

Klasa: 200-01/10-05/01

Urbroj: 5030109-10-8

Zagreb, 6. listopada 2010.

PREDSJEDNIKU HRVATSKOGA SABORA

Predmet: Prijedlog zakona o potvrđivanju Ugovora o RACVIAC-u – Centru za sigurnosnu suradnju, s Konačnim prijedlogom zakona

Na temelju članka 84. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 – pročišćeni tekst, 113/2000, 124/2000 – pročišćeni tekst, 28/2001, 41/2001 – pročišćeni tekst, 55/2001 – ispravak, 76/2010 i 85/2010 – pročišćeni tekst) i članaka 129. i 159. Poslovnika Hrvatskoga sabora (Narodne novine, br. 71/2000, 129/2000, 117/2001, 6/2002 – pročišćeni tekst, 41/2002, 91/2003, 58/2004, 69/2007, 39/2008 i 86/2008), Vlada Republike Hrvatske podnosi Prijedlog zakona o potvrđivanju Ugovora o RACVIAC-u – Centru za sigurnosnu suradnju, s Konačnim prijedlogom zakona za hitni postupak.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila Gordana Jandrokovića, ministra vanjskih poslova i europskih integracija, dr. sc. Davora Božinovića i mr. sc. Andreja Plenkovića, državne tajnike u Ministarstvu vanjskih poslova i europskih integracija, te dr. sc. Marija Nobila i mr. sc. Davora Vidiša, ravnatelje u Ministarstvu vanjskih poslova i europskih integracija.

PREDSJEDNICA

Jadranka Kosor, dipl. iur.

VLADA REPUBLIKE HRVATSKE

**PRIJEDLOG ZAKONA O POTVRĐIVANJU UGOVORA O RACVIAC-u – CENTRU
ZA SIGURNOSNU SURADNJU, S KONAČNIM PRIJEDLOGOM ZAKONA**

Zagreb, listopad 2010.

PRIJEDLOG ZAKONA O POTVRĐIVANJU UGOVORA O RACVIAC-u – CENTRU ZA SIGURNOSNU SURADNJU

I. USTAVNA OSNOVA

Ustavna osnova za donošenje Zakona o potvrđivanju Ugovora o RACVIAC-u – Centru za sigurnosnu suradnju sadržana je u odredbi članka 139. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 - pročišćeni tekst, 113/200, 124/2000 - pročišćeni tekst, 28/2001, 41/2001 – pročišćeni tekst, 55/2001 – ispravak, 76/2010 i 85/2010 - pročišćeni tekst).

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

Pod okriljem Pakta o stabilnosti za Jugoistočnu Europu, 8. ožujka 2001. godine sklopljen je Sporazum između Vlade Republike Hrvatske i Vlade Savezne Republike Njemačke o osnivanju Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (u daljnjem tekstu: RACVIAC), (u daljnjem tekstu: Sporazum iz 2001. godine), s ciljem usavršavanja kontrole naoružanja i promocije povjerenja i sigurnosnih mjera, kao i širenja suradnje u jugoistočnoj Europi (JIE), te je određeno da sjedište RACVIAC-a bude u Republici Hrvatskoj. U skladu s odredbama Sporazuma iz 2001. godine, Talijanska Republika je pristupila navedenom Sporazumu 21. kolovoza 2002. godine, a 15. rujna 2004. to je učinila i Republika Turska.

Sporazumom iz 2001. godine je između ostaloga uređena struktura RACVIAC-a, koja predviđa postojanje Multinacionalne savjetodavne skupine (u daljnjem tekstu: MAG) koja djeluje kao nadzorno i kontrolno tijelo RACVIAC-a, te ujedno donosi odluke o politici i aktivnostima RACVIAC-a.

Smatrajući da je odgovornost i dužnost svih zemalja u jugoistočnoj Europi da njeguju dijalog i suradnju u pitanjima sigurnosti u jugoistočnoj Europi kroz međusobno partnerstvo, osobito uzimajući u obzir neprestani razvoj i promjene u sigurnosnom okruženju u području jugoistočne Europe, u okviru MAG-a se javila svijest o potrebi preispitivanja uloge dosadašnjeg RACVIAC-a, njegovih ciljeva, kao i same organizacijske strukture, a kako bi se uspješno odgovorilo na buduće sigurnosne izazove. U tom smislu MAG je donio niz odluka i razmatranja o budućem pravnom statusu i novoj strategiji RACVIAC-a, vodeći računa pritom o potrebi uspostave bliskije regionalne suradnje. Odlukom MAG-a pristupilo se reorganizaciji i modernizaciji RACVIAC-a, koja uključuje uspostavu novog i prestanak dosadašnjeg pravnog okvira sklapanjem Ugovora o RACVIAC-u – Centru za sigurnosnu suradnju, sa sjedištem u Republici Hrvatskoj. Sporazum o osnivanju RACVIAC-a iz 2001. godine prestao bi stupanjem na snagu Ugovora o RACVIAC-u – Centru za sigurnosnu suradnju, što je utvrđeno posebnim Ugovorom o prestanku predmetnog Sporazuma sklopljenim 26. svibnja 2010. godine.

Slijedom navedenog, Ugovor o RACVIAC-u – Centru za sigurnosnu suradnju potpisan je u Budvi, 14. travnja 2010. godine od strane osam zainteresiranih država koje sudjeluju u Procesu suradnje u jugoistočnoj Europi (u daljnjem tekstu: SEECp).

III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM

Ovim Zakonom potvrđuje se Ugovor o RACVIAC-u – Centru za sigurnosnu suradnju, kako bi njegove odredbe u smislu članka 140. Ustava Republike Hrvatske postale dio unutarnjeg pravnog poretka Republike Hrvatske.

Ugovorom o RACVIAC-u osniva se RACVIAC – Centar za sigurnosnu suradnju, sa sjedištem u Republici Hrvatskoj. RACVIAC je pravni slijednik Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC) osnovanog Sporazumom iz 2001. godine, te je uređen kao međunarodna, neovisna, nekomercijalna, regionalna, akademska organizacija, s pravnom osobnošću.

Ugovor o RACVIAC-u predstavlja pravni okvir kojim se uređuje suradnja između zainteresiranih država sudionica SEECP-a, koje ga potpišu i postanu njegove stranke.

Zadaća RACVIAC-a je da njeguje dijalog i suradnju u sigurnosnim pitanjima u jugoistočnoj Europi kroz partnerstvo sa strankama i njihovim međunarodnim partnerima, i to osobitim promicanjem sigurnosnog dijaloga i reforme sigurnosnog sektora, kontrole naoružanja, kao i mjerama za izgradnju sigurnosti i povjerenja, zatim promicanjem sinergije s drugim organizacijama i institucijama, kao što su: NATO, EU, OESS, te s dvostranim partnerima u svim pitanjima od obostranog interesa i skrbi i također da promiče blisku suradnju s Vijećem za regionalnu suradnju (RCC), kao i svim drugim regionalnim inicijativama i dogovorima, dijalog s civilnim društvom, akademskom zajednicom, te tvorcima javnog mišljenja.

RACVIAC djeluje preko svojih tijela: MAG i Tajništvo. MAG je tijelo RACVIAC-a koje je jedino ovlašteno donositi meritorne odluke, a sastoji se od po jednog predstavnika svake članice. MAG odlučuje o općim smjernicama za rad RACVIAC-a, vrednovanju mjera koje se provode, prijedlozima koji se podnose i izvješćima koja podnosi direktor, te pregledima ostvarenog napretka RACVIAC-a. Tajništvo je izvršno tijelo RACVIAC-a, na čelu s direktorom, koje pomaže MAG-u i njegovim pomoćnim tijelima u obavljanju njihovih zadataka. Direktor je zadužen za osiguravanje urednog i učinkovitog djelovanja RACVIAC-a i odgovoran je MAG-u.

Ugovorom o RACVIAC-u uređuju se i pitanja povlastica i imuniteta koje RACVIAC i pojedine kategorije osoblja uživaju na državnom području Republike Hrvatske kao države domaćina.

S obzirom da je riječ međunarodnoj organizaciji regionalnog tipa, Ugovor o RACVIAC-u uređuje da mu u bilo koje vrijeme može pristupiti bilo koja država SEECP-a, dok otvaranje Ugovora o RACVIAC-u za pristup drugim državama, izvan kruga sudionica SEECP-a, podliježe prethodnoj posebnoj odluci MAG-a.

IV. OCJENA SREDSTAVA POTREBNIH ZA PROVEDBU OVOGA ZAKONA

Provedba predloženog Zakona odvijat će se u okviru redovnih aktivnosti Ministarstva vanjskih poslova i europskih integracija, te neće biti potrebno osiguranje dodatnih sredstava iz državnog proračuna Republike Hrvatske.

RACVIAC CSC je pravni slijednik Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC) osnovanog Sporazumom iz 2001. godine, a koji se financira iz redovitih godišnjih doprinosa članica, kao i iz dragovoljnih doprinosa, donacija i drugih izvora. Navedeni doprinosi plaćani su iz Proračuna Ministarstva financija. Doprinos za 2010. godinu iznosi 30.080,00 eura.

V. PRIJEDLOG ZA DONOŠENJE OVOGA ZAKONA PO HITNOM POSTUPKU

Temelj za donošenje ovoga Zakona po hitnom postupku nalazi se u članku 159. Poslovnika Hrvatskoga sabora (Narodne novine, br. 71/2000, 129/2000, 117/2001, 6/2002 - pročišćeni tekst, 41/2002, 91/2003, 58/2004, 69/2007, 39/2008 i 86/2008) i to u drugim osobito opravdanim državnim razlozima. Naime, s obzirom na razloge navedene u točkama II. i III. ovoga Prijedloga, te činjenicu da je stupanje na snagu Zakona o potvrđivanju Ugovora o RACVIAC-u – Centru za sigurnosnu suradnju, sklopljenog u Budvi, 14. travnja 2010. godine, neophodan preduvjet za nesmetano djelovanje RACVIAC-a - Centra za sigurnosnu suradnju, kao pravnog slijednika Regionalnog središta za pomoć u verifikaciji i provedbi kontrole naoružanja, cijeni se da postoji interes da Republika Hrvatska što skorije okonča svoj unutarnji pravni postupak, kako bi Republika Hrvatska kao država domaćin, na čijem se državnom području nalazi sjedište ove međunarodne organizacije, bila prva država potpisnica ovoga Ugovora koja je predmetni Ugovor potvrdila.

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

VI. KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU UGOVORA O RACVIAC-u – CENTRU ZA SIGURNOSNU SURADNJU

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 Ugovora o RACVIAC-u – Centru za sigurnosnu suradnju, po hitnom postupku.

Konačni prijedlog zakona o potvrđivanju Ugovora o RACVIAC-u – Centru za sigurnosnu suradnju, glasi:

KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU UGOVORA O RACVIAC-u – CENTRU ZA SIGURNOSNU SURADNJU

Članak 1.

Potvrđuje se Ugovor o RACVIAC-u – Centru za sigurnosnu suradnju, potpisan u Budvi, Crna Gora, dana 14. travnja 2010. godine, u izvorniku na engleskom jeziku.

Članak 2.

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

Ugovor o RACVIAC-u – Centru za sigurnosnu suradnju

Preambula

Države koje sudjeluju u Procesu suradnje u jugoistočnoj Europi – (SEECp), stranke ovoga Ugovora (u daljnjemu tekstu “stranke”),

Podsjećajući na “Sporazum između Vlade Republike Hrvatske i Vlade Savezne Republike Njemačke o osnivanju Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC)”, sklopljen u Zagrebu 8. ožujka 2001.,

Podsjećajući da je u skladu s člankom 1, stavak (4) toga Sporazuma, Talijanska Republika pristupila tome Sporazumu 21. kolovoza 2002., a Republika Turska 15. rujna 2004.,

Podsjećajući na odluke i razmatranja Multinacionalne savjetodavne skupine (u daljnjemu tekstu “MAG”) o budućem pravnome statusu i novoj strategiji Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC),

Imajući na umu nastojanja oko uspostave bliskije regionalne suradnje, te odlučne da pojačaju odgovornost za vlastiti razvoj,

Spremne za blisku suradnju s Regionalnim centrom za suradnju (RCC) i svim drugim regionalnim inicijativama i dogovorima,

Budući da je odgovornost i dužnost svih zemalja u jugoistočnoj Europi da njeguju dijalog i suradnju u pitanjima sigurnosti u jugoistočnoj Europi kroz međusobno partnerstvo i partnerstvo s njihovim međunarodnim partnerima,

Uvjerene u nužnost reorganizacije Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC) u svrhu doprinosa otvaranju RACVIAC-ovih aktivnosti za sve stranke koje su se spremne pridržavati odredaba ovoga Ugovora,

Svjesne da im je u zajedničkom interesu sudjelovati u aktivnostima moderniziranoga i reorganiziranoga Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC), te iskoristiti dosadašnji napredak i postignuća RACVIAC-a

sporazumjele su se kako slijedi:

Dio I.
Osnivanje, zadaća i aktivnosti

Članak 1.
Osnivanje

- 1) Stranke ovime osnivaju RACVIAC - Centar za sigurnosnu suradnju (u daljnjemu tekstu "RACVIAC").
- 2) RACVIAC je pravni slijednik Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC) osnovanoga "Sporazumom između Vlade Republike Hrvatske i Vlade Savezne Republike Njemačke o osnivanju Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC)", sklopljenome u Zagrebu 8. ožujka 2001., kojemu je pristupila Talijanska Republika 21. kolovoza 2002. i Republika Turska 15. rujna 2004.
- 3) RACVIAC – Centar za sigurnosnu suradnju je međunarodna, neovisna, nekomercijalna, regionalna, akademska organizacija.

Članak 2.
Zadaća

Zadaća RACVIAC-a je da njeguje dijalog i suradnju u sigurnosnim pitanjima u jugoistočnoj Europi kroz partnerstvo sa strankama i njihovim međunarodnim partnerima.

Članak 3.
Opseg aktivnosti

RACVIAC će obavljati svoju zadaću prvenstveno promicanjem:

- a) sigurnosnog dijaloga i reforme sigurnosnog sektora, kontrole naoružanja kao i mjera za izgradnju sigurnosti i povjerenja,
- b) sinergije s drugim organizacijama i institucijama kao što su NATO, EU, OESS, kao i s dvostranim partnerima u svim pitanjima od obostranog interesa i skrbi,
- c) bliske suradnje s RCC-om i svim drugim regionalnim inicijativama i dogovorima,
- d) dijaloga s civilnim društvom, akademskom zajednicom i tvorcima javnog mišljenja.

Dio II.
Članice RACVIAC-a

Članak 4.
Članice

- 1) Stranke ovoga Ugovora su članice RACVIAC-a.
- 2) Članice će rasporediti osoblje u Tajništvo i davati financijski doprinos za proračun RACVIAC-a u skladu s financijskim propisima.
- 3) Mjesto predsjedavajućeg MAG-a i mjesto direktora bit će isključivo otvoreni za postavljenja od strane članica. Drugi viši položaji koji će biti otvoreni isključivo za postavljenja od strane članica bit će definirani zasebnom odlukom MAG-a.

Članak 5. Pridružene članice

- 1) Status pridružene članice bit će na pisani zahtjev otvoren za svaku zemlju koja izrazi spremnost za suradnju i doprinos RACVIAC-u.
- 2) O zahtjevu odlučuje MAG.
- 3) Status pridružene članice uključuje raspoređivanje osoblja i/ili financijski doprinos i/ili doprinos u dobrima za operacije RACVIAC-a.
- 4) Status pridružene članice može biti suspendiran ili prestati odlukom MAG-a, u skladu s odredbama ovoga Ugovora.
- 5) Pridružene članice mogu prema potrebi nazočiti MAG-ovim sastancima i sudjelovati u njegovu radu.

Članak 6. Promatrači

- 1) Ostale zainteresirane države, kao i međunarodne organizacije, nevladine organizacije i institucije mogu sudjelovati u RACVIAC-u kao promatrači, po odobrenju MAG-a.
- 2) MAG odlučuje o zahtjevima za stjecanje statusa promatrača u RACVIAC-u.
- 3) Status promatrača može biti suspendiran ili prestati odlukom MAG-a, u skladu s odredbama ovoga Ugovora.
- 4) Promatrači u RACVIAC-u mogu nazočiti i sudjelovati u radu MAG-a, ali nemaju pravo glasovanja.

Dio III. Organizacija i struktura RACVIAC-a

Članak 7. Multinacionalna savjetodavna skupina (MAG)

- 1) MAG je jedino tijelo RACVIAC-a koje donosi odluke.
- 2) MAG djeluje kao koordinacijski odbor za RACVIAC. MAG daje smjernice radi osiguranja rada i razvitka RACVIAC-a.

Članak 8. Sastav MAG-a

- 1) MAG se sastoji od po jednoga predstavnika svake članice.
- 2) MAG imenuje svojega predsjednika na razdoblje od godinu dana, koje MAG može produžiti na još godinu dana. Uz iznimku eventualnoga razdoblja preklapanja, predsjedavajući MAG-a i direktor RACVIAC-a ne smiju biti predstavnici iste države.
- 3) Direktor RACVIAC-a stalni je savjetnik MAG-a, sudjeluje na sastancima MAG-a i ima pravo podnošenja prijedloga MAG-u.

Članak 9. Postupci

- 1) MAG se redovito sastaje dvaput godišnje.
- 2) Daljnji sastanci mogu se održavati ukoliko predsjedavajući smatra da je to nužno ili na zahtjev najmanje 1/3 članica MAG-a.
- 3) MAG može donositi odluke kad je nazočno više od pola njegovih članica. Odluke MAG-a donose se konsenzusom nazočnih članica. Pod konsenzusom se podrazumijeva izostanak prigovora.
- 4) Ako je neophodno da MAG donese odluku između zasjedanja, koju se ne može odgoditi do sljedećega MAG-ova sastanka, može se primijeniti prešutni postupak. Postupak iz točke 3) ovoga članka također se primjenjuje za donošenje odluke u prešutnom postupku.
- 5) Na sastancima MAG-a nijednu članicu ne smije predstavljati druga članica.
- 6) RACVIAC-ovo osoblje može nazočiti MAG-ovim sastancima na zahtjev MAG-a ili direktora.
- 7) Predstavnici država, međunarodnih ili regionalnih organizacija, tijela ili pojedinaca mogu biti pozvani od strane predsjedavajućeg MAG-a, nakon konzultacija s članicama, da se kao posebni gosti obrate na sastanku MAG-a ili da izvijeste MAG o konkretnim područjima od interesa.

Članak 10. Zadaci MAG-a

MAG odlučuje:

- 1) o općim smjernicama za rad RACVIAC-a;
- 2) o vrednovanju mjera koje se provode, prijedlozima koji se podnose i izvješćima koja podnosi direktor te pregledima ostvarenoga napretka RACVIAC-a;
- 3) o imenovanju predsjedavajućeg MAG-a i direktora RACVIAC-a;
- 4) o usvajanju MAG-ova opisa nadležnosti, kao i o izmjeni i dopuni MAG-ova opisa nadležnosti i svih drugih propisa neophodnih za njegov rad i rad RACVIAC-a;
- 5) o izvršavanju proračuna za tekuću godinu;
- 6) o proračunu za sljedeću fiskalnu godinu;
- 7) o godišnjemu revizijskom izvješću;
- 8) o godišnjemu planu, uključujući predložene aktivnosti, njihovo financiranje i neophodna sredstva;
- 9) o kadrovskoj politici za osoblje RACVIAC-a;
- 10) o promjenama ukupne strukture Stola za organizaciju i kadrove;
- 11) o pregovorima i potpisivanju memoranduma o suglasnosti ili političkih dokumenata s trećim stranama, te o ovlaštenju predsjedavajućeg MAG-a ili direktora RACVIAC-a za potpisivanje tih dokumenata;
- 12) o datumu i mjestu sastanaka MAG-a i odobrenju zapisnika tih sastanaka;
- 13) o svim drugim pitanjima koja smatra bitnima.

Članak 11. Tajništvo

- 1) RACVIAC ima Tajništvo, koje je njegovo izvršno tijelo s direktorom na čelu. Tajništvo pomaže MAG-u i njegovim pomoćnim tijelima u obavljanju njihovih zadataka. Ono izvršava dužnosti navedene u ovome Ugovoru. Ono izvršava druge

zadatke koje mu se povjere u skladu s ovim Ugovorom kao i zadatke koje mu prenese MAG.

- 2) Tajništvo između ostaloga:
 - (a) izrađuje i podnosi MAG-u nacrt godišnjega plana i proračuna organizacije;
 - (b) izrađuje i podnosi MAG-u nacrt izvješća organizacije o provedbi ovoga Ugovora i druga izvješća koje MAG zatraži;
 - (c) pruža administrativnu i tehničku pomoć MAG-u i njegovim pomoćnim tijelima;
 - (d) upućuje i prima priopćenja u ime organizacije u kontaktu s članicama, pridruženim članicama i promatračima o pitanjima koja se tiču provedbe ovoga Ugovora.
- 3) Tajništvo izvješćuje MAG o svim problemima u svezi s obavljanjem njegovih zadataka koji se tiču provedbe ovoga Ugovora koji su mu priopćeni, a koje nije u mogućnosti riješiti ili razjasniti u dogovoru s odnosnim članicama, pridruženim članicama i promatračima.
- 4) Tajništvo je odgovorno za osiguranje izvršavanja zadataka neophodnih za pravilno djelovanje RACVIAC-a.

Članak 12. Direktor

- 1) Direktora imenuje MAG na prijedlog članica, na rok od tri godine, uz mogućnost reizbora samo jednom.
- 2) Direktor je odgovoran MAG-u za imenovanje osoblja te za organizaciju i djelovanje Tajništva. Jedino državljani članica mogu obnašati dužnost direktora..
- 3) Direktor je šef Tajništva i djeluje kao stalni savjetnik MAG-a u skladu s člankom 8 stavak 3.
- 4) Direktor je odgovoran za osiguranje urednog i učinkovitog djelovanja RACVIAC-a. Direktor za svoj rad odgovara MAG-u.

Članak 13. Osoblje i zapošljavanje

- 1) Organizaciju RACVIAC-a ustrojava i odobrava MAG tako da ona osigurava najučinkovitiji, aktivan i fleksibilan odgovor na potrebe država članica MAG-a. Organizacija mora osigurati ustrojstvo, koje je regionalno utemeljeno, te administrativno i logistički samodostatno.
- 2) RACVIAC-ovo osoblje obuhvaća direktora, zamjenika direktora, raspoređeno osoblje te ostalo administrativno-tehničko osoblje Tajništva.
- 3) RACVIAC se prvenstveno popunjava raspoređivanjem osoblja otvorenoga za koordinaciju i suradnju, stručnoga za pronalaženje višestranih rješenja, s dostatnom naobrazbom, iskustvom i prošlošću u skladu s opisom radnih mjesta. Kad su položaji rezervirani isključivo za zemlju domaćina, Republika Hrvatska kao zemlja domaćin osigurava održivi raspored osoblja.
- 4) Promatrači, međunarodne organizacije, nevladine organizacije i ustanove mogu raspoređivati osoblje i/ili dodjeljivati osoblje za konkretne projekte na privremenoj osnovi, u očekivanju odluka MAG-a.
- 5) Pravilnici uključuju pravila, načela i postupke za odabir osoblja, njihov angažman, klasifikaciju položaja i učinkovit rad RACVIAC-ova Tajništva u ostvarivanju ciljeva ovoga Ugovora.

Članak 14. **Uvjeti zapošljavanja**

- 1) MAG odlukom određuje Pravilnik o osoblju RACVIAC-a. Isti, minimalno, odražava sljedeća načela:
 - a) ako ovim Ugovorom nije drugačije određeno, državljani svih članica i pridruženih članica imaju ravnopravan pristup zaposlenju u RACVIAC-u. Popunjavanje osoblja se vodi prema potrebi pravilnog obavljanja dužnosti Tajništva.
 - b) odabir i unaprjeđenja te svi drugi aspekti kadrovske politike bit će u skladu s načelom zasluga te uz poštivanje zahtjeva pravednosti, transparentnosti, raznolikosti i zastupljenosti svih članica.
- 2) Kadrovske sporove rješavat će arbitražno vijeće koje se uspostavlja posebnom odlukom MAG-a.

Članak 15. **Nepristranost**

- 1) U izvršavanju dužnosti direktor i osoblje Tajništva neće tražiti ni primati upute od bilo koje pojedinačne članice MAG-a, kao ni od bilo koje države ili tijela izvan MAG-a.
- 2) Svaka članica, pridružena članica ili promatrač mora poštivati isključivu međunarodnu prirodu dužnosti direktora i drugoga osoblja te ne smije pokušavati utjecati na njih u izvršavanu njihovih dužnosti.

Dio IV. **Financijsko upravljanje**

Članak 16. **Financiranje**

- 1) RACVIAC se financira iz redovnih godišnjih doprinosa članica, kao i iz dragovoljnih doprinosa, donacija i drugih izvora.
- 2) Mjerila za određivanje doprinosa i rok za uplatu doprinosa članica određuju se Financijskim pravilnikom.

Članak 17. **Godišnji proračun**

- 1) RACVIAC-ov proračun uspostavlja se na godišnjoj osnovi te se njegov sadržaj utvrđuje Financijskim pravilnikom.
- 2) Godišnji proračun određuje ukupne godišnje prihode i rashode. Godišnji proračun uvijek mora biti uravnotežen, tako da ukupni godišnji prihodi uvijek pokrivaju ukupne godišnje rashode. RACVIAC-u nije dopušteno ulaziti u dugove, ukoliko tako ne odluči MAG.

- 3) Konačna nadležnost nad godišnjim proračunom pripada MAG-u na osnovi prijedloga kojega pravodobno unaprijed podnosi direktor RACVIAC-a, a najkasnije 90 dana prije početka fiskalne godine RACVIAC-a.

Članak 18.
Financijska izvješća

- 1) Direktor MAG-u podnosi godišnje izvješće o izvršavanju godišnjeg proračuna. Izvješće je podložno odobrenju od strane MAG-a.
- 2) Svake godine neovisni revizori obavljaju reviziju korištenja godišnjeg proračuna. Revizijsko izvješće podložno je odobrenju od strane MAG-a. Revizijsko izvješće se nakon toga objavljuje.
- 3) MAG odlučuje o neovisnim vanjskim revizorima, kao i o izvanrednoj reviziji koju može predložiti bilo koja članica MAG-a.

Dio V.
Pravna sposobnost, povlastice i imuniteti

Članak 19.
Sjedište RACVIAC-a

- 1) RACVIAC ima sjedište u Republici Hrvatskoj.
- 2) Ugovor o državi domaćinu sklapa se između RACVIAC-a i Vlade Republike Hrvatske.
- 3) Službeni radni jezik je engleski.

Članak 20.
Pravna sposobnost

- 1) RACVIAC uživa takvu pravnu sposobnost koja mu omogućava sklapanje međunarodnih ugovora s državama i međunarodnim organizacijama koji su neophodni za obavljanje njegovih zadaća i ostvarivanje njegovih ciljeva.
- 2) On ima sposobnost sklapati ugovore te sudjelovati u pravnim poslovima, uključujući stjecanje i raspolaganje nepokretnom i pokretnom imovinom.

Članak 21.
Povlastice i imuniteti RACVIAC-a

RACVIAC, njegove prostorije i imovina uživaju u Republici Hrvatskoj, kao državi domaćinu, status jednak onome koji se odobrava diplomatskim misijama prema Bečkoj konvenciji o diplomatskim odnosima od 18. travnja 1961.

Članak 22.
Povlastice i imuniteti osoblja

- 1) Direktor, zamjenik direktora, kao i njihovi supružnici i članovi njihovih obitelji koji s njima žive u istome kućanstvu, uživaju na području Republike Hrvatske kao države domaćina, status jednak onome koji se odobrava diplomatskim predstavnicima i

- njihovim supružnicima te članovima njihovih obitelji koji s njima žive u istome kućanstvu, prema Bečkoj konvenciji o diplomatskim odnosima od 18. travnja 1961.
- 2) Svi drugi pripadnici RACVIAC-ova osoblja i članovi njihovih obitelji koji s njima žive u istome kućanstvu, uživaju na području Republike Hrvatske kao države domaćina, status jednak onome koji se odobrava administrativnom i tehničkom osoblju i njihovim supružnicima te članovima njihovih obitelji koji s njima žive u istome kućanstvu, prema Bečkoj konvenciji o diplomatskim odnosima od 18. travnja 1961. Posebice, oni uživaju pravo na uvoz robe za potrebe svojega kućanstva kao i na uvoz ili kupovinu motornog vozila za osobnu uporabu, oslobođeno plaćanja carine i poreza na dodanu vrijednost (PDV), u roku od godine dana od datuma preuzimanja dužnosti u Republici Hrvatskoj u skladu s odredbama nacionalnoga zakonodavstva.
 - 3) Ako je pripadnik RACVIAC-ova osoblja državljanin ili je stalno nastanjen u Republici Hrvatskoj kao državi domaćinu, isti na području Republike Hrvatske uživa imunitet za postupke koje učini u svojem službenome svojstvu. To ne vrijedi za osoblje koje se angažira u skladu sa stavkom 4 ovoga članka.
 - 4) RACVIAC može lokalno angažirati potrebno pomoćno osoblje u skladu s nacionalnim zakonodavstvom Republike Hrvatske.

Dio VI. Završne odredbe

Članak 23. Izmjene i dopune

- 1) Ovaj Ugovor može se mijenjati i dopunjavati na prijedlog bilo koje stranke.
- 2) Svaki takav prijedlog depozitar će priopćiti svim drugim strankama radi njegova razmatranja i odobrenja.
- 3) Stranke su dužne čim prije obavijestiti depozitara o njihovu prihvaćanju predloženih izmjena i dopuna ovoga Ugovora.
- 4) Izmjene i dopune usvojene konsenzusom u skladu sa stavkom 3 stupaju na snagu u skladu s člankom 27.

Članak 24. Trajanje

Ovaj Ugovor sklapa se na neodređeno vrijeme.

Članak 25. Rezerve

Nikakvu rezervu nije moguće staviti na ovaj Ugovor.

Članak 26. Povlačenje

- 1) Stranka ovoga Ugovor može se povući iz njega dostavom pisane obavijesti depozitaru. Takva obavijest može stupiti na snagu najranije po završetku RACVIAC-ove financijske godine u kojoj depozitar zaprimi obavijest.

- 2) Stranka ovoga Ugovora se temeljem povlačenja iz istoga ne oslobađa financijskih obveza koje su nastale dok je još bila stranka ovoga Ugovora.
- 3) Stranka koja se povukla iz ovoga Ugovora naknadno može podnijeti zahtjev za pristupanje Ugovora u skladu s člankom 28 ili postati promatrač u RACVIAC-u u skladu s člankom 6.

Članak 27.

Stupanje na snagu

- 1) Ovaj Ugovor podliježe ratifikaciji, prihvatu ili odobrenju od strane država potpisnica, u skladu s njihovim odgovarajućim pravnim uvjetima.
- 2) Ovaj Ugovor bit će otvoren za potpisivanje na datum 14. travnja 2010. te će ostati otvoren za potpisivanje dva mjeseca od toga datuma.
- 3) Ovaj Ugovor stupa na snagu prvoga dana mjeseca koji slijedi nakon datuma na koji je peta od država koje su potpisale ovaj Ugovor položila kod depozitara svoju ispravu o ratifikaciji, prihvatu ili odobrenju.
- 4) Za državu potpisnicu koja ratificira, prihvati ili odobri ovaj Ugovor nakon datuma njegova stupanja na snagu, u skladu sa stavkom 3 ovoga članka, ovaj Ugovor stupa na snagu prvoga dana prvoga mjeseca koji slijedi nakon datuma polaganja njezine isprave o ratifikaciji, prihvatu ili odobrenju kod depozitara.

Članak 28.

Pristupanje

- 1) Nakon stupanja na snagu ovoga Ugovora, bilo koja država sudionica SEECP-a koja nije potpisnica može pristupiti ovome Ugovoru.
- 2) Otvaranje ovoga Ugovora za pristup državama izvan kruga država sudionica SEECP-a podliježe posebnoj odluci MAG-a.
- 3) Za države koje pristupe u skladu sa stavicima 1. i 2. ovoga članka, Ugovor stupa na snagu prvoga dana koji slijedi nakon datuma polaganja njezine isprave o pristupu kod depozitara.

Članak 29.

Prijelazne odredbe

- 1) Sve prethodne odluke Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC) koje su na snazi na datum stupanja na snagu ovoga Ugovora smatraju se odlukama RACVIAC-Centra za sigurnosnu suradnju, u mjeri u kojoj nisu u suprotnosti s odredbama ovoga Ugovora.
- 2) Na datum stupanja na snagu ovoga Ugovora sva imovina koja pripada Regionalnom centru za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC) prenosi se na RACVIAC.
- 3) Sve države koje su pridružene članice Regionalnog centra za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC) uživaju taj status kako je on definiran u ovome Ugovoru, ako ne dostave drugačiju obavijest.
- 4) Sve zemlje, međunarodne organizacije ili ustanove koje su promatrači pri Regionalnom centru za pomoć u verifikaciji i provedbi kontrole naoružanja (RACVIAC) uživaju taj status kako je on definiran u ovome Ugovoru, ako ne dostave drugačiju obavijest.

Članak 30.
Rješavanje sporova

U slučaju spora između dvije ili više stranaka ili između stranke i RACVIAC-a glede tumačenja ili primjene ovoga Ugovora, odnosno stranke potražiti će rješenje kroz međusobne konzultacije i pregovore. Ako se spor ne riješi u roku od šest mjeseci, odnosno stranke predat će spor MAG-u na razmatranje i odgovarajuće postupanje.

Članak 31.
Depozitar

Depozitar ovoga Ugovora je Vlada Republike Hrvatske.

U potvrdu toga, dolje potpisani, za to propisno ovlašteni, potpisali su ovaj Ugovor.

Sastavljeno u Budvi, Crna Gora, dana četrnaestog travnja 2010. u jednome izvorniku na engleskom jeziku.



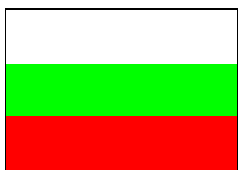
Nj.E. Tonin Beci, v.r.

veleposlanik Republike Albanije u Crnoj Gori



Nj. E. Branimir Mandić, v.r.

pomoćnik Ministra za multilateralne poslove, Ministarstvo vanjskih poslova Bosne i Hercegovine



Dr. sc. Mario Nobile, v.r.

ravnatelj Uprave za multilateralne poslove, Ministarstvo vanjskih poslova Republike Hrvatske



Nj.E. Stefan Nikolovski, v.r.

veleposlanik Republike Makedonije u Crnoj Gori



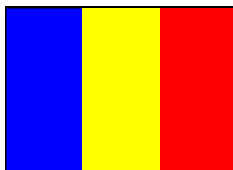
Nj.E. Georgios Avgoustis, v.r.

veleposlanik Helenske Republike u Crnoj Gori



Draško Jovanović, v.r.

pomoćnik ministra odbrane Crne Gore



Igor Jovičić, v.r.

državni sekretar Ministarstva odbrane Republike Srbije



Nj.E. Emine Birgen Keşoğlu, v.r.

veleposlanica Republike Turske

Agreement on RACVIAC – Centre for Security Cooperation

Preamble

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

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

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

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

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

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

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

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

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

Have agreed as follows:

Title I **Establishment, Mission and Activities**

Article 1 **Establishment**

- 1) The Parties hereby establish RACVIAC - Centre for Security Cooperation (hereinafter referred to as “RACVIAC”).

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

Article 2

Mission

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

Article 3

Scope of Activities

RACVIAC shall accomplish its mission by primarily promoting:

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

Title II

Members of RACVIAC

Article 4

Members

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

Article 5

Associate Members

- 1) Associate Member status shall be open upon a written request to any state that expresses its readiness to cooperate with and contribute to RACVIAC.
- 2) MAG shall decide regarding the application.
- 3) Associate Member status shall entail the secondment of personnel and / or financial contribution and / or contribution in kind to the operations of RACVIAC.

- 4) Associate Member status may be suspended or terminated by a decision of MAG, in accordance with the provisions of this Agreement.
- 5) Associate Members may attend MAG meetings and participate in its work, as appropriate.

Article 6
Observers

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

Title III
Organization and Structure of RACVIAC

Article 7
Multinational Advisory Group (MAG)

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

Article 8
Composition of MAG

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

Article 9
Procedures

- 1) MAG shall regularly meet twice a year.
- 2) Further meetings may be held as the Chairperson deems it necessary or upon request of at least 1/3 of MAG Members.
- 3) MAG can take decisions when more than half of its Members are present. The decisions of MAG are taken by consensus of its Members present. Consensus is understood as absence of objection.

- 4) If a MAG decision is required in-between MAG meetings that cannot be postponed to the next MAG meeting, a silence procedure may be implemented. The procedure provided in subparagraph 3) of this Article shall also apply for passing a decision by silence procedure.
- 5) A Member may not be represented by another Member during MAG meetings.
- 6) RACVIAC personnel may attend MAG meetings upon the request by MAG or the Director.
- 7) Representatives of States, international or regional organizations, bodies or individuals may be invited through MAG Chairperson, after consultation with the Members, as special guests to address MAG meeting or to inform MAG about specific areas of interest.

Article 10 Tasks of MAG

MAG decides:

- 1) on general guidelines for the operation of RACVIAC;
- 2) on the evaluation of measures carried out, the proposals made and reports submitted by the Director and reviews the progress of RACVIAC;
- 3) on the appointment of MAG Chairperson and the Director of RACVIAC;
- 4) on the adoption of MAG Terms of References (TOR), as well as on amendment on MAG TORs and all other regulations necessary for its work and the work of RACVIAC;
- 5) on the implementation of the current year's budget;
- 6) on the budget for the next fiscal year;
- 7) on the Annual Audit Report;
- 8) on the Annual Plan, including the proposed activities to be conducted, their financing and the resources required;
- 9) on Manpower Policy for RACVIAC personnel;
- 10) on changes to the overall structure of the Organisation and Manpower Table;
- 11) on the negotiation and signing of MOUs or political documents with third parties and authorizes either MAG Chairperson or the Director of RACVIAC to sign these documents;
- 12) on the date and venue of MAG meetings and approves the minutes of these meetings;
- 13) on all other issues that it deems relevant.

Article 11 Secretariat

- 1) RACVIAC shall have a Secretariat, which is the executive body of RACVIAC, headed by a Director. The Secretariat shall assist MAG and its subsidiary bodies in the performance of their functions. It shall carry out the duties provided for in this Agreement. It shall carry out the other functions entrusted to it under this Agreement as well as those functions delegated to it by MAG.
- 2) The Secretariat shall *inter alia*:
 - (a) prepare and submit to MAG the draft Annual Plan and budget of the organization;
 - (b) prepare and submit to MAG the draft report of the organization on the implementation of this Agreement and such other reports as MAG may request;
 - (c) provide administrative and technical support to MAG and its subsidiary bodies;
 - (d) address and receive communications on behalf of the organization to and from Members, Associate Members and Observers on matters pertaining to the implementation of this Agreement.

- 3) The Secretariat shall inform MAG of any problem that has arisen with regard to the discharge of its functions concerning the implementation of this Agreement that have come to its notice and that it has been unable to resolve or clarify through consultation with the Members, Associate Members and Observers concerned.
- 4) The Secretariat shall be responsible for ensuring that such tasks as may be required to ensure the proper functioning of RACVIAC, are carried out.

Article 12 Director

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

Article 13 Personnel and Recruitment

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

Article 14 Employment Conditions

- 1) MAG shall, by Decision, specify the Staff Regulations of RACVIAC. These shall reflect, at least, the following principles:
 - c) Unless otherwise provided in this Agreement, citizens of all the Members and Associate Members shall have equal access to employment in RACVIAC. Recruitment shall be guided by the necessity for the proper discharge of the responsibilities of the Secretariat.

- d) Selection and promotion and all other aspects of personnel management shall be, according to the principle of merit, and respecting the requirements of fairness, transparency, diversity and representation from all Members.
- 2) The resolution of personnel disputes shall be processed by a Panel of Adjudicators to be established through a separate MAG decision.

Article 15
Impartiality

- 1) In the performance of their duties, the Director and personnel of the Secretariat shall neither seek nor receive instructions from any individual Member of MAG, or from any State or authority external to MAG.
- 2) Each Member, Associate Member or Observer shall respect the exclusively international character of the responsibilities of the Director and the other personnel and should not seek to influence them in the discharge of their responsibilities.

Title IV
Financial Management

Article 16
Financing

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

Article 17
Annual Budget

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

Article 18
Financial Reporting

- 1) Director shall submit to MAG annual reports on the execution of the Annual Budget. The Report shall be a subject of approval by MAG.
- 2) There shall be an annual audit by independent auditors of the use of the Annual Budget. The Audit Report shall be subject to MAG approval. The Audit Report shall subsequently be made public.

- 3) MAG shall decide, on the independent external auditors, as well as on the extraordinary audit, which can be proposed by any MAG Member.

Title V Legal Capacity, Privileges and Immunities

Article 19 Seat of RACVIAC

- 4) RACVIAC shall be seated in the Republic of Croatia.
- 5) A Host Nation Agreement shall be concluded between RACVIAC and the Government of the Republic of Croatia.
- 6) Official working language shall be English.

Article 20 Legal Capacity

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

Article 21 Privileges and Immunities of RACVIAC

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

Article 22 Privileges and Immunities of Personnel

- 1) Director, Deputy Director, as well as their spouses and members of their families forming part of their households, shall enjoy in the territory of the Republic of Croatia, as Host Nation, a status equal to that accorded to diplomatic agents and their spouses and members of their families forming part of their households, under the Vienna Convention on Diplomatic Relations of 18 April 1961.
- 2) All other members of RACVIAC Personnel and their spouses and members of their families forming part of their households shall enjoy in the territory of the Republic of Croatia, as Host Nation, a status equal to that accorded to administrative and technical staff and their spouses and members of their families forming part of their households under the Vienna Convention on Diplomatic Relations of 18 April 1961. In particular, they shall enjoy the right to import goods for their household requirements as well as to import or to purchase a motor vehicle for their personal use, exempt from customs duties and value added taxes (VAT), within one year of the day of their assuming duty in the Republic of Croatia as provided for by the national legislation.
- 3) If a member of RACVIAC Personnel is a national or permanent resident of the Republic of Croatia, as Host Nation, he/she shall however, on the territory of the Republic of

Croatia, enjoy immunity with respect of acts done in his/her official capacity. This does not apply to personnel recruited in accordance with paragraph 4 of this Article.

- 4) The RACVIAC may recruit locally such auxiliary personnel as it requires, in accordance with national legislation of the Republic of Croatia.

Title VI Final Provisions

Article 23 Amendments

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

Article 24 Duration

This Agreement is concluded for an indefinite period of time.

Article 25 Reservations

No reservation may be made to this Agreement.

Article 26 Withdrawal

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

Article 27 Entry into force

- 1) This Agreement shall be subject to ratification, acceptance or approval by the signatory States, in accordance with their respective legal requirements

- 2) This Agreement shall be opened for signature on the date 14th April 2010 and shall remain open for signature for two months thereafter.
- 3) This Agreement shall enter into force on the first day of the month following the date on which the fifth of the States, which have signed this Agreement, has deposited its instrument of ratification, acceptance or approval with the Depositary.
- 4) For the signatory State that ratifies, accepts or approves this Agreement after the date of its entry into force, in accordance with the Paragraph 3 of this Article, this Agreement shall enter into force for that State on the first day of the first month following the date of deposit of its instrument of ratification, acceptance or approval with the Depositary.

Article 28 **Accession**

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

Article 29 **Transitional Provisions**

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

Article 30 **Settlement of Disputes**

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

Article 31
Depositary

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

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

Done at Budva, Montenegro, this Fourteenth day of April 2010, in a single authentic copy in the English language.



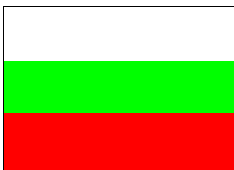
H.E. Tonin Beci,

Ambassador of the Republic of Albania to Montenegro



H. E. Branimir Mandić,

Assistant Minister for Multi-lateral Affaires in the Ministry of Foreign Affairs of Bosnia and Herzegovina



Mr. Mario Nobile, Ph.D.

Director of the Directorate for Multilateral Affairs at the Ministry of Foreign Affairs and European Integration of the Republic of Croatia



H.E. Stefan Nikolovski,

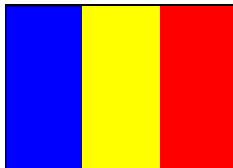
Ambassador of the Republic of Macedonia in Montenegro



H.E. Georgios Avgoustis,
Ambassador of the Hellenic Republic to Montenegro



Draško Jovanović,
Assistant Minister of Defence of Montenegro



Igor Jovičić,
State Secretary of the Ministry of Defence of the Republic of Serbia



H.E. Emine Birgen Keşoğlu,
Ambassador of the Republic of Turkey

Članak 3.

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

Članak 4.

Na dan stupanja na snagu ovoga Zakona, Ugovor iz članka 1. ovoga Zakona nije na snazi, 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 osmoga dana od dana objave u Narodnim novinama.

O B R A Z L O Ź E N J E

Člankom 1. konačnog prijedloga zakona utvrđuje se da Hrvatski sabor potvrđuje Ugovor o RACVIAC-u – Centru za sigurnosnu suradnju, sukladno odredbama članka 139. Ustava Republike Hrvatske, čime se iskazuje formalni pristanak Republike Hrvatske da bude vezana ovim Ugovorom.

Članak 2. sadrži tekst Ugovora u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

Člankom 3. konačnog prijedloga zakona utvrđuje se da je provedba Zakona u djelokrugu središnjeg tijela državne uprave nadležnog za vanjske poslove i središnjeg tijela državne uprave nadležnog za poslove obrane.

Člankom 4. utvrđuje se da na dan stupanja na snagu Zakona, Ugovor o RACVIAC-u – Centru za sigurnosnu suradnju nije na snazi, 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. uređuje se stupanje na snagu ovog Zakona.

**PRILOG – PRESLIKA TEKSTA UGOVORA U IZVORNIKU NA
ENGLESKOM JEZIKU**

Agreement on RACVIAC – Centre for Security Cooperation

Preamble

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

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

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

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

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

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

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

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

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

Have agreed as follows:

Title I

Establishment, Mission and Activities

Article 1

Establishment

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

Article 2

Mission

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

Article 3

Scope of Activities

RACVIAC shall accomplish its mission by primarily promoting:

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

Title II

Members of RACVIAC

Article 4

Members

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

Article 5
Associate Members

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

Article 6
Observers

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

Title III
Organization and Structure of RACVIAC

Article 7
Multinational Advisory Group (MAG)

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

Article 8
Composition of MAG

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

Article 9 Procedures

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

Article 10 Tasks of MAG

MAG decides:

- 1) on general guidelines for the operation of RACVIAC;
- 2) on the evaluation of measures carried out, the proposals made and reports submitted by the Director and reviews the progress of RACVIAC;
- 3) on the appointment of MAG Chairperson and the Director of RACVIAC;
- 4) on the adoption of MAG Terms of References (TOR), as well as on amendment on MAG TORs and all other regulations necessary for its work and the work of RACVIAC;
- 5) on the implementation of the current year's budget;
- 6) on the budget for the next fiscal year;
- 7) on the Annual Audit Report;
- 8) on the Annual Plan, including the proposed activities to be conducted, their financing and the resources required;
- 9) on Manpower Policy for RACVIAC personnel;
- 10) on changes to the overall structure of the Organisation and Manpower Table;
- 11) on the negotiation and signing of MOUs or political documents with third parties and authorizes either MAG Chairperson or the Director of RACVIAC to sign these documents;
- 12) on the date and venue of MAG meetings and approves the minutes of these meetings;
- 13) on all other issues that it deems relevant.

Article 11 Secretariat

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

Article 12 Director

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

Article 13 Personnel and Recruitment

- 1) RACVIAC organization shall be structured and approved by MAG to provide the most efficient, effective and flexible response to the needs of MAG States. Its organization shall provide a structure, which is regionally led and administratively and logistically self-sufficient.
- 2) RACVIAC Personnel includes Director, Deputy Director, seconded personnel and other administrative-technical personnel of the Secretariat.
- 3) RACVIAC is manned primarily by secondment of personnel who are open to coordination and cooperation, competent at finding multilateral solutions and have sufficient education, experience and background to meet their job descriptions. Where posts are reserved exclusively to the host nation, the Republic of Croatia as Host Nation shall ensure sustainable secondment of personnel.

- 4) Observers, international organizations, non-governmental organizations and institutions may second personnel, and / or assign personnel for specific projects on a temporary basis, pending a decision by MAG.
- 5) Regulations shall include rules, principles and procedures governing the selection of personnel, their recruitment, classification of posts and efficient operation of RACVIAC Secretariat in attainment of the objectives of this Agreement.

Article 14 Employment Conditions

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

Article 15 Impartiality

- 1) In the performance of their duties, the Director and personnel of the Secretariat shall neither seek nor receive instructions from any individual Member of MAG, or from any State or authority external to MAG.
- 2) Each Member, Associate Member or Observer shall respect the exclusively international character of the responsibilities of the Director and the other personnel and should not seek to influence them in the discharge of their responsibilities.

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- 1) RACVIAC shall be financed from regular annual contributions of Members, as well as from voluntary contributions, donations, and other sources.
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- 3) The final authority for the Annual Budget rests with MAG based upon the proposal presented by the Director of RACVIAC, timely in advance, but not later than 90 days before the beginning of RACVIAC fiscal year.

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- 2) There shall be an annual audit by independent auditors of the use of the Annual Budget. The Audit Report shall be subject to MAG approval. The Audit Report shall subsequently be made public.
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Title V
Legal Capacity, Privileges and Immunities

Article 19
Seat of RACVIAC

- 1) RACVIAC shall be seated in the Republic of Croatia.
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- 3) Official working language shall be English.

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- 1) RACVIAC shall enjoy such legal capacity to conclude international agreements with states and international organizations as may be necessary for the exercise of its functions and the fulfillment of its objectives.
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- 3) If a member of RACVIAC Personnel is a national or permanent resident of the Republic of Croatia, as Host Nation, he/she shall however, on the territory of the Republic of Croatia, enjoy immunity with respect of acts done in his/her official capacity. This does not apply to personnel recruited in accordance with paragraph 4 of this Article.
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Title VI
Final Provisions

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Amendments

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

Article 24

Duration

This Agreement is concluded for an indefinite period of time.

Article 25

Reservations

No reservation may be made to this Agreement.

Article 26

Withdrawal

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

Article 27

Entry into force

- 1) This Agreement shall be subject to ratification, acceptance or approval by the signatory States, in accordance with their respective legal requirements
- 2) This Agreement shall be opened for signature on the date 14th April 2010 and shall remain open for signature for two months thereafter.
- 3) This Agreement shall enter into force on the first day of the month following the date on which the fifth of the States, which have signed this Agreement, has deposited its instrument of ratification, acceptance or approval with the Depositary.
- 4) For the signatory State that ratifies, accepts or approves this Agreement after the date of its entry into force, in accordance with the paragraph 3 of this Article, this Agreement shall enter into force for that State on the first day of the first month following the date of deposit of its instrument of ratification, acceptance or approval with the Depositary.

Article 28

Accession

- 1) After the entry into force of this Agreement, any non-signatory SEECF participating State may accede to this Agreement.
- 2) The opening of this Agreement to the accession for the States outside SEECF participating States shall be subject of separate decision of MAG.

- 3) For the State which accedes in accordance with the paragraphs 1 and 2 of this Article, Agreement shall enter into force on the first day following the date of the deposit of its instrument of accession with the Depositary.

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

Article 30 Settlement of Disputes

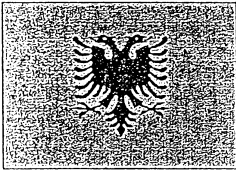
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Article 31 Depositary

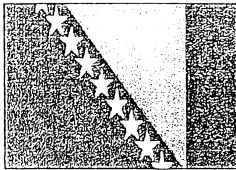
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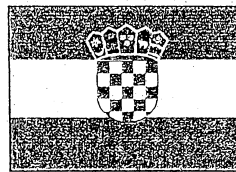
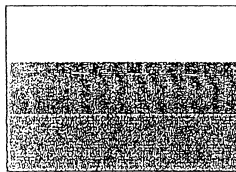
Done at Budva, Montenegro, this fourteenth of April 2010, in a single authentic copy in the English language.



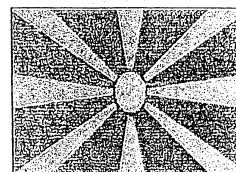
Jan Bini



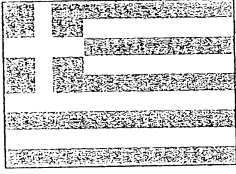
Mouqut B.



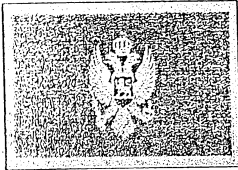
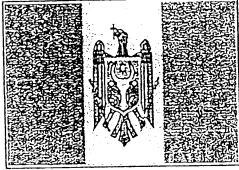
Mario Kolar



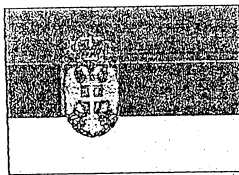
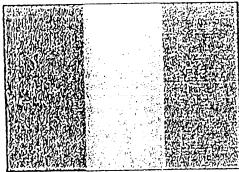
Admiral



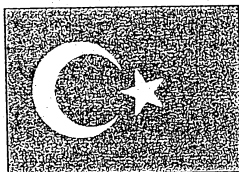
Amor



Amor



Amor



Bkesozlu

I hereby certify that the foregoing text is
a true copy of the original which is deposited
with the Ministry of Foreign Affairs and
European Integration of the Republic of Croatia

Zagreb, 22 April 2010



Andreja Metelko-Zgombić
Head
Independent Service for International Law

