisation. Il paiera dans ce cas les salaires et émoluments, desdites personnes sur ses propres fonds selon un barème déterminé par lui. Ces salaires et émoluments pourront faire l'objet d'une imposition de la part de l'Etat membre en question, mais ne pourront être imposés par un autre Etat membre. Si un arrangement de cette nature conclu par un Etat membre est par la suite modifié, ou dénoncé, les Etats membres ne seront plus obligés en vertu de la première clause de cet article d'exonérer de l'impôt les salaires et émoluments payés à leurs propres ressortissants.

ARTICLE 20

Outre les privilèges et immunités spécifiés aux articles 18 et 19, le secrétaire exécutif de l'Organisation, le coordonnateur de la production de défense de l'Atlantique Nord, et tout autre fonctionnaire officiel permanent de rang similaire au sujet duquel un accord est intervenu entre le président des Suppléants du Conseil et les Gouvernements des Etats membres, bénéficieront des privilèges et immunités normalement accordés aux agents diplomatiques de rang comparable.

ARTICLE 21

1. Experts (other than officials coming within the scope of Articles 18 to 20) employed on missions on behalf of the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions while present in the territory of a Member State for the discharge of their duties:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written or acts done by them in the performance of their official functions for the Organisation, immunity from legal process;
- (c) the same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;
- (d) inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

2. The Chairman of the Council Deputies shall communicate to the Member States concerned the names of any experts to whom this Article applies.

ARTICLE 22

Privileges and immunities are granted to officials and experts in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any official or expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

ARTICLE 23

The provisions of Articles 18, 20 and 21, above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national, except:

- (a) immunity from legal process in respect of words spoken or written or acts done by him in the performance of his official functions for the Organisation;
- (b) inviolability for all papers and documents relating to the work on which he is engaged for the Organisation;
- (c) facilities in respect of currency or exchange restrictions so far as necessary for the effective exercise of his functions.

Part V.—Settlement of Disputes

ARTICLE 24

The Council shall make provision for appropriate modes of settlement of:

- (a) disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;
- (b) disputes involving any official or expert of the Organisation to whom Part IV of this Agreement applies who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Article 22.

ARTICLE 21

1. Les experts (autres que les fonctionnaires visés aux articles 18 à 20), lorsqu'ils accomplissent des missions pour l'Organisation, jouissent, sur le territoire d'un Etat membre, pour autant que cela est nécessaire pour l'exercice efficace de leurs fonctions, des privilèges et immunités suivants :

- (a) immunité d'arrestation personnelle ou de détention et de saisie de leurs bagages personnels ;
 - (b) immunité de juridiction en ce qui concerne les actes accomplis par eux dans l'exercice de leurs fonctions officielles pour l'Organisation (y compris leurs paroles et écrits) ;
 - (c) les mêmes facilités en ce qui concerne les réglementations monétaires et de change et leurs bagages personnels, que celles accordées aux fonctionnaires des Gouvernements étrangers en missions officielles temporaires ;
 - (d) inviolabilité de tous papiers et documents se rapportant au travail dont ils ont été chargés par l'Organisation.
2. Le président des Suppléants du Conseil communiquera aux Etats membres intéressés le nom de tous experts à qui s'appliquera le présent article.

ARTICLE 22

Ces privilèges et immunités sont accordés aux fonctionnaires et experts dans l'intérêt de l'Organisation et non à leur avantage personnel. Le président des Suppléants du Conseil aura non seulement le droit mais le devoir de lever l'immunité accordée à ces fonctionnaires ou experts dans tous les cas où, à son avis, cette immunité empêcherait que justice soit faite et où elle pourrait être levée sans préjudicier aux intérêts de l'Organisation.

ARTICLE 23

Les dispositions des articles 18, 20 et 21 ne peuvent obliger un Etat à accorder à un de ses ressortissants l'un quelconque des privilèges et immunités prévus par ces articles, excepté :

- (a) l'immunité de juridiction en ce qui concerne les actes accomplis par eux dans l'exercice de leurs fonctions officielles pour l'Organisation (y compris leurs paroles et écrits) ;
- (b) l'inviolabilité de tous papiers et documents se rapportant au travail dont ils ont été chargés pour l'Organisation ;
- (c) des facilités en ce qui concerne les règlements applicables en matière de contrôle des changes dans toute la mesure nécessaire pour l'exercice efficace de leurs fonctions.

Titre V.—Règlement des litiges

ARTICLE 24

Le Conseil prendra toutes mesures utiles pour procéder au règlement :

- (a) des litiges découlant de contrats ou de tous autres litiges de caractère privé auxquels l'Organisation est partie ;
- (b) des litiges dans lesquels est impliqué l'un des fonctionnaires ou experts de l'Organisation visés au Titre IV du présent accord, qui bénéficient d'une immunité en raison de leurs fonctions officielles, pour autant que cette immunité n'ait pas été levée par application de l'article 22.

Part VI.—Supplementary Agreements**ARTICLE 25**

The Council acting on behalf of the Organisation may conclude with any Member State or States supplementary agreements modifying the provisions of the present Agreement, so far as that State or those States are concerned.

Part VII.—Final Provisions**ARTICLE 26**

1. The present Agreement shall be open for signature by Member States of the Organisation and shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the United States of America, which will notify all signatory States of each such deposit.

2. As soon as six signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect of those States. It shall come into force in respect of each other signatory State, on the date of the deposit of its instrument of ratification.

ARTICLE 27

The present Agreement may be denounced by any Contracting State by giving written notification of denunciation to the Government of the United States of America, which will notify all signatory States of each such notification. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America.

Titre VI.—Accords complémentaires**ARTICLE 25**

Le Conseil agissant au nom de l'Organisation peut conclure avec un ou plusieurs Etats membres de l'Organisation des accords complémentaires, en vue d'aménager les dispositions de la présente Convention en ce qui concerne cet Etat ou ces Etats.

Titre VII.—Dispositions finales**ARTICLE 26**

1. La présente Convention sera soumise à la signature des Etats membres de l'Organisation et sera sujette à ratification. Les instruments de ratification seront déposés auprès du Gouvernement des Etats-Unis d'Amérique qui informera tous les Etats signataires de ce dépôt.

2. Dès que six Etats signataires auront déposé leurs instruments de ratification, la présente Convention entrera en vigueur pour ces Etats. Elle entrera en vigueur pour chaque autre Etat signataire à la date du dépôt de son instrument de ratification.

ARTICLE 27

La présente Convention pourra être dénoncée par toute Partie contractante au moyen d'une notification écrite de dénonciation adressée au Gouvernement des Etats-Unis d'Amérique qui informera tous les Etats signataires de cette notification. La dénonciation prendra effet un an après réception de la notification par le Gouvernement des Etats-Unis d'Amérique.

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

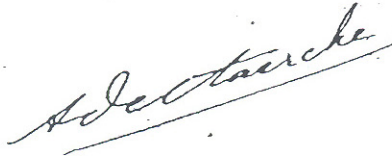
Done in Ottawa this ~~twentieth~~ day of September, 1951, in French and in English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of the United States of America which will transmit a certified copy to each of the signatory States.

En foi de quoi, les plénipotentiaires soussignés, dûment autorisés à cet effet, ont signé le présent accord.

Fait à Ottawa, le ~~vingt~~ septembre 1951 en français et en anglais; les deux textes faisant également foi, en un seul exemplaire qui sera déposé aux archives du Gouvernement des Etats-Unis d'Amérique, qui en communiquera une copie certifiée conforme à tous les pays signataires.

For the Kingdom of Belgium :

Pour le Royaume de Belgique :




For Canada :

Pour le Canada :



For the Kingdom of Denmark :

Pour le Royaume de Danemark :



For France :

Pour la France :

Henri A. Lhénery

For Iceland :

Pour l'Islande :

Guðmundur Þorvaldsson

For Italy :

Pour l'Italie :

A. Romagnolo

For the Grand Duchy of Luxembourg :

Pour le Grand Duché de Luxembourg :

A. P. Clere

For the Kingdom of the Netherlands:

Pour le Royaume des Pays-Bas:

Andriessen

For the Kingdom of Norway:

Pour le Royaume de Norvège:

Andersen

For Portugal:

Pour le Portugal:

*Reserving the non application of article 20
in case of expedition
L. Louisa Abail*

For the United Kingdom of Great Britain and Northern Ireland:

Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:

H. H. H. H.

For the United States of America:

Pour les Etats-Unis d'Amérique:

James W. Egan

For the Republic of Turkey:

Pour la République de Turquie:

James W. Egan

For Greece:

Pour la Grèce:

George V. Kulas

For the Federal Republic of Germany:

Pour la République Fédérale d'Allemagne:

Wim Kukulow

For the Kingdom of Spain:

Pour le Royaume de l'Espagne:

March, 4 - 1987

Wim Kukulow

For the Czech Republic:

Pour la République Tcheque:

Václav Klaus 20 April 99

For the Republic of Hungary:

Pour la République de Hongrie:

János Áder 21 January 2000

For the Republic of Poland:

Pour la République de Pologne:

Józef Piłsudski September 21, 1898

For the Republic of Bulgaria:

Pour la République de Bulgarie:

Georgi Parvanov 12 July 2007

For the Republic of Estonia:

Pour la République d'Estonie:

Jüri Luik 7. sept 2004.

For the Republic of Latvia:

Pour la République de Lettonie:

Ats Skutelis 10.08.2004.

For the Republic of Lithuania:

Pour la République de Lituanie:

Gintautas Pausas September 8, 2004

For Romania:

Pour la Roumanie:

Bogdan Stancu June 30th, 2004

For the Slovak Republic:

Pour la République slovaque:

Radoslaw Leta August 13th, 2004

For the Republic of Slovenia:

Pour la République de Slovénie:

Janez Gornjati June 19, 2004

For the Republic of Albania:

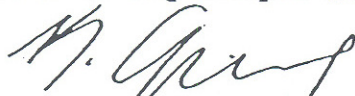
Pour la République d'Albanie:

A handwritten signature in black ink, appearing to read 'H. Ballabani', with a horizontal line underneath.

04. 9. 2009

For the Republic of Croatia:

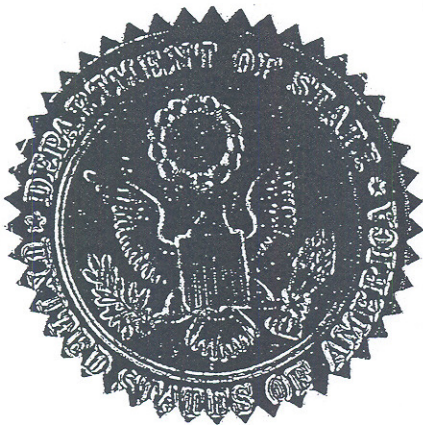
Pour la République de Croatie:

A handwritten signature in black ink, appearing to read 'M. Granić', written in a cursive style.

July 23rd, 2009

I CERTIFY THAT the foregoing is a true copy of the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff, opened for signature at Ottawa on September 20, 1951, in the English and French languages, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, HILLARY RODHAM CLINTON, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this twenty-fourth day of July, 2009.



Hillary Rodham Clinton
Secretary of State

By *Denise S. Hawkins*
Authentication Officer
Department of State



Republika Hrvatska

Predsjednik

Na temelju članka 99. stavka 1. Ustava Republike Hrvatske i članka 7. stavka 2. točke 25. Zakona o obrani («Narodne novine», broj 33/02, 58/02, 76/07 i 153/09), na prijedlog Vlade Republike Hrvatske, dajem

Prethodno mišljenje

I.

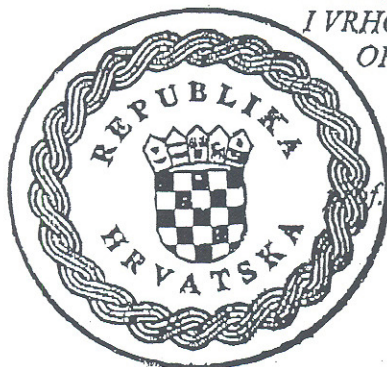
Ovo Prethodno mišljenje daje se na prijedlog Vlade Republike Hrvatske za upućivanje Prijedloga zakona o potvrđivanju Sporazuma o pravnom položaju Organizacije Sjevernoatlantskog ugovora, nacionalnih predstavnika i međunarodnog osoblja, s Konačnim prijedlogom zakona Hrvatskom saboru u postupak donošenja, u tekstu koji je sastavni dio dopisa Vlade Republike Hrvatske (Klasa: 910-04/09-05/08; Urbroj: 5030109-10-1 od 1. srpnja 2010.).

Prethodno mišljenje daje se radi upućivanja Prijedloga zakona u postupak donošenja, kako je navedeno u stavku 1. ove točke.

II.

Ovo Prethodno mišljenje stupa na snagu danom donošenja.

PREDSJEDNIK REPUBLIKE
I VRHOVNI ZAPOVJEDNIK
ORUŽANIH SNAGA



Ivo Josipović
dr. sc. Ivo Josipović

KLASA: 809-01/10-01/03
URBROJ: 71-03/2-10-02
Zagreb, 6. srpnja 2010.