



P.Z. br. 394

HRVATSKI SABOR

Klasa: 910-04/09-01/04

Urbroj: 65-09-02

Zagreb, 30. lipnja 2009.

**ZASTUPNICAMA I ZASTUPNICIMA
HRVATSKOGA SABORA**

**PREDSJEDNICAMA I PREDSJEDNICIMA
RADNIH TIJELA**

Na temelju članaka 137. i 153. Poslovnika Hrvatskoga sabora u prilogu upućujem *Prijedlog zakona o potvrđivanju Sporazuma između stranaka Sjevernoatlanskog ugovora o pravnom položaju njihovih snaga, s Konačnim prijedlogom zakona*, koji je predsjedniku Hrvatskoga sabora dostavila Vlada Republike Hrvatske, aktom od 29. lipnja 2009. godine uz prijedlog da se sukladno članku 159. Poslovnika Hrvatskoga sabora predloženi Zakon donese po hitnom postupku.

Uz zakonski prijedlog, 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 i 76/2007).

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 Ministarstva obrane.


PREDSJEDNIK
Luka Bebić



P.Z. br. 394

VLADA REPUBLIKE HRVATSKE

Klasa: 910-04/09-05/10

Urbroj: 5030106-09-1

Zagreb, 29. lipnja 2009.

REPUBLIKA HRVATSKA
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PREDSJEDNIKU HRVATSKOGA SABORA

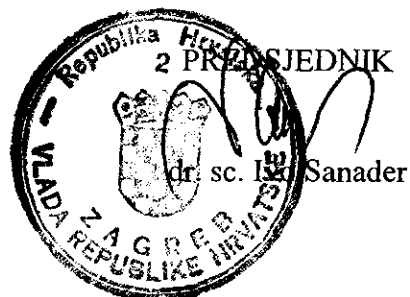
Predmet: Prijedlog zakona o potvrđivanju Sporazuma između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga, s Konačnim prijedlogom zakona

Na temelju članka 84. Ustava Republike Hrvatske i članaka 129. i 159. Poslovnika Hrvatskoga sabora, Vlada Republike Hrvatske podnosi Prijedlog zakona o potvrđivanju Sporazuma između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga, 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 i 76/2007).

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.

Prilog: 1



**PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA
IZMEĐU STRANAKA SJEVERNOATLANTSKOG UGOVORA O PRAVNOM
POLOŽAJU NJIHOVIH SNAGA, S KONAČNIM PRIJEDLOGOM ZAKONA**



**PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA
IZMEĐU STRANAKA SJEVERNOATLANTSKOG UGOVORA
O PRAVNOM POLOŽAJU NJIHOVIH SNAGA**

I. USTAVNA OSNOVA

Ustavna osnova za donošenje Zakona o potvrđivanju Sporazuma između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga, sadržana je u članku 139. stavku 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 pristupi određenom broju međunarodnih ugovora koji čine pravnu stečevinu NATO-a, a vezano uz koje je potrebno provođenje unutarnjih pravnih postupaka u narednom razdoblju.

Za pristupanje Sporazumu između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga, sastavljenom u Londonu 19. lipnja 1951. godine, potrebno je prethodno odobrenje Sjevernoatlantskog vijeća na razini kojeg je postupak dovršen 9. travnja 2009. godine nakon čega je Republika Hrvatska pozvana da pristupi Sporazumu između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga čime je omogućeno pokretanje unutarnjeg pravnog postupka za potvrđivanje ovog Sporazuma.

Prethodno odobrenje Sjevernoatlantskog vijeća potrebno je i u svezi određivanja iznosa do kojeg se ugovorna stranka odriče potraživanja s osnova naknade štete na imovini, temeljem članka VIII. stavka 2.(f) Sporazuma između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga, a koji predstavlja ekvivalent iznosa od 500£ što za Republiku Hrvatsku iznosi 3951 kuna prema važećem tečaju. S tim u svezi, Republika Hrvatska će, u smislu članka VIII. Stavka 2.(f) Sporazuma, prilikom polaganja svoje isprave o pristupu kod depozitara, dati izjavu da se odriče svojih potraživanja za štetu na imovini u svakom slučaju kada je iznos štete manji od 3951 kunu.

Republika Hrvatska će potvrđivanjem Sporazuma između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga ispuniti unutarnje pravne uvjete za primjenu njegovih odredaba koje predstavljaju pravni okvir za suradnju i interoperabilnost s ministarstvima obrane i oružanim snagama država članica NATO-a u dijelu koji se odnosi na uređivanje pravnog položaja oružanih snaga država članica NATO-a na državnom području Republike Hrvatske odnosno Oružanih snaga Republike Hrvatske na državnom području država članica NATO-a.

III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM

Ovim Zakonom potvrđuje se Sporazum između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga kako bi njegove odredbe, u smislu članka 140. Ustava Republike Hrvatske, postale dio unutarnjeg pravnog poretka Republike Hrvatske.

Sporazumom se uspostavlja pravni okvir te cjelovito uređuje pravni položaj snaga jedne od stranaka Sjevernoatlantskog ugovora sporazumno upućenih na službu na državno područje druge stranke, pri čemu se posebno ističe dužnost poštivanja pravnog poretka države primateljice; razrađuju su postupci vezano uz ulaske i izlaske iz države primateljice, nošenje odore i oružja, kao i pitanja vezana uz vozačke dozvole i registracije; utvrđuju se pravila vezana uz ostvarivanje nadležnosti, ostvarivanje potraživanja s osnova naknade štete, lokalnih nabava, angažiranja lokalnog civilnog osoblja, a posebno su razrađena pitanja vezana uz carine, poreze i ostale financijske obveze.

IV. OCJENA SREDSTAVA POTREBNIH ZA PROVEDBU ZAKONA

Za provedbu ovoga Zakona nije potrebno osigurati dodatna financijska sredstva iz državnog proračuna Republike Hrvatske budući će se odvijati kroz aktivnosti Ministarstva obrane te su sredstva za rad i aktivnosti Republike Hrvatske u sklopu NATO-a osigurana u Državnom proračunu Republike Hrvatske u okviru razdjela Ministarstva obrane.

V. PRIJEDLOG ZA DONOŠENJE ZAKONA PO HITNOM POSTUPKU

Temelj za donošenje ovoga Zakona po hitnom postupku nalazi se u članku 159. Poslovnika Hrvatskoga sabora (Narodne novine, broj 06/02- pročišćeni tekst, 41/02, 91/03, 58/04, 39/08 i 86/08) i to u drugim osobito opravdanim državnim razlozima. Naime, s obzirom na razloge navedene u točkama II. i III. ovoga Prijedloga, uzimajući u obzir da je Republika Hrvatska u travnju 2009. godine postala punopravna članica NATO-a te da je Sjevernoatlantsko vijeće odobrilo Rezoluciju kojom se Republika Hrvatska, kao država članica NATO-a, poziva da što skorije pristupi Sporazumu između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga cijeni se da postoji interes da Republika Hrvatska što skorije okonča svoj unutarnji pravni postupak, kako bi polaganjem svoje isprave o pristupu postala strankom Sporazuma odnosno kako bi isti u odnosu na Republiku Hrvatsku stupio na snagu. Stupanjem na snagu Sporazuma između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga u odnosima Republike Hrvatske i drugih država članica uspostavlja se pravni okvir kojim se uređuje pravni položaj snaga država stranaka Sjevernoatlantskog ugovora sporazumno upućenih na službu na državno područje druge države stranke, što je nužan temelj za nastavak međunarodne obrambene suradnje Republike Hrvatske u novom statusu, a s obzirom na brojne aktivnosti na državnom području Republike Hrvatske i u inozemstvu koje su u tijeku ili su u pripremi.

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, ne može mijenjati ili dopunjavati tekst međunarodnog ugovora, predlaže se da se ovaj Zakon raspravi i prihvati po hitnom postupku, objedinjavajući prvo i drugo čitanje.

VI. KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA IZMEĐU STRANAKA SJEVERNOATLANTSKOG UGOVORA O PRAVNOM POLOŽAJU NJIHOVIH SNAGA

Na temelju članka 16. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96), a polazeći od članka 139. Ustava Republike Hrvatske, predlaže se pokretanje postupka za donošenje Zakona o potvrđivanju Sporazuma između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga.

Tekst Konačnog prijedloga zakona o potvrđivanju Sporazuma između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga glasi:

**KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA
IZMEĐU STRANAKA SJEVERNOATLANTSKOG UGOVORA O PRAVNOM
POLOŽAJU NJIHOVIH SNAGA**

Članak 1.

Potvrđuje se Sporazum između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga, sastavljen u Londonu, dana 19. lipnja 1951. godine, u izvorniku na engleskom i francuskom jeziku.

Članak 2.

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

**SPORAZUM IZMEĐU STRANAKA SJEVERNOATLANTSKOG
UGOVORA O PRAVNOM POLOŽAJU NJIHOVIH SNAGA**

Stranke Sjevernoatlantskog ugovora potpisanog u Washingtonu 4. travnja 1949., prihvaćajući činjenicu da snage jedne od stranaka mogu biti dogovorno upućene na službu na državno područje druge stranke;

imajući na umu da će odluke o upućivanju istih i uvjeti pod kojima će biti upućeni, ukoliko oni nisu utvrđeni ovim Sporazumom, biti predmet posebnih dogovora između odnosnih stranaka;

želeći utvrditi pravni položaj tih snaga dok se one nalaze na državnom području druge stranke;

sporazumjele su se kako slijedi:

ČLANAK I.

1. U ovom Sporazumu izraz-

- (a) "snage" znači osoblje koje pripada kopnoj vojsci, mornarici ili zrakoplovstvu oružanih snaga jedne od ugovornih stranaka dok se nalazi na državnom području druge ugovorne stranke u području na koje se odnosi Sjevernoatlantski ugovor u svezi s njihovim službenim dužnostima, s time da se te dvije ugovorne stranke mogu sporazumjeti da se, za potrebe ovoga Sporazuma, određene osobe, postrojbe ili formacije neće smatrati kao da čine ili su uključene u "snage";

- (b) "civilna komponenta" znači civilno osoblje pridruženo snagama ugovorne stranke koje je zaposleno u oružanim snagama te ugovorne stranke, a koji nisu osobe bez državljanstva, niti su državljani bilo koje države koja nije stranka Sjevernoatlantskog ugovora, niti su državljani države u kojoj su smještene snage, niti u njoj imaju prebivalište;
- (c) "član obitelji" znači supružnika pripadnika snaga ili civilne komponente ili dijete tog pripadnika koje on ili ona uzdržava;
- (d) "država šiljateljica" znači ugovornu stranku kojoj pripadaju snage;
- (e) "država primateljica" znači ugovornu stranku na čijem se državnom području nalaze snage ili civilna komponenta, bilo da su ondje smještene ili su u provozu;
- (f) "vojne vlasti države šiljateljice" znači one vlasti države šiljateljice koje njezin pravni poredak ovlašćuje za provedbu vojnih propisa te države s obzirom na pripadnike njezinih snaga ili civilnih komponenti;
- (g) "Sjevernoatlantsko vijeće" znači Vijeće ustanovljeno člankom 9. Sjevernoatlantskog ugovora ili bilo koje njegovo pomoćno tijelo koje je ovlašteno djelovati u njegovo ime.

2. Ovaj se Sporazum primjenjuje na vlasti političkih jedinica ugovornih stranaka unutar njihovih državnih područja na koje se ovaj Sporazum odnosi ili na koje se njegova primjena proširuje u skladu s člankom XX., kao što se primjenjuje na središnje vlasti tih ugovornih stranaka, s time da se imovina u vlasništvu političkih jedinica neće smatrati imovinom u vlasništvu ugovorne stranke u smislu članka VIII.

ČLANAK II.

Dužnost je snaga i njihove civilne komponente te njihovih pripadnika, kao i članova njihovih obitelji da poštuju zakone države primateljice, te da se suzdržavaju od bilo koje aktivnosti koja nije u skladu s duhom ovoga Sporazuma i, osobito, od bilo kakve političke aktivnosti u državi primateljici. Također je dužnost države šiljateljice da u tu svrhu poduzme potrebne mjere.

ČLANAK III.

1. U skladu s uvjetima navedenima u stavku 2. ovoga članka i uz udovoljavanje formalnostima koje je država primateljica uspostavila vezano za ulazak i izlazak snaga ili njihovih pripadnika, ti će pripadnici biti izuzeti od primjene propisa o putovnicama i vizama te imigracijskog nadzora pri ulasku ili izlasku s državnog područja države primateljice. Isti će također biti izuzeti od primjene propisa države primateljice o prijavi i kontroli stranaca, ali neće moći ostvariti pravo na boravište ili prebivalište na državnom području države primateljice.

2. U odnosu na pripadnike snaga zahtjevat će se samo sljedeći dokumenti. Na zahtjev se moraju predočiti:

- (a) osobna iskaznica koju je izdala država šiljateljica s imenom i prezimenom, datumom rođenja, činom i brojem (ako postoji), nazivom službe i slikom;
- (b) pojedinačna ili skupna zapovijed za kretanje na jeziku države šiljateljice, te na engleskom i francuskom jeziku, koju je izdalo odgovarajuće tijelo države šiljateljice ili Organizacija Sjevernoatlantskog ugovora i koja potvrđuje pravni položaj pojedinca ili skupine kao pripadnika ili pripadnike snaga i odobreno kretanje. Država primateljica može zatražiti da zapovijed za

kretanje supotpisu njezini odgovarajući predstavnici.

3. Pripadnici civilne komponente i članovi obitelji bit će kao takvi označeni u njihovim putovnicama.

4. Ako pripadnik snaga ili civilne komponente napusti zaposlenje pri državi šiljateljici i ne bude vraćen u državu šiljateljicu, vlasti države šiljateljice odmah će izvijestiti vlasti države primateljice i dati im potrebne pojedinosti. Na isti način vlasti države šiljateljice obavijestit će vlasti države primateljice o svakom pripadniku koji je nedopušteno odsutan više od dvadeset i jednog dana.

5. Ako je država primateljica zatražila udaljavanje pripadnika snaga ili civilne komponente s njezinog državnog područja ili je izdala nalog za protjerivanje bivšeg pripadnika snaga ili civilne komponente ili člana obitelji sadašnjeg ili bivšeg pripadnika, vlast države šiljateljice bit će odgovorna za prihvrat odnosne osobe na njihovo vlastito državno područje ili za udaljavanje te osobe na drugi način s državnog područja države primateljice. Ovaj će se stavak primjenjivati samo na osobe koje nisu državljani države primateljice, a ušle su u državu primateljicu kao pripadnici snaga ili civilne komponente ili kako bi to postale, i na članove obitelji tih osoba.

ČLANAK IV.

Država primateljica će

- (a) prihvatiti kao važeću, bez provjere znanja vožnje ili plaćanja pristojbe, privremenu vozačku dozvolu, vozačku dozvolu ili privremenu vojnu vozačku dozvolu koju je pripadniku snaga ili civilne komponente izdala država šiljateljica ili njezina državna jedinica;
- ili
- (b) izdati njezinu privremenu vozačku dozvolu ili vozačku dozvolu svakom pripadniku snaga ili civilne komponente koji ima privremenu vozačku dozvolu, vozačku dozvolu ili privremenu vojnu vozačku dozvolu koju je izdala država šiljateljica ili njezina državna jedinica, a da neće tražiti polaganje vozačkog ispita.

ČLANAK V.

1. Pripadnici snaga u pravilu će nositi odoru. Ako se vlasti države šiljateljice i države primateljice drukčije ne dogovore, pripadnici snaga nosit će civilnu odjeću pod istim uvjetima koji vrijede za pripadnike snaga države primateljice. Pripadnici redovne postrojbe ili formacije snaga nosit će odoru pri prelasku granice.

2. Službena vozila snaga ili civilne komponente imat će, uz njihove registarske oznake, i posebno državno obilježje.

ČLANAK VI.

Pripadnici snaga mogu držati i nositi oružje ako su za to ovlaštteni na temelju zapovijedi. Glede toga vlasti države šiljateljice imat će razumijevanja za zahtjeve države primateljice.

ČLANAK VII.

1. Sukladno odredbama ovoga članka:

- (a) vojne vlasti države šiljateljice imaju pravo u državi primateljici provoditi svu kaznenu i stegovnu nadležnost koja im je povjerena zakonom države šiljateljice nad svim osobama koje podliježu vojnom zakonodavstvu te države;
- (b) vlasti države primateljice imaju nadležnost nad pripadnicima snaga ili civilne komponente i članovima njihovih obitelji u odnosu na kažnjiva djela počinjena na državnom području države primateljice koji su kažnjivi po zakonu te države.

2. (a) Vojne vlasti države šiljateljice imaju pravo ostvarivati isključivu nadležnost nad osobama koje podliježu vojnom zakonu te države u odnosu na kažnjiva djela, uključujući i povredu sigurnosti, koja su kažnjiva po zakonu države šiljateljice, ali ne i po zakonu države primateljice.

(b) Vlasti države primateljice imaju pravo ostvarivati isključivu nadležnost nad pripadnicima snaga ili civilne komponente i članovima njihovih obitelji u odnosu na kažnjiva djela, uključujući kažnjiva djela povezana s njezinom sigurnošću, koja su kažnjiva po njezinom zakonu, ali ne i po zakonu države šiljateljice.

(c) U smislu ovoga stavka i stavka 3. ovoga članka, kažnjivo djelo protiv sigurnosti države uključuje

- (i) veleizdaju;
- (ii) sabotazu, špijunažu ili kršenje bilo kojeg propisa koji se odnosi na službenu tajnu ili tajnu povezanu s nacionalnom obranom te države.

3. U slučaju sukoba nadležnosti primjenjuju se sljedeća pravila:

- (a) Vojne vlasti države šiljateljice imaju prvenstveno pravo ostvarivati nadležnost nad pripadnikom snaga ili civilne komponente u pogledu
 - (i) kažnjivih djela isključivo protiv imovine ili sigurnosti te države, ili kažnjivih djela isključivo protiv osobe ili imovine nekog drugog pripadnika snaga ili civilne komponente te države ili člana obitelji;
 - (ii) kažnjivih djela proizašlih iz bilo kakvog djelovanja ili propusta pri obavljanju službenih dužnosti.
- (b) U slučaju bilo kojeg drugog kažnjivog djela, prvenstveno pravo na ostvarivanje nadležnosti imaju vlasti države primateljice.
- (c) Ako država koja ima prvenstveno pravo odluči ne provoditi nadležnost, o tome će što prije izvijestiti vlasti druge države. Vlasti države koja ima prvenstveno pravo imat će razumijevanja za zahtjev vlasti druge države za odricanjem od njezinog prava u slučajevima kada ta druga država smatra takvo odricanje iznimno važnim.

4. Prethodne odredbe ovoga članka ne pretpostavljaju nikakvo pravo vojnih vlasti države šiljateljice da ostvaruju nadležnost nad osobama koje su državljani ili imaju prebivalište u državi primateljici, osim ukoliko su pripadnici snaga države šiljateljice.

5. - (a) Vlasti države primateljice i države šiljateljice pomoćat će si pri uhićenjima pripadnika snaga ili civilne komponente ili članova njihovih obitelji na državnom području države primateljice, te pri predaji istih vlastima koje ostvaruju nadležnost u skladu s gore navedenim odredbama.

(b) Vlasti države primateljice odmah će obavijestiti vojne vlasti države šiljateljice o uhićenju svakog pripadnika snaga ili civilne komponente ili člana obitelji.

(c) Pritvor osumnjičenog pripadnika snaga ili civilne komponente nad kojim država primateljica ostvaruje nadležnost, ostaje kod države šiljateljice ako je on u rukama te države, dok ne bude optužen od države primateljice.

6. - (a) Vlasti države primateljice i države šiljateljice pomagat će si u provedbi svih potrebnih istražnih radnji u svezi s kažnjivim djelima, kao i u prikupljanju i izvođenju dokaza, uključujući zapljenu, i u odgovarajućim slučajevima, i predaju predmeta koji su povezani s kažnjivim djelom. Predaja takvih predmeta mogla bi međutim biti uvjetovana njihovim povratkom u roku kojeg odrede vlasti koje ih predaju.

(b) Vlasti ugovornih stranaka obavijestit će jedna drugu o svim slučajevima u kojima postoji sukob nadležnosti.

7. - (a) Smrtnu kaznu u državi primateljici neće izvršavati vlasti države šiljateljice ako zakonodavstvo države primateljice ne predviđa takav oblik kazne za slične slučajeve.

(b) Vlasti države primateljice imat će razumijevanja za zamolbu vlasti države šiljateljice za pomoć pri izvršavanju kazne zatvora koju su izrekle vlasti države šiljateljice u skladu s odredbom ovoga članka na državnom području države primateljice.

8. Kada se optuženom sudilo u skladu s odredbama ovoga članka od strane vlasti jedne ugovorne stranke te je on bio oslobođen, ili osuđen i izdržava ili je izdržavao svoju kaznu ili je bio pomilovan, njemu se ne može ponovno suditi za isto kažnjivo djelo na istom državnom području od strane vlasti druge ugovorne stranke. Međutim, ništa u ovom stavku ne sprječava vojne vlasti države šiljateljice da sude pripadniku njihovih snaga za kršenje stegovnih pravila proizašlo iz djelovanja ili propusta koji su proizveli kažnjivo djelo za koje mu je bilo suđeno od strane vlasti druge ugovorne stranke.

9. Kada god pripadnik snaga ili civilne komponente ili član obitelji podliježe progonu pod nadležnošću države šiljateljice, imat će pravo-

- (a) na suđenje bez odgode i brzo suđenje;
- (b) biti obaviješten, prije suđenja, o točnoj optužbi ili optužbama koje mu se stavljaju na teret;
- (c) na suočavanje sa svjedocima koji svjedoče protiv njega;
- (d) na obvezatan postupak za pozivanje svjedoka u njegovu korist, ako su oni pod nadležnošću države primateljice;
- (e) na pravne zastupnike po vlastitom izboru u svrhu obrane, ili na besplatno pravno zastupanje ili pomoć pod uvjetima koji su u to vrijeme na snazi u državi primateljici;
- (f) na usluge kompetentnog tumača, ako to smatra potrebnim; i
- (g) komunicirati s predstavnicima Vlade države šiljateljice i, kada pravila suda dopuštaju, da ti predstavnici budu nazočni suđenju.

10.-(a) Redovno uspostavljene vojne jedinice ili formacije snaga imaju pravo održavati red u svakom taboru, objektima ili drugim prostorijama koje one zauzimaju temeljem sporazuma s državom primateljicom. Vojna policija snaga može poduzimati sve odgovarajuće mjere kako bi se osiguralo održavanje reda i sigurnosti u takvim prostorijama.

(b) Izvan tih prostorija, vojna policija bit će angažirana samo na temelju dogovora s vlastima države primateljice i u vezi s tim vlastima, i to ukoliko je takav angažman nužan za održavanje stege i reda među pripadnicima snaga.

11. Svaka će ugovorna stranka nastojati donijeti onakvo zakonodavstvo kojeg ona smatra potrebnim kako bi osigurala odgovarajuću sigurnost i zaštitu na njezinom državnom području instalacija, opreme, imovine, arhiva i službenih podataka drugih ugovornih stranaka, i kažnjavanje osoba koje prekrše zakone donesene u tu svrhu.

ČLANAK VIII.

1. Svaka ugovorna stranka odriče se svih svojih potraživanja prema bilo kojoj drugoj ugovornoj stranci za štetu na bilo kojoj imovini u njezinom vlasništvu i koju koriste njezina kopnena vojska, mornarica ili zrakoplovstvo oružanih snaga, ukoliko je tu štetu-

- (i) prouzročio pripadnik ili zaposlenik oružanih snaga druge ugovorne stranke u izvršavanju njegovih zadaća u svezi s primjenom Sjevernoatlantskog ugovora; ili
- (ii) je proistekla iz korištenja bilo kojeg vozila, plovila ili zrakoplova u vlasništvu druge ugovorne stranke i kojima su se koristile njezine pružane snage, bilo pod uvjetom da su vozilo, plovilo ili zrakoplov koji su prouzročili štetu bili korišteni u vezi s primjenom Sjevernoatlantskog ugovora, bilo da je šteta prouzročena na imovini korištenoj na taj način.

Jedna ugovorna stranka odriče se potraživanja za spašavanje na moru prema bilo kojoj drugoj ugovornoj stranci, pod uvjetom da su spašeno plovilo ili teret bili u vlasništvu ugovorne stranke te da su ih koristile njezine oružane snage u svezi s primjenom Sjevernoatlantskog ugovora.

2. - (a) Ako je šteta prouzročena ili proizašla na način opisan u stavku 1. na drugoj imovini koja je u vlasništvu ugovorne stranke i koja se nalazi na njezinom državnom području, odgovornost bilo koje druge ugovorne stranke kao i visinu iznosa štete naknadno će utvrditi arbitar izabran u skladu s odredbama točke (b) ovoga stavka, ako se odnosne ugovorne stranke ne sporazumiju drugačije. Arbitar će odlučiti i o možebitnim protutražbinama proizašlima iz istog slučaja.

(b) Arbitar naveden u točki (a) bit će izabran na temelju sporazuma odnosnih ugovornih stranaka iz reda državljana države primateljice koji obnašaju ili su obnašali neku od visokih sudbenih dužnosti. Ukoliko odnosne ugovorne stranke nisu u mogućnosti, u roku od dva mjeseca, postići dogovor o izboru arbitra, bilo koja od njih može zatražiti od jednog od zamjenika predsjedavajućeg Sjevernoatlantskog vijeća da izabere osobu koja ispunjava gore navedene uvjete.

(c) Svaka odluka koju donese arbitar bit će obvezujuća i konačna za ugovorne stranke.

(d) Iznos svake naknade koju dodijeli arbitar podijelit će se u skladu s odredbama stavka 5. točke (e) podtočaka (i), (ii) i (iii) ovoga članka.

(e) Visina iznosa naknade za rad arbitra određuje se sporazumom između odnosnih ugovornih stranaka te će ih one snositi u jednakim dijelovima, zajedno s potrebnim troškovima vezanim uz obavljanje njegove dužnosti.

(f) Pored toga, svaka ugovorna stranka odriče se svojeg potraživanja u svakom takvom slučaju kada je šteta manja od: -

| | | | |
|------------|-------------|------------------------|------------|
| Belgija: | BEF 70.000 | Luxemburg: | LFP 70.000 |
| Kanada: | CAD 1.460 | Nizozemska: | NLG 5.320 |
| Danska: | DK 9.670 | Norveška: | NOK 10.000 |
| Francuska: | FRF 490.000 | Portugal: | PTE 40.250 |
| Island: | IKR 22.800 | Ujedinjena Kraljevina: | GBP 500 |
| Italija: | ITL 850.000 | Sjedinjene Države: | USD 1.400 |

Svaka druga ugovorna stranka čija je imovina oštećena u istom događaju također će se odreći svojeg potraživanja do visine gore navedenih iznosa. U slučaju znatnih promjena tečaja gore navedenih valuta, ugovorne stranke sporazumjet će se o prilagođavanju gore navedenih iznosa.

3. Za potrebe stavaka 1. i 2. ovoga članka izraz »u vlasništvu ugovorne stranke« u slučaju plovila uključuje plovilo koje je ugovorna stranka zakupila kao prazni brod ili plovilo koje je ugovorna stranka rekvirirala pod uvjetima koji vrijede za zakup praznog broda ili koje je ona uzaptila (osim ako rizik gubitka ili odgovornost ne snosi neka osoba koja nije ta ugovorna stranka).

4. Svaka ugovorna stranka odriče se svih svojih potraživanja prema bilo kojoj drugoj ugovornoj stranci za ozljedu ili smrt pretrpljenu od strane bilo kojeg pripadnika njezinih oružanih snaga tijekom obavljanja njegovih službenih dužnosti.

5. Potraživanja (osim onih nastalih na temelju ugovora i onih na koja se primjenjuju stavci 6. ili 7. ovoga članka) koja proizlaze iz djela ili propusta pripadnika snaga ili civilne komponente počinjenih za vrijeme obavljanja službene dužnosti ili iz bilo kojeg drugog djela, propusta ili događaja za koje su snage ili civilna komponenta pravno odgovorni, i koji su prouzročili štetu na području države primateljice trećoj strani koja nije ugovorna stranka, rješavat će država primateljica u skladu sa sljedećim odredbama: -

- (a) Potraživanja će se evidentirati, razmotriti i riješiti ili će se o njima presuditi u skladu sa zakonima i propisima države primateljice, u odnosu na potraživanja koja proizlaze iz aktivnosti njezinih oružanih snaga.
- (b) Država primateljica može riješiti svako takvo potraživanje, a dogovoreni ili dosuđeni iznos isplatit će država primateljica u njezinoj valuti.
- (c) Takva isplata, bilo da je izvršena na temelju nagodbe, bilo presude nadležnog suda države primateljice, ili na temelju pravomoćne presude takvog suda kojom se osporava isplata, bit će obvezujuća i konačna za ugovorne stranke.
- (d) Država primateljica će o svakom isplaćenom potraživanju potanko obavijestiti odnosne države šiljateljice i predložiti podjelu ukupnih troškova u skladu sa točkom (e) podtočkama (i), (ii) i (iii). U slučaju da država šiljateljica u roku od dva (2) mjeseca ne odgovori na prijedlog podjele troškova, isti će se smatrati prihvaćenim.
- (e) Troškovi namirenja potraživanja nastali na temelju gore navedenih točaka i stavka 2. ovoga članka podijelit će se između ugovornih stranaka kako slijedi:-
 - (i) Kada je utvrđena odgovornost samo jedne države šiljateljice, dodijeljeni ili dosuđeni iznos podijelit će se u razmjeru 25% od ukupnog iznosa na račun države primateljice i 75% od ukupnog iznosa na račun države šiljateljice.
 - (ii) Kada je utvrđena odgovornost više država, dodijeljeni ili dosuđeni iznos podijelit će se na jednake dijelove; međutim, ako nije utvrđena odgovornost države primateljice, njezin će udio iznositi polovicu iznosa koji moraju platiti ostale države šiljateljice.

- (iii) Kada štetu počine oružane snage više ugovornih stranaka i nije moguće utvrditi isključivu odgovornost jedne ugovorne stranke ili više njih, dodijeljeni ili dosuđeni iznos podijelit će se na jednake dijelove između odnosnih ugovornih stranaka: međutim, ukoliko država primateljica nije jedna od država čije su oružane snage prouzročile štetu, njezin će udio iznositi polovicu iznosa koji moraju platiti odnosne države šiljateljice.
- (iv) Svakih pola godine država primateljica slat će odnosnim državama šiljateljicama izvješće o iznosima koje je država primateljica isplatila u proteklom polugodišnjem razdoblju za svaku naknadu štete za koju je prihvaćen prijedlog podjele troškova na temelju postotaka i zahtjev za povrat sredstava. Povrat sredstava izvršit će se u najkraćem mogućem roku u valuti države primateljice.
- (f) Ako bi primjena odredaba iz točaka (b) i (e) ovoga stavka uzrokovala ozbiljne poteškoće ugovornoj stranci, ona može zatražiti od Sjevernoatlantskog vijeća iznalaženje drukčijeg rješenja.
- (g) Pripadnik snaga ili civilne komponente neće biti podvrgnut nikakvom postupku radi izvršenja bilo koje presude donesene protiv njega u državi primateljici u pitanju koje proizlazi iz obavljanja njegovih službenih dužnosti.
- (h) Osim ako se točka (e) ovoga stavka primjenjuje na potraživanja navedena u stavku 2. ovoga članka, odredbe ovoga stavka neće se primjenjivati na potraživanja koja proizlaze ili su u svezi s plovidbom ili upravljanjem brodom ili ukrcajem, prijevozom ili iskrcajem brodskog tereta, osim na potraživanja s osnova smrti ili tjelesnih ozljeda na koja se ne primjenjuju odredbe stavka 4. ovoga članka.

6. Potraživanja prema pripadnicima snaga ili civilne komponente proizašla iz kažnjivih djela ili propusta u državi primateljici, a koja nisu u svezi s obavljanjem službenih dužnosti, uređivat će se na sljedeći način: -

- (a) Vlasti države primateljice razmotrit će zahtjev i procijeniti visinu naknade na pravedan i ispravan način, uzevši u obzir sve okolnosti slučaja, uključujući i ponašanje oštećenika, te pripremiti izvješće o predmetnom slučaju.
- (b) Izvješće će se dostaviti vlastima države šiljateljice, koje će bez odgode odlučiti o tome hoće li ponuditi isplatu *ex gratia* i u kojem iznosu.
- (c) Ako podnositelj zahtjeva prihvati ponudu za isplatu *ex gratia* u iznosu koji u potpunosti zadovoljava njegovo potraživanje, vlasti države šiljateljice izvršit će isplatu i obavijestiti vlasti države primateljice o svojoj odluci i visini isplaćenog iznosa.
- (d) Ništa u ovom stavku neće utjecati na nadležnost sudova države primateljice u postupanju protiv pripadnika snaga ili civilne komponente osim i ukoliko je izvršena isplata u iznosu koji u potpunosti zadovoljava predmetno potraživanje.

7. Potraživanja koja proizlaze iz neovlaštene uporabe bilo kojeg vozila oružanih snaga države šiljateljice, uređivat će se u skladu sa stavkom 6. ovoga članka, osim ako postoji pravna odgovornost snaga ili civilne komponente.

8. U slučaju spora oko pitanja je li kažnjivo djelo ili propust pripadnika snaga ili civilne komponente učinjeno prilikom obavljanja službene dužnosti, ili je uporaba nekog vozila države šiljateljice bila neovlaštena, pitanje će biti podnijeto arbitru imenovanom u skladu sa stavkom 2. točke (b) ovoga članka, čija će odluka biti konačna i obvezujuća.

9. Država šiljateljica neće zahtijevati imunitet od sudbenosti sudova države primateljice nad pripadnicima njezinih snaga ili civilne komponente vezano uz građansko-pravnu nadležnost sudova države primateljice, osim u slučajevima predviđenim u stavku 5. točke (g) ovoga članka.

10. Vlasti države šiljateljice i države primateljice surađivat će u postupku prikupljanja dokaza za pravilno razmatranje i rješavanje potraživanja u svezi sa slučajevima koji se odnose na ugovorne stranake.

ČLANAK IX.

1. Pripadnici snaga ili civilne komponente te članovi njihovih obitelji mogu kupovati lokalnu robu potrebnu za vlastitu potrošnju i koristiti potrebne usluge pod istim uvjetima kao i državljani države primateljice.

2. Roba iz lokalnih izvora za opskrbu snaga ili civilne komponente u pravilu će se nabavljati putem vlasti koja takvu robu nabavlja za oružane snage države primateljice. Da se takva nabava ne bi negativno odrazila na gospodarstvo države primateljice, vlasti te države naznačit će, ako to bude potrebno, svaki proizvod čija bi nabava mogla biti ograničena ili zabranjena.

3. Sukladno sporazumima koji su već na snazi ili koje bi ubuduće mogli sklopiti ovlašteni predstavnici države šiljateljice i primateljice, vlasti države primateljice smatrat će se isključivo odgovornima za sklapanje odgovarajućih dogovora kojima bi se snagama ili civilnoj komponenti dale na uporabu zgrade i zemljišta koja zatraže, kao i pripadajući objekti i službe. Ti sporazumi i dogovori trebaju biti, koliko je to god moguće, u skladu s propisima kojima se uređuje zbrinjavanje i smještaj takvog osoblja države primateljice. Ako se ne sklopi poseban ugovor, prava i obveze koje proizlaze iz posjeda ili korištenja zgrada, zemljišta, objekata ili službi uredit će se u skladu sa zakonima države primateljice.

4. Potreba snaga ili civilne komponente za lokalnim civilnim zaposlenicima bit će zadovoljena na isti način kao i takvi zahtjevi države primateljice i razmjenom zaposlenika uz pomoć vlasti države primateljice. Na zaposlenje i rad, posebice plaće, dodatke na plaću i uvjete zaštite zaposlenika primjenjivat će se uvjeti utvrđeni zakonodavstvom države primateljice. Takvi civilni zaposlenici pri snagama ili civilnoj komponenti ni u kojem smislu neće se smatrati pripadnicima tih snaga ili civilne komponente.

5. Kada snage ili civilna komponenta na mjestu gdje su smješteni nemaju odgovarajuću medicinsku ili stomatološku skrb, njihovi pripadnici mogu se liječiti, uključujući i bolničko liječenje, pod istim uvjetima kao i takvo osoblje države primateljice.

6. Država primateljica u najvećoj će mogućoj mjeri udovoljiti zahtjevima pripadnika snaga ili civilne komponente za korištenje posebnih pogodnosti za putovanja i povlastica glede cijena. Te će pogodnosti i povlastice biti predmetom posebnih dogovora koji će se sklopiti između odnosnih vlada uključenih država.

7. Sukladno bilo kojim općim ili posebnim financijskim dogovorima između ugovornih stranaka, plaćanja u lokalnoj valuti za robu, smještaj i usluge izvršene prema stavcima 2., 3., 4. i, ako je potrebno, 5. i 6. ovoga članka, vlasti snaga obavljat će bez odgovode.

8. Pripadnici snaga odnosno civilne komponente i članovi njihovih obitelji zbog razloga navedenih u ovom članku neće biti oslobođeni od plaćanja poreza ili davanja u svezi s nabavom proizvoda i usluga koje se naplaćuju u skladu s financijskim propisima države primateljice.

ČLANAK X.

1. Ako obveza plaćanja poreza u državi primateljici ovisi o prebivalištu ili boravištu, razdoblja tijekom kojih se pripadnik snaga ili civilne komponente nalazi na državnom području države isključivo iz razloga što je pripadnik tih snaga ili civilne komponente neće se, u svrhu takvog oporezivanja, smatrati razdobljima prebivališta ili promjenom prebivališta ili boravišta. Pripadnici snaga ili civilne komponente bit će u državi primateljici oslobođeni od plaćanja poreza na plaću i ostala primanja koja im kao pripadnicima tih snaga isplaćuje država šiljateljica ili od poreza na pokretnine koje se nalaze u državi primateljici isključivo zbog privremenog boravka pripadnika.

2. Ništa u ovom članku ne sprječava oporezivanje pripadnika snaga ili civilne komponente u svezi s bilo kojom profitabilnom djelatnošću, osim njegovog zaposlenja kao takvog, koju on može obavljati u državi primateljici i, izuzev u pogledu njegove plaće i primanja te pokretnina iz stavka 1., ništa u ovom članku ne sprječava oporezivanje kojem, čak i ako se smatra da ima prebivalište ili boravište izvan državnog područja države primateljice, taj pripadnik podliježe prema pravu te države.

3. Ništa u ovom članku neće se primjenjivati na "carinu" kako je određena u članku XI. stavku 12.

4. Za potrebe ovoga članka izraz "pripadnik snaga" ne uključuje niti jednu osobu koja je državljanin države primateljice.

ČLANAK XI.

1. Osim ako ovim Sporazumom nije izričito drukčije propisano, na pripadnike snaga ili civilne komponente kao i članove njihovih obitelji primjenjuju se zakoni i propisi koje provode carinske vlasti države primateljice. Posebice, carinske vlasti države primateljice imaju pravo, u okviru općih uvjeta utvrđenih zakonima i ostalim propisima te države, pretražiti pripadnike snaga ili civilne komponente i članove njihovih obitelji, pregledati njihovu prtljagu i vozila, odnosno zaplijeniti proizvode u skladu sa zakonima i propisima.

2.—(a) Privremeni uvoz i ponovni izvoz službenih vozila snaga ili civilne komponente na vlastiti pogon odobrit će se bez carine uz predočavanje triptiha u obliku prikazanom u Dodatku ovom Sporazumu.

(b) Privremeni uvoz vozila koja nisu na vlastiti pogon uređen je stavkom 4. ovoga članka, a na ponovni izvoz primjenjivat će se stavak 8.

(c) Službena vozila snaga ili civilne komponente oslobođena su od bilo kojeg poreza koji se plaća u vezi s uporabom vozila na cestama.

3. Službeno zapečaćeni dokumenti ne podliježu carinskoj kontroli. Kada teklići, bez obzira na njihov status, nose takve dokumente, moraju imati pojedinačnu zapovijed o kretanju izdanu u skladu sa stavkom 2. točkom (b) članka III. U zapovijedi o kretanju bit će naznačen broj pošiljaka i potvrda da one sadrže samo službene dokumente.

4. Snage mogu bez carine uvesti opremu za snage i razumnu količinu zaliha, namirnica i drugih roba isključivo za njihove potrebe i, u slučajevima kada država primateljica to dopusti, za potrebe njihove civilne komponente i članova obitelji. Za ovaj bescarinski uvoz potrebno je u carinskom uredu na mjestu ulaska položiti, zajedno s onim carinskim ispravama kako će biti dogovorene, potvrdu u obliku dogovorenom između države primateljice i države šiljateljice, koju je potpisala osoba koju je država šiljateljica ovlastila u tu svrhu. Podaci o osobi ovlaštenoj za potpisivanje potvrda te uzorci potpisa i pečata koji će se koristiti dostavit će se carinskoj upravi države primateljice.

5. Pripadnik snaga ili civilne komponente može pri prvom dolasku radi preuzimanja službe u državi primateljici ili pri prvom dolasku svakog člana obitelji koji će mu se pridružiti u vrijeme trajanja službe, uvesti svoje osobne stvari i namještaj bez plaćanja carine.

6. Pripadnici snaga ili civilne komponente mogu bez plaćanja carine privremeno uvesti njihova privatna motorna vozila za osobnu uporabu i za uporabu članova njihovih obitelji. Ne postoji obveza prema ovom članku odobriti oslobođenja od poreza koji se plaćaju u vezi s uporabom cesta od strane privatnih vozila.

7. Sve ostalo što vlasti snaga uvezu, a nije namijenjeno isključivoj uporabi snaga i civilne komponente, odnosno sve što uvezu pripadnici snaga ili civilne komponente, a nije navedeno u stavcima 5. i 6. ovoga članka, neće biti, u skladu s odredbama ovoga članka, oslobođeno od plaćanja carine ili ispunjavanja drugih uvjeta.

8. Roba koja je u skladu sa stavcima 2. (b), 4., 5. ili 6. uvezena bez plaćanja carine-

(a) može se ponovno izvesti bez plaćanja carine, pod uvjetom da se carinskom uredu, ako je roba uvezena u skladu sa stavkom 4., predloži potvrda izdana u skladu s tim stavkom; međutim, carinske vlasti mogu potvrditi da je roba koja se ponovno izvozi istovjetna robi opisanoj u potvrdi, ako ona postoji, odnosno da je uvezena pod uvjetima utvrđenim u stavcima 2. (b), 4., 5. ili 6. već prema slučaju;

(b) ne smije se prodavati ili darovati u državi primateljici; međutim, u određenim slučajevima to može biti odobreno, pod uvjetom koje odrede odnosne vlasti države primateljice (npr. plaćanje carine i poreza u skladu sa zahtjevima kontrole trgovinskog poslovanja i razmjene).

9. Na izvoz proizvoda kupljenih u državi primateljici primjenjivat će se isključivo propisi koji su na snazi u toj državi.

10. Carinske vlasti omogućit će redovnim postrojbama ili formacijama posebne dogovore za prelazak granica, pod uvjetom da odnosne carinske vlasti o tome budu pravodobno obaviještene.

11. Država primateljica uspostaviti će posebne dogovore kako bi se gorivom, uljem i mazivom mogla opskrbljivati službena vozila, zrakoplovi i plovila snaga ili civilne komponente bez plaćanja carina i poreza.

12. U stavcima 1.–10. ovoga članka-

“carina” znači carinske pristojbe i sve druge pristojbe i poreze koji se plaćaju pri uvozu ili izvozu, ovisno o slučaju osim carina i poreza koji nisu ništa drugo doli naknade za pružene usluge,

“uvoz” obuhvaća iznošenje robe iz carinskih skladišta ili stalnih carinskih pohrana, pod uvjetom da odnosna roba nije uzgojena, proizvedena ili izrađena u državi primateljici.

13. Odredbe ovoga članka primjenjivat će se na odnosnu robu ne samo prilikom uvoza ili izvoza iz države primateljice, već i kada je ona u provozu kroz državno područje ugovorne stranke, te se u tu svrhu naziv “država primateljica” u ovom članku odnosi i na svaku ugovornu stranku preko čijeg je državnog područja roba u provozu.

ČLANAK XII.

1. Carinske ili porezne vlasti države primateljice mogu, kao uvjet za odobrenje bilo kojega carinskog ili poreznog oslobođenja ili povlastice predviđenih ovim Sporazumom, zatražiti ispunjenje uvjeta koji su potrebni za sprječavanje zlouporabe.

2. Te vlasti mogu odbiti svako oslobođenje predviđeno ovim Sporazumom glede uvoza u državu primateljicu proizvoda koji su uzgojeni, proizvedeni ili izrađeni u toj državi, a koji su iz nje izvezeni bez plaćanja ili po ponovnom plaćanju poreza ili carina kojima inače podliježe takav izvoz. Proizvodi iznijeti iz carinskih skladišta smatrat će se uvezenima ako su se zbog razloga njihove pohrane smatrali izvezenima.

ČLANAK XIII.

1. U cilju sprječavanja kršenja odredaba carinskih i poreznih zakona i propisa, vlasti države primateljice i države šiljateljice međusobno će si pomagati pri vođenju istrage i prikupljanju dokaza.

2. Vlasti snaga pružit će svu moguću pomoć kako bi osigurale da proizvodi koji podliježu zapljeni od strane carinskih ili poreznih vlasti države primateljice, ili u njihovo ime, budu predani tim vlastima.

3. Vlasti snaga pružit će svu moguću pomoć kako bi osigurale plaćanje carina, poreza i kazni koje trebaju platiti pripadnici snaga ili civilne komponente ili članovi njihovih obitelji.

4. Službena vozila i proizvodi koji pripadaju snagama ili civilnoj komponenti, a ne pripadniku takvih snaga ili civilne komponente, koje su zbog povrede njezinih carinskih ili poreznih zakona ili propisa zaplijenile vlasti države primateljice bit će predani vlastima odnosnih snaga.

ČLANAK XIV.

1. Snage, civilna komponenta i njihovi pripadnici, kao i članovi njihovih obitelji, ostaju podložni deviznim propisima države šiljateljice, a ujedno podliježu i propisima države primateljice.

2. Devizne vlasti države šiljateljice i države primateljice mogu donijeti posebne propise koji će se primjenjivati na snage ili civilnu komponentu ili njihove pripadnike kao i na članove njihovih obitelji.

ČLANAK XV.

1. U skladu sa stavkom 2. ovoga članka, ovaj Sporazum ostaje na snazi u slučaju neprijateljstava na koja se Sjevernoatlantski ugovor primjenjuje, osim što se odredbe o podmirivanju potraživanja iz stavaka 2. i 5. članka VIII. neće primjenjivati na ratnu štetu, a odredbe Sporazuma, posebice odredbe članka III. i VII., odmah će ponovno razmotriti i preispitati odnosne ugovorne stranke koje se mogu sporazumjeti o potrebnim izmjenama koje se odnose na primjenu odredaba Sporazuma.

2. U slučaju takvih neprijateljstava, svaka od ugovornih stranaka ima pravo, obavještavajući druge ugovorne stranke 60 dana unaprijed, suspendirati primjenu bilo koje od odredaba ovoga Sporazuma u mjeri u kojoj se na nju odnose. U slučaju korištenja ovoga prava, ugovorne stranke odmah će se savjetovati radi dogovora o odgovarajućim odredabama koje će zamijeniti suspendirane odredbe.

ČLANAK XVI.

Sve razlike između ugovornih stranaka u svezi s tumačenjem ili primjenom ovoga Sporazuma rješavat će se pregovorima između njih bez obraćanja trećem. Osim ukoliko izričitom odredbom ovoga Sporazuma nije određeno drugačije, razlike koje se ne mogu riješiti neposrednim pregovorima podnijet će se Sjevernoatlantskom vijeću.

ČLANAK XVII.

Svaka ugovorna stranka može u svako doba tražiti izmjenu bilo kojeg članka ovoga Sporazuma. Zahtjev se upućuje Sjevernoatlantskom vijeću.

ČLANAK XVIII.

1. Ovaj Sporazum bit će ratificiran, a isprave o ratifikaciji polažu se što je prije moguće kod Vlade Sjedinjenih Američkih Država, koja će o datumu njihovog polaganja obavijestiti svaku državu potpisnicu.

2. Trideset dana nakon što su četiri države potpisnice položile svoje isprave o ratifikaciji ovaj Sporazum stupa na snagu između njih. Za svaku drugu državu potpisnicu, on će stupiti na snagu trideset dana nakon polaganja njezine isprave o ratifikaciji.

3. Nakon što stupi na snagu, ovaj Sporazum, temeljem odobrenja Sjevernoatlantskog vijeća i takvih uvjeta o kojima ono može odlučiti, bit će otvoren za pristupanje svakoj državi koja pristupi Sjevernoatlantskom ugovoru. Pristupanje se provodi polaganjem isprave o pristupu kod Vlade Sjedinjenih Američkih Država, koja će o datumu njezinog polaganja obavijestiti svaku državu potpisnicu i državu koja pristupa. U odnosu na svaku državu u čije je ime položena isprava o pristupu, ovaj Sporazum stupa na snagu trideset dana nakon datuma polaganja takve isprave.

ČLANAK XIX.

1. Svaka ugovorna stranka može otkazati ovaj Sporazum nakon isteka razdoblja od četiri godine od datuma stupanja Sporazuma na snagu.

2. Otkazivanje Sporazuma od strane bilo koje ugovorne stranke provodi se pisanom obavješću koju ta ugovorna stranka upućuje Vladi Sjedinjenih Američkih Država, koja će o takvoj obavijesti i datumu njezina primitka obavijestiti sve ostale ugovorne stranke.

3. Otkaz proizvodi učinak godinu dana nakon što Vlada Sjedinjenih Američkih Država zaprimi obavijest. Nakon isteka razdoblja od godine dana, Sporazum prestaje biti na snazi u odnosu na ugovornu stranku koja ga je otkazala, ali i dalje ostaje na snazi za preostale ugovorne stranke.

ČLANAK XX.

1. Sukladno odredbama stavaka 2. i 3. ovoga članka, ovaj Sporazum primjenjivat će se samo na matičnom državnom području ugovorne stranke.

2. Međutim, svaka država može u vrijeme polaganja svoje isprave o ratifikaciji ili pristupu ili u bilo koje vrijeme nakon toga, u obavijesti upućenoj Vladi Sjedinjenih Američkih Država izjaviti da proširuje ovaj Sporazum (pod uvjetom ukoliko država koja daje takvu izjavu smatra nužnim, sklapanja posebnog sporazuma između te države i svake od odnosnih država šiljateljica) na sva ili neka od područja za čije je međunarodne odnose u okviru područja Sjevernoatlantskog ugovora ona odgovorna. Ovaj Sporazum se tada proširuje na područje ili područja navedena u njoj trideset dana nakon što Vlada Sjedinjenih Američkih Država primi obavijest, ili trideset dana nakon sklapanja posebnog sporazuma ako je potreban, ili nakon što Sporazum stupi na snagu sukladno članku XVIII., ovisno o tomu što nastupa kasnije.

3. Država koja je dala izjavu, u skladu sa stavkom 2. ovoga članka, o proširenju ovoga Sporazuma na bilo koje područje za čije je međunarodne odnose odgovorna, može otkazati Sporazum zasebno u odnosu na to područje u skladu s odredbama članka XIX.

U potvrdu gore navedenog, dolje potpisani opunomoćenici potpisali su ovaj Sporazum.

Sastavljeno u Londonu, devetnaestoga lipnja 1951., na engleskom i francuskom jeziku, pri čemu su oba teksta jednako vjerodostojna, u jednom izvorniku koji će biti pohranjen u arhivu Vlade Sjedinjenih Američkih Država. Vlada Sjedinjenih Američkih Država dostavit će njegove ovjerene preslike svim državama potpisnicama i državama koje mu pristupe.

DODATAK

Država

Ministarstvo ili služba

TRIPTIH*

Važi od

Do

za privremeni uvoz u

slijedećih službenih vozila:-

Vrsta

Registracijski broj

Broj motora

Rezervne gume

Standardna komunikacijska oprema

Ime i potpis nositelja triptiha

Datum izdavanja

Po nalogu

PRIVREMENI IZLAZI I ULAZI

Ime luke ili carinske
ispostave

Datum

Potpis i pečat
carinskog službenika

Izlaz

Ulaz

Izlaz

Ulaz

Izlaz

Ulaz

Izlaz

Ulaz

* Ovaj dokument će biti na jeziku države šiljateljice i na engleskom i francuskom jeziku.

**AGREEMENT BETWEEN THE PARTIES TO THE NORTH
ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES**

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party;

Bearing in mind that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned ;

Desiring, however, to define the status of such forces while in the territory of another Party;

Have agreed as follows:

ARTICLE I

1. In this Agreement the expression-

- (a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain individuals, units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;
- (b) "civilian component" means the civilian personnel accompanying a force of a Contracting Party, who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located;
- (c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;
- (d) "sending State" means the Contracting Party to which the force belongs;
- (e) "receiving State" means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit;
- (f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components;
- (g) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

2. This Agreement shall apply to the authorities of political sub-divisions of the Contracting Parties, within their territories to which the Agreement applies or extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by political sub-divisions shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

ARTICLE II

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

ARTICLE III

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand:

- (a) personal identity card issued by the sending State showing names, date of birth, rank and number (if any), service, and photograph;
- (b) individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organization and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

4. If a member of a force or of a civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than twenty-one days.

5. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

ARTICLE IV

The receiving State shall either

- (a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component;
- or
- (b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

ARTICLE V

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

ARTICLE VI

Members of a force may possess and carry arms, on condition that they are authorized to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

ARTICLE VII

1. Subject to the provisions of this Article,

- (a) the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;
- (b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2. (a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.

(b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include

- (i) treason against the State;
- (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In case where the right to exercise jurisdiction is concurrent the following rules shall apply:

- (a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to
 - (i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;
 - (ii) offences arising out of any act or omission done in the performance of official duty.
- (b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.

5.—(a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

(c) The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6.—(a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. - (a) A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

(b) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled-

- (a) to a prompt and speedy trial;
- (b) to be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;
- (e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.

10.-(a) Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

(b) Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.

11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

ARTICLE VIII

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage-

- (i) was caused by a member or an employee of the armed services of the other Contracting Party in the execution of his duties in connection with the operation of the North Atlantic Treaty; or
- (ii) arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services, provided either that the vehicle, vessel or aircraft causing the damage was being used in connexion with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salvaged was owned by a Contracting Party and being used by its armed services in connexion with the operation of the North Atlantic Treaty.

2.—(a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e) (i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with necessary expenses incidental to performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Contracting Party waives its claim in any such case where the damage is less than: -

| | | | |
|----------|-----------------|-----------------|----------------|
| Belgium: | B. fr. 70,000. | Luxembourg: | L. fr. 70,000. |
| Canada: | \$ 1,460. | Netherlands: | Fl. 5,320. |
| Denmark: | Kr. 9,670. | Norway: | Kr. 10, 000. |
| France: | F. fr. 490,000. | Portugal: | Es. 40,250. |
| Iceland: | Kr. 22,800. | United Kingdom: | £ 500. |
| Italy: | Li. 850,000. | United States: | \$ 1,400. |

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim up to the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members of a force or civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions: -

- (a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.
- (b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.
- (c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.
- (d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (e) (i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.
- (e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and paragraph 2 of this Article shall be distributed between the Contracting Parties, as follows: -
 - (i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent. chargeable to the receiving State and 75 per cent. chargeable to the sending State.
 - (ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them: however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.

- (iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned : however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.
- (iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.
- (f) In cases where the application of the provisions of sub-paragraphs (b) and (e) of this paragraph would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.
- (g) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgement given against him in the receiving State in a matter arising from the performance of his official duties.
- (h) Except in so far as sub-paragraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner: -

- (a) The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.
- (b) The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.
- (c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.
- (d) Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or of a civilian component unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the force or civilian component is legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duty or as to whether the use of any vehicle of the armed services of a sending State was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2 (b) of this Article, whose decision on this point shall be final and conclusive.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5 (g) of this Article.

10. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

ARTICLE IX

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such services as they need, under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. Subject to agreements already in force or which may hereafter be made between the authorized representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangement to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalization, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6 of this Article shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

ARTICLE X

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Article shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such a member is liable under the law of that State.

3. Nothing in this Article shall apply to "duty" as defined in paragraph 12 of Article XI.

4. For the purposes of this Article the term "member of a force" shall not include any person who is a national of the receiving State.

ARTICLE XIII

1. In order to prevent offences against customs and fiscal laws and regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civilian component, and not a member of such force or civilian component, seized by the authorities of the receiving State in connection with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

ARTICLE XIV

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

ARTICLE XV

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days' notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

ARTICLE XVI

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

ARTICLE XVII

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

ARTICLE XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

ARTICLE XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

ARTICLE XX

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territory of a Contracting Party.

2. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend (subject, if the State making the declaration considers it to be necessary, to the conclusion of a special agreement between that State and each of the sending States concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present Agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreements if required, or when it has come into force under Article XVIII, whichever is the later.

3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.

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

Done in London this nineteenth day of June, 1951, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

APPENDIX

Country Ministry or Service

TRIPTYQUE*

Valid from To

for temporary importation to
of the following service vehicle:-

Type

Registration number Engine number

Spare tyres

Fixed communication Equipment

Name and signature of the holder of the tryptique

Date of issue

By order of

TEMPORARY EXITS AND ENTRIES

Name of Port or Customs
Station

Date

Signature and Stamp of
Customs Officer

Exit

Entry

Exit

Entry

Exit

Entry

Exit

Entry

* This document shall be in the language of the sending State and in the English and French languages.

Članak 3.

Prilikom polaganja isprave o pristupu, Republika Hrvatska priopćit će na Sporazum iz članka 1. ovoga Zakona sljedeću izjavu:

IZJAVA vezana uz članak VIII. Sporazuma

U skladu s člankom VIII. stavkom 2. (f) Sporazuma, Republika Hrvatska izjavljuje da se odriče svojih potraživanja za štetu na imovini u slučajevima određenim člankom VIII. Sporazuma kada je iznos štete manji od 3951 kunu.

Članak 4.

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

Članak 5.

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

Članak 6.

Ovaj Zakon stupa na snagu danom objave u Narodnim novinama.

OBRAZLOŽENJE

Člankom 1. Zakona propisuje se da Hrvatski sabor, sukladno odredbi članka 139. stavka 1. Ustava Republike Hrvatske i članka 18. Zakona o sklapanju i izvršavanju međunarodnih ugovora, potvrđuje Sporazum između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga, čime se iskazuje pristanak Republike Hrvatske da bude vezana Sporazumom, na temelju čega će ovaj pristanak biti iskazan i na međunarodnoj razini.

Članak 2. sadrži tekst Sporazuma između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

U članku 3. Zakona sadržan je tekst izjave koju će Republika Hrvatska, u smislu članka VIII. stavka 2. *f)*, dati prilikom polaganja svoje isprave o pristupu kod depozitara, a kojom će priopćiti da se odriče svojih potraživanja za štetu na imovini u slučajevima utvrđenim člankom VIII. kada je iznos štete manji od 3951 kunu.

Člankom 4. utvrđuje se da je provedba Zakona u djelokrugu središnjeg tijela državne uprave nadležnog za poslove obrane.

Člankom 5. utvrđuje se da na dan stupanja na snagu Zakona Sporazum između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga nije na snazi u odnosu na Republiku Hrvatsku 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 6. se, u smislu članka 89. stavka 3. Ustava Republike, 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 pristupu odnosnom Sporazumu kod Vlade Sjedinjenih Američkih Država, izraziti svoj pristanak biti vezana odnosnim 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 SPORAZIMA U IZVORNIKU
NA ENGLISKOM I FRANCUSKOM JEZIKU**

AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949.

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party ;

Bearing in mind that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned ;

Desiring, however, to define the status of such forces while in the territory of another Party ;

Have agreed as follows :

ARTICLE I

1. In this Agreement the expression—

- (a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain individuals, units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement ;
- (b) "civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located ;
- (c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support ;
- (d) "sending State" means the Contracting Party to which the force belongs ;
- (e) "receiving State" means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit ;
- (f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components ;
- (g) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

2. This Agreement shall apply to the authorities of political sub-divisions of the Contracting Parties, within their territories to which the Agreement applies or extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by

CONVENTION ENTRE LES ETATS PARTIES AU TRAITE DE L'ATLANTIQUE NORD SUR LE STATUT DE LEURS FORCES

Les Etats Parties au Traité de l'Atlantique Nord, signé à Washington le 4 avril 1949,

Considérant que les forces d'une Partie peuvent, par accord, être envoyées en service sur le territoire d'une autre Partie ;

Etant entendu que la décision d'envoyer ces forces et les conditions auxquelles elles seront envoyées, pour autant que ces dernières ne sont pas prévues à la présente convention, continueront à faire l'objet d'accords particuliers entre les pays intéressés ;

Désireux toutefois de déterminer le statut de la force armée de l'une des Parties lorsque cette force se trouve en service sur le territoire d'une autre Partie ;

Sont convenus des dispositions suivantes :

ARTICLE I^{er}

1. Dans la présente Convention l'expression :

- (a) " force " signifie le personnel appartenant aux armées de terre, de mer ou de l'air de l'une des Parties Contractantes qui se trouve pour l'exécution du service sur le territoire d'une autre Partie Contractante de la région de l'Atlantique Nord, sous réserve que deux Parties Contractantes intéressées peuvent convenir de ne pas considérer certaines personnes, unités ou formations comme constituant une " force " ou en faisant partie au regard des dispositions de la présente Convention ;
- (b) " élément civil " signifie le personnel civil accompagnant la force d'une Partie Contractante et employé par l'une des armées de cette Partie Contractante, et qui n'est ni apatride, ni national d'un Etat non partie au Traité de l'Atlantique Nord, non plus que national de l'Etat sur le territoire duquel la force est en service, ni une personne qui y a sa résidence habituelle ;
- (c) " personne à charge " signifie le conjoint d'un membre d'une force ou d'un élément civil faisant partie d'une force, ou les enfants qui sont à leur charge ;
- (d) " Etat d'origine " signifie la Partie Contractante dont relève la force ;
- (e) " Etat de séjour " signifie la Partie Contractante sur le territoire de laquelle se trouve la force ou l'élément civil, soit en séjour, soit en transit ;
- (f) " autorités militaires de l'Etat d'origine " signifie les autorités de l'Etat d'origine qui, en vertu de la législation de cet Etat, sont chargées d'appliquer les lois militaires dudit Etat aux membres de ses forces ou de ses éléments civils ;
- (g) " Conseil de l'Atlantique Nord " signifie le Conseil établi par l'Article 9 du Traité de l'Atlantique Nord, ou tout organe subordonné de celui-ci autorisé à agir en son nom.

2. La présente Convention est applicable aux autorités des subdivisions politiques des Parties Contractantes, dans les limites des territoires auxquels, conformément aux dispositions de l'Article XX, l'accord s'applique ou est étendu, comme il s'applique aux autorités centrales de ces Parties Contractantes,

political sub-divisions shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

ARTICLE II

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

ARTICLE III

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand :

(a) personal identity card issued by the sending State showing names, date of birth, rank and number (if any), service, and photograph ;

(b) individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organisation and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

4. If a member of a force or of a civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than twenty-one days.

5. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

sous réserve, toutefois, que les biens appartenant aux subdivisions politiques ne seront pas considérés comme étant des biens appartenant, au sens de l'Article VIII, à une Partie Contractante.

ARTICLE II

Les membres d'une force ou d'un élément civil, ainsi que les personnes à leur charge, sont tenus de respecter les lois en vigueur dans l'Etat de séjour et de s'abstenir sur le territoire de cet Etat de toute activité incompatible avec l'esprit de la présente Convention et en particulier de toute activité politique. Au surplus les autorités de l'Etat d'origine sont tenues de prendre les mesures nécessaires à cette fin.

ARTICLE III

1. Sans préjudice des dispositions du paragraphe 2 du présent article, et à condition de se conformer aux formalités prescrites par l'Etat de séjour pour l'entrée et la sortie d'une force, ou des membres d'une force, ceux-ci sont dispensés des formalités de passeport et de visa, ainsi que de l'inspection par les services d'immigration à l'entrée et à la sortie du territoire d'un Etat de séjour. Ils ne sont pas davantage assujettis à la réglementation relative à l'enregistrement et au contrôle des étrangers. Toutefois, ils ne sont pas considérés comme acquérant des droits à la résidence permanente ou au domicile dans les territoires de l'Etat de séjour.

2. Les seuls documents ci-dessous seront exigés des membres d'une force. Ils doivent être produits à toute réquisition :

- (a) Carte d'identité personnelle délivrée par l'Etat d'origine munie d'une photographie et mentionnant les noms et prénoms, la date de naissance, le grade, le service et, s'il y a lieu, le numéro matricule ;
- (b) Ordre de mission collectif ou individuel dans la langue de l'Etat d'origine ainsi qu'en anglais et en français, délivré par le service compétent de l'Etat d'origine ou de l'Organisation du Traité de l'Atlantique Nord et attestant le statut de la personne ou de l'unité en tant que membre ou partie d'une force ainsi que l'ordre de déplacement. L'Etat de séjour peut exiger que l'ordre de déplacement soit contresigné par un de ses représentants à ce qualifié.

3. Le passeport dont les membres d'un élément civil et les personnes à charge seront porteurs devra faire état de ladite qualité.

4. Si un membre d'une force ou d'un élément civil cesse d'être au service de l'Etat d'origine et n'est pas rapatrié, les autorités de l'Etat d'origine en informent immédiatement les autorités de l'Etat de séjour en leur donnant toutes indications utiles. Les autorités de l'Etat d'origine informent, dans les mêmes conditions, les autorités de l'Etat de séjour de toute absence illégale dépassant 21 jours.

5. Si l'Etat de séjour a demandé l'éloignement de son territoire d'un membre d'une force ou d'un élément civil, ou a pris un arrêté d'expulsion contre un ex-membre d'une force ou d'un élément civil ou contre une personne à charge d'un membre ou d'un ex-membre, les autorités de l'Etat d'origine sont tenues de les recevoir sur leur territoire ou tout au moins de leur faire quitter le territoire de l'Etat de séjour. Ce paragraphe ne s'applique qu'aux personnes qui ne sont pas des nationaux de l'Etat de séjour et qui sont entrées dans ledit Etat en qualité de membre d'une force ou d'un élément civil ou en vue de le devenir ou de personne à charge de ceux-ci.

ARTICLE IV

The receiving State shall either

- (a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or
- (b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

ARTICLE V

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

ARTICLE VI

Members of a force may possess and carry arms, on condition that they are authorised to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

ARTICLE VII

1. Subject to the provisions of this Article,

- (a) the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;
- (b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2. (a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.

(b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include

- (i) treason against the State;
- (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

ARTICLE IV

L'Etat de séjour peut :

- (a) soit accepter comme valable, sans exiger ni examen ni droit ou taxe, le permis de conduire ou le permis de conduire militaire délivré par l'Etat d'origine ou par une de ses subdivisions à un membre d'une force ou d'un élément civil;
- (b) soit délivrer, sans exiger d'examen, son propre permis de conduire à tout membre d'une force ou d'un élément civil, titulaire d'un permis de conduire ou d'un permis de conduire militaire délivré par l'Etat d'origine ou une de ses subdivisions.

ARTICLE V

1. Les membres d'une force portent normalement leur uniforme. Sous réserve de tout arrangement contraire entre les autorités de l'Etat d'origine et de l'Etat de séjour, la tenue civile sera portée dans les mêmes conditions que par les forces armées des Etats de séjour. Les unités de formations militaires régulièrement constituées d'une force doivent se présenter en uniforme aux frontières qu'elles franchissent.

2. Les véhicules d'une force ou d'un élément civil immatriculés à l'armée portent, en plus de leur numéro d'immatriculation, une marque distinctive de leur nationalité.

ARTICLE VI

Les membres d'une force peuvent détenir et porter leurs armes à condition d'y être autorisés par le règlement qui leur est applicable. Les autorités de l'Etat d'origine examineront avec bienveillance les demandes que l'Etat de séjour leur présentera en la matière.

ARTICLE VII

1. Sous réserve des dispositions du présent article,

- (a) Les autorités militaires de l'Etat d'origine ont le droit d'exercer sur le territoire de l'Etat de séjour les pouvoirs de juridiction pénale et disciplinaire que leur confère la législation de l'Etat d'origine sur toutes personnes sujettes à la loi militaire de cet Etat;
- (b) Les autorités de l'Etat de séjour ont le droit d'exercer leur juridiction sur les membres d'une force ou d'un élément civil et les personnes à leur charge en ce qui concerne les infractions commises sur le territoire de l'Etat de séjour et punies par la législation de cet Etat.

2.—(a) Les autorités militaires de l'Etat d'origine ont le droit d'exercer une juridiction exclusive sur les personnes soumises aux lois militaires de cet Etat, en ce qui concerne les infractions punies par la législation de l'Etat d'origine, notamment les infractions portant atteinte à la sûreté de cet Etat mais ne tombant pas sous le coup de la législation de l'Etat de séjour;

(b) Les autorités de l'Etat de séjour ont le droit d'exercer une juridiction exclusive sur les membres d'une force ou d'un élément civil et sur les personnes à charge en ce qui concerne les infractions punies par les lois de l'Etat de séjour, notamment les infractions portant atteinte à la sûreté de cet Etat mais ne tombant pas sous le coup de la législation de l'Etat d'origine.

(c) Au sens du présent paragraphe et du paragraphe 3 du présent article, sont considérés comme infractions portant atteinte à la sûreté d'un Etat :

- (i) la trahison,
- (ii) le sabotage, l'espionnage ou la violation de la législation relative aux secrets d'Etat ou de défense nationale.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

- (a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to
 - (i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;
 - (ii) offences arising out of any act or omission done in the performance of official duty.
- (b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.

5.—(a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

(c) The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6.—(a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7.—(a) A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

(b) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of

3. Dans les cas de juridiction concurrente, les règles suivantes sont applicables :

- (a) Les autorités militaires de l'Etat d'origine ont le droit d'exercer par priorité leur juridiction sur le membre d'une force ou d'un élément civil en ce qui concerne :
 - (i) Les infractions portant atteinte uniquement à la sûreté ou à la propriété de cet Etat ou les infractions portant atteinte uniquement à la personne ou à la propriété d'un membre de la force, ou d'un élément civil de cet Etat ainsi que d'une personne à charge ;
 - (ii) Les infractions résultant de tout acte ou négligence accomplis dans l'exécution du service.
- (b) Dans le cas de toute autre infraction, les autorités de l'Etat de séjour exercent par priorité leur juridiction.
- (c) Si l'Etat qui a le droit d'exercer par priorité sa juridiction décide d'y renoncer, il le notifiera aussitôt que possible aux autorités de l'autre Etat. Les autorités de l'Etat qui a le droit d'exercer par priorité sa juridiction examinent avec bienveillance les demandes de renonciation à ce droit, présentées par les autorités de l'autre Etat, lorsque celles-ci estiment que des considérations particulièrement importantes le justifient.

4. Les dispositions du présent article ne comportent pour les autorités militaires de l'Etat d'origine aucun droit d'exercer une juridiction sur les nationaux de l'Etat de séjour ou sur les personnes qui y ont leur résidence habituelle, à moins que ceux-ci soient membres des forces armées de l'Etat d'origine.

5.—(a) Les autorités des Etats de séjour et d'origine se prêtent mutuellement assistance pour l'arrestation des membres d'une force de l'Etat d'origine ou d'un élément civil ou des personnes à charge sur le territoire de l'Etat de séjour et pour leur remise à l'autorité qui a à exercer sa juridiction conformément aux dispositions ci-dessus.

(b) Les autorités de l'Etat de séjour notifient dans les délais les plus brefs aux autorités militaires de l'Etat d'origine l'arrestation de tout membre d'une force ou d'un élément civil ou d'une personne à charge.

(c) La garde d'un membre d'une force ou d'un élément civil sur lequel l'Etat de séjour a à exercer son droit de juridiction et qui est entre les mains des autorités de l'Etat d'origine demeurera assurée par celles-ci jusqu'à ce que des poursuites aient été engagées contre lui par l'Etat de séjour.

6.—(a) Les autorités des Etats de séjour et d'origine se prêtent mutuellement assistance pour la conduite des enquêtes, pour la recherche de preuves, y compris la saisie, et s'il y a lieu, la remise des pièces à conviction et des objets de l'infraction. La remise des pièces et objets saisis peut toutefois être subordonnée à leur restitution dans un délai déterminé par l'autorité qui procède à cette remise.

(b) Les autorités des Parties Contractantes, dans les cas où il y a juridiction concurrente, s'informent réciproquement de la suite donnée aux affaires.

7.—(a) Il ne peut être procédé par les autorités de l'Etat d'origine à l'exécution d'une condamnation capitale sur le territoire de l'Etat de séjour si la législation de ce dernier ne prévoit pas la peine de mort dans un cas analogue.

(b) Les autorités de l'Etat de séjour examinent avec bienveillance les demandes des autorités de l'Etat d'origine en vue de prêter assistance à celles-ci pour l'exécution des peines d'emprisonnement prononcées sur le

the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled—

- (a) to a prompt and speedy trial ;
- (b) to be informed, in advance of trial, of the specific charge or charges made against him ;
- (c) to be confronted with the witnesses against him ;
- (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State ;
- (e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State ;
- (f) if he considers it necessary, to have the services of a competent interpreter ; and
- (g) to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.

10.—(a) Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

(b) Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.

11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

ARTICLE VIII

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage—

- (i) was caused by a member or an employee of the armed services of the other Contracting Party in the execution of his duties in connexion with the operation of the North Atlantic Treaty ; or
- (ii) arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services, provided either

territoire de l'Etat de séjour par lesdites autorités conformément aux dispositions du présent article.

8. Lorsqu'un inculpé a été jugé conformément aux dispositions de cet article par les autorités d'une Partie Contractante et a été acquitté ou, en cas de condamnation, s'il subit ou a subi sa peine ou a été gracié, il ne peut plus être jugé de nouveau sur le même territoire, du chef de la même infraction, par les autorités d'une autre Partie Contractante. Toutefois, ce paragraphe ne s'oppose en rien à ce que les autorités militaires de l'Etat d'origine jugent un membre d'une force pour toute violation des règles de discipline résultant de l'acte ou de l'omission constitutive de l'infraction pour laquelle il a été jugé.

9. Quand un membre d'une force ou d'un élément civil ou une personne à charge est poursuivi devant les juridictions de l'Etat de séjour, il a droit :

- (a) à être jugé rapidement ;
- (b) à être tenu informé, avant les débats, de l'accusation ou des accusations portées contre lui ;
- (c) à être confronté avec les témoins à charge ;
- (d) à ce que les témoins à décharge soient contraints de se présenter si la juridiction de l'Etat de séjour a le pouvoir de les y obliger ;
- (e) à être représenté selon son choix ou à être assisté dans les conditions légales en vigueur à l'époque dans l'Etat de séjour ;
- (f) s'il l'estime nécessaire, au service d'un interprète compétent ;
- (g) à communiquer avec un représentant du gouvernement de l'Etat d'origine, et lorsque les règles de procédure le permettent, à la présence de ce représentant aux débats.

10.—(a) Les unités ou formations militaires régulièrement constituées d'une force ont le droit de police sur tous les camps, établissements ou autres installations occupés par elles en vertu d'un accord avec l'Etat de séjour. La police militaire des unités ou formations peut prendre toutes les mesures utiles pour assurer le maintien de l'ordre et de la sécurité dans ces installations.

(b) L'emploi de ladite police militaire hors de ces installations est subordonné à un accord avec les autorités de l'Etat de séjour, se fait en liaison avec celles-ci et n'intervient que pour autant que cela est nécessaire pour maintenir l'ordre et la discipline parmi les membres de ces unités ou formations.

11. Chacune des Parties Contractantes soumettra au pouvoir législatif les projets qu'elle estime nécessaires pour permettre d'assurer sur son territoire la sécurité et la protection des installations, du matériel, des propriétés, des archives et des documents officiels des autres Parties Contractantes ainsi que la répression des infractions à cette législation.

ARTICLE VIII

1. Chaque Partie Contractante renonce à toute demande d'indemnité à l'encontre d'une autre Partie Contractante pour les dommages causés aux biens de l'Etat qui sont utilisés par ses forces armées de terre, de mer et de l'air,

- (i) si le dommage est causé par un membre des forces armées de l'autre Partie Contractante, ou par un employé de celle-ci, dans l'exercice de ses fonctions dans le cadre du Traité de l'Atlantique Nord ;
- (ii) ou s'il est causé par un véhicule, un navire ou un aéronef d'une Partie Contractante et utilisé par ses forces armées, à condition, ou

that the vehicle, vessel or aircraft causing the damage was being used in connexion with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salvaged was owned by a Contracting Party and being used by its armed services in connexion with the operation of the North Atlantic Treaty.

2.—(a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5 (e) (i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Contracting Party waives its claim in any such case where the damage is less than:—

| | |
|------------------------|---------------------------|
| Belgium: B.fr. 70,000. | Luxembourg: L.fr. 70,000. |
| Canada: \$1,460. | Netherlands: Fl. 5,320. |
| Denmark: Kr. 9,670. | Norway: Kr. 10,000. |
| France: F.fr. 490,000. | Portugal: Es. 40,250. |
| Iceland: Kr. 22,800. | United Kingdom: £500. |
| Italy: Li. 850,000. | United States: \$1,400. |

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim up to the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

que le véhicule, le navire ou l'aéronef cause du dommage ait été utilisé pour des actions entreprises dans le cadre des opérations du Traité de l'Atlantique Nord, ou que le dommage ait été causé à des biens utilisés dans les mêmes conditions.

Les demandes d'indemnités pour sauvetage maritime formulées par une Partie Contractante à l'encontre d'une autre Partie Contractante font l'objet de la même renonciation, sous réserve que le navire ou la cargaison sauvés soient la propriété d'une Partie Contractante et soient utilisés par ses forces armées à l'occasion d'actions entreprises dans le cadre du Traité de l'Atlantique Nord.

2.—(a) Dans le cas de dommages autres que ceux prévus au paragraphe 1 ci-dessus qui ont été causés aux biens d'une Partie Contractante situés sur le territoire de celle-ci, et pour autant que les Parties Contractantes intéressées n'aient pas conclu d'autre accord, il sera prononcé sur la responsabilité et le montant du dommage par un arbitre unique choisi conformément aux dispositions de l'alinéa (b) ci-dessous. L'arbitre connaîtra également des demandes reconventionnelles éventuelles.

(b) L'arbitre prévu à l'alinéa (a) ci-dessus sera choisi par accord entre les Parties Contractantes intéressées parmi les nationaux de l'Etat de séjour exerçant ou ayant exercé une haute fonction judiciaire. Si les Parties Contractantes intéressées n'ont pu, à l'expiration d'un délai de deux mois, se mettre d'accord sur la désignation de cet arbitre, l'une ou l'autre pourra demander au président des Suppléants du Conseil de l'Atlantique Nord de choisir une personne répondant aux qualifications indiquées ci-dessus ;

(c) Toute décision prise par l'arbitre sera définitive et liera les Parties Contractantes ;

(d) Le montant de toute indemnité attribuée par l'arbitre sera réparti comme il est prévu au paragraphe 5 (e) (i), (ii) et (iii) ci-dessous ;

(e) La rémunération de l'arbitre sera fixée par accord entre les Parties Contractantes intéressées et sera, ainsi que les dépenses qu'aura occasionnées l'accomplissement de ses fonctions, supportés par parts égales par lesdites Parties.

(f) Toutefois, chaque Partie Contractante renonce à demander une indemnité si le montant du dommage est inférieur aux montants suivants :

| | |
|-------------------------|---------------------------|
| Belgique: Fr.b. 70.000. | Luxembourg: Fr.l. 70.000. |
| Canada: \$1.460. | Pays-Bas: Fl. 5.320. |
| Danemark: Kr. 9.670. | Norvège: Kr. 10.000. |
| France: Fr.fr. 490.000. | Portugal: Es. 40.250. |
| Islande: Kr. 22.800. | Royaume-Uni: £500. |
| Italie: Li. 850.000. | Etats-Unis: \$1.400. |

Toute autre Partie Contractante dont les biens auraient été endommagés dans le même incident renoncera aussi à sa réclamation à concurrence des montants indiqués ci-dessus. Dans le cas de variation importante du cours des changes, les Parties Contractantes procéderont à l'ajustement des chiffres ci-dessus.

3. Les dispositions des paragraphes 1 et 2 du présent article s'appliquent à tout navire affrété en coque nue par une Partie Contractante, ou réquisitionné par elle avec un contrat d'affrètement en coque nue, ou de bonne prise (sauf en ce qui concerne la partie du risque de perte et de la responsabilité supportée par une autre personne que cette Partie Contractante).

4. Chaque Partie Contractante renonce à demander une indemnité à une autre Partie Contractante dans le cas où un membre de ses forces armées a subi des blessures ou est mort dans l'exécution du service.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members of a force or civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:—

- (a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.
- (b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.
- (c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.
- (d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (e) (i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.
- (e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and paragraph 2 of this Article shall be distributed between the Contracting Parties, as follows :—
 - (i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent. chargeable to the receiving State and 75 per cent. chargeable to the sending State.
 - (ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them : however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.
 - (iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned : however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.
 - (iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.
- (f) In cases where the application of the provisions of sub-paragraphs (b) and (e) of this paragraph would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.

5. Les demandes d'indemnité (autres que celles résultant de l'application d'un contrat et que celles auxquelles les paragraphes 6 ou 7 du présent article sont applicables) du chef d'actes ou de négligences dont un membre d'une force ou un élément civil est responsable dans l'exécution du service ou du chef de tout autre acte, négligence ou incident dont une force ou un élément civil est légalement responsable et qui ont causé sur le territoire de l'Etat de séjour des dommages à un tiers autre que l'une des Parties Contractantes, seront réglées par l'Etat de séjour conformément aux dispositions suivantes :

- (a) Les demandes d'indemnités sont introduites, instruites et les décisions prises, conformément aux lois et règlements de l'Etat de séjour applicables en la matière à ses propres forces armées ;
- (b) L'Etat de séjour peut statuer sur ces dommages ; il procède au paiement des indemnités allouées dans sa propre monnaie ;
- (c) Ce paiement, qu'il résulte du règlement direct de l'affaire ou d'une décision de la juridiction compétente de l'Etat de séjour, ou la décision de la même juridiction déboutant le demandeur, lie définitivement les Parties Contractantes ;
- (d) Toute indemnité payée par l'Etat de séjour sera portée à la connaissance des Etats d'origine intéressés qui recevront en même temps un rapport circonstancié et une proposition de répartition établie conformément aux alinéas (e) (i), (ii) et (iii) ci-dessous. A défaut de réponse dans les deux mois, la proposition sera considérée comme acceptée ;
- (e) La charge des indemnités versées pour la réparation des dommages visés aux alinéas précédents et au paragraphe 2 du présent article sera répartie entre les Parties Contractantes dans les conditions suivantes :
 - (i) Quand un seul Etat d'origine est responsable, le montant de l'indemnité est réparti à concurrence de 25 pour cent pour l'Etat de séjour et 75 pour cent pour l'Etat d'origine ;
 - (ii) Quand la responsabilité est encourue par plus d'un Etat, le montant de l'indemnité est réparti entre eux par parts égales ; toutefois, si l'Etat de séjour n'est pas un des Etats responsables, sa part sera la moitié de celle de chacun des Etats d'origine ;
 - (iii) Si le dommage est causé par les forces armées des Parties Contractantes sans qu'il soit possible de l'attribuer d'une manière précise à l'une ou à plusieurs de ces forces armées, le montant de l'indemnité sera réparti également entre les Parties Contractantes intéressées ; toutefois, si l'Etat de séjour n'est pas un des Etats dont les forces armées ont causé le dommage, sa part sera la moitié de celle de chacun des Etats d'origine ;
 - (iv) Semestriellement, un état des sommes payées par l'Etat de séjour au cours du semestre précédent pour les affaires pour lesquelles une répartition en pourcentage a été admise, sera adressé aux Etats d'origine intéressés accompagné d'une demande de remboursement. Le remboursement sera fait dans les plus brefs délais, dans la monnaie de l'Etat de séjour ;
- (f) Dans le cas où, par suite de l'application des dispositions des alinéas (b) et (e) ci-dessus, une Partie Contractante se verrait imposer une charge qui l'affecterait trop lourdement, elle peut demander au Conseil de l'Atlantique Nord de procéder à un règlement de l'affaire sur une base différente ;

- (g) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.
- (h) Except in so far as sub-paragraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.
6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner :—

- (a) The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.
- (b) The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.
- (c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.
- (d) Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or of a civilian component unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorised use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the force or civilian component is legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duty or as to whether the use of any vehicle of the armed services of a sending State was unauthorised, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2 (b) of this Article, whose decision on this point shall be final and conclusive.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5 (g) of this Article.

10. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

ARTICLE IX

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such

- (g) Aucune voie d'exécution ne peut être pratiquée sur un membre d'une force ou d'un élément civil lorsqu'un jugement a été prononcé contre lui dans l'Etat de séjour s'il s'agit d'un litige né d'un acte accompli dans l'exécution du service ;
- (h) Excepté dans la mesure où l'alinéa (e) du présent paragraphe s'applique aux demandes d'indemnité couvertes par le paragraphe 2 du présent article, les dispositions du présent paragraphe ne s'appliquent pas dans le cas de navigation, d'exploitation d'un navire, de chargement ou de déchargement ou de transport d'une cargaison, sauf s'il y a eu mort ou blessure d'une personne et que le paragraphe 4 ne soit pas applicable.
6. Les demandes d'indemnité contre les membres d'une force armée ou d'un élément civil fondées sur des actes dommageables ou des négligences qui n'ont pas été accomplis dans l'exécution du service sont réglées de la façon suivante :
- (a) Les autorités de l'Etat de séjour instruisent la demande d'indemnité et fixent d'une manière juste et équitable l'indemnité due au demandeur, en tenant compte de toutes les circonstances de la cause, y compris la conduite et le comportement de la personne lésée, et elles établissent un rapport sur l'affaire ;
- (b) Ce rapport est envoyé aux autorités de l'Etat d'origine qui décident alors sans délai si elles procéderont à une indemnisation à titre gracieux, et dans ce cas, en fixant le montant ;
- (c) Si une offre d'indemnité à titre gracieux est faite et acceptée à titre de dédommagement intégral par le demandeur, les autorités de l'Etat d'origine effectuent elles-mêmes ce paiement et font connaître aux autorités de l'Etat de séjour leur décision et le montant de la somme versée ;
- (d) Les dispositions du présent paragraphe ne s'opposent en rien à ce que la juridiction de l'Etat de séjour statue sur l'action qui pourrait être intentée contre un membre d'une force ou d'un élément civil pour autant toutefois qu'un paiement entièrement satisfaisant n'ait pas été effectué.
7. Les demandes d'indemnité fondées sur l'usage non autorisé de tout véhicule des forces armées d'un Etat d'origine seront traitées conformément aux dispositions du paragraphe 6 du présent article sauf dans le cas où la force elle-même ou l'élément civil est légalement responsable.
8. S'il y a contestation sur le point de savoir si l'acte dommageable ou la négligence d'un membre d'une force ou d'un élément civil ont été accomplis dans l'exécution du service ou sur le point de savoir si l'utilisation d'un véhicule appartenant aux forces armées d'un Etat d'origine n'avait pas été autorisée, l'affaire est portée devant un arbitre désigné conformément au paragraphe 2 (b) du présent article, qui décide souverainement sur ce point.
9. Sauf dans les conditions prévues au paragraphe 5 (g) du présent article, l'Etat d'origine ne peut, en ce qui concerne la juridiction civile des tribunaux de l'Etat de séjour, se prévaloir de l'immunité de juridiction des tribunaux de l'Etat de séjour en faveur des membres d'une force ou d'un élément civil.
10. Les autorités de l'Etat d'origine et de l'Etat de séjour se prêtent assistance pour la recherche des preuves nécessaires à un examen équitable et à une décision en ce qui concerne les demandes d'indemnités qui intéressent les Parties Contractantes.

ARTICLE IX

1. Les membres d'une force ou d'un élément civil ainsi que les personnes à leur charge peuvent se procurer sur place les marchandises nécessaires à

services as they need, under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. Subject to agreements already in force or which may hereafter be made between the authorised representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, of this Article shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

ARTICLE X

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile,

leur propre consommation et les services dont ils ont besoin, dans les mêmes conditions que les ressortissants de l'Etat de séjour.

2. Les marchandises achetées sur place destinées à la subsistance d'une force ou d'un élément civil seront normalement achetées par l'entremise des services compétents pour l'achat de telles marchandises pour les forces armées de l'Etat de séjour. Pour éviter que ces achats n'aient un effet dommageable pour l'économie de l'Etat de séjour, les autorités compétentes de ce dernier désigneront les articles qu'il conviendrait, le cas échéant, d'exclure totalement ou partiellement desdits achats.

3. Sous réserve de l'application des accords en vigueur ou qui pourront être conclus par les autorités compétentes des Etats de séjour et d'origine, les autorités de l'Etat de séjour prennent seules les mesures appropriées pour que soient mis à la disposition d'une force ou d'un élément civil, les immeubles ainsi que les services y afférents dont ceux-ci peuvent avoir besoin. Ces accords et arrangements seront dans la mesure du possible conformes aux règlements concernant le logement et le cantonnement du personnel similaire de l'Etat de séjour. A défaut de convention stipulant le contraire, les droits et obligations naissant de l'occupation ou de l'utilisation d'un immeuble ainsi que de l'usage des services et servitudes y afférents sont régis par les lois de l'Etat de séjour.

4. Les besoins locaux en main d'œuvre civile d'une force ou d'un élément civil sont satisfaits de la même manière que ceux des services analogues de l'Etat de séjour, avec leur assistance et par l'entremise des services de la main d'œuvre. Les conditions d'emploi et de travail, notamment les salaires et accessoires de salaires et les conditions de protection des travailleurs, sont réglées conformément à la législation en vigueur dans l'Etat de séjour. Ces travailleurs civils employés par une force ou par un élément civil ne sont considérés en aucun cas comme membres de cette force ou de cet élément civil.

5. Si les services médicaux et dentaires attachés à une force ou à un élément civil sont insuffisants, leurs membres ainsi que les personnes à leur charge peuvent recevoir les soins médicaux et dentaires, y compris l'hospitalisation, dans les mêmes conditions que le personnel correspondant de l'Etat de séjour.

6. L'Etat de séjour examinera avec bienveillance les demandes de facilités de circulation et de réductions de tarifs qu'il peut accorder aux membres d'une force armée ou d'un élément civil. Ces facilités et réductions feront l'objet de dispositions particulières entre les gouvernements intéressés.

7. Sous réserve de tout accord financier général ou particulier entre les parties contractantes, les paiements en monnaie locale pour les marchandises, le logement et les services prévus aux paragraphes 2, 3, 4 et si nécessaire 5 et 6 du présent article seront effectués sans délai par les autorités de la force.

8. Une force, un élément civil, leurs membres, ou les personnes à leur charge ne peuvent se prévaloir du présent article pour revendiquer une exonération d'impôts ou taxes applicables aux achats de biens et aux prestations de services en vertu de la réglementation fiscale de l'Etat de séjour.

ARTICLE X

1. Si, dans l'Etat de séjour, l'établissement d'un impôt quelconque est fonction de la résidence ou du domicile du redevable, les périodes au cours desquelles un membre d'une force ou d'un élément civil sera présent dans le territoire de cet Etat, en raison uniquement de sa qualité de membre de cette force ou de cet élément civil, ne seront pas considérées, pour l'établissement

for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Article shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such a member is liable under the law of that State.

3. Nothing in this Article shall apply to "duty" as defined in paragraph 12 of Article XI.

4. For the purposes of this Article the term "member of a force" shall not include any person who is a national of the receiving State.

ARTICLE XI

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2.—(a) The temporary importation and the re-exportation of service vehicles of a force or civilian component under their own power shall be authorised free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement.

(b) The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the re-exportation thereof by paragraph 8.

(c) Service vehicles of a force or civilian component shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order, issued in accordance with paragraph 2 (b) of Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.

4. A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with such customs documents as shall be agreed, of a certificate in a form

dudit impôt, comme périodes de résidence ou comme entraînant un changement de résidence ou de domicile. Les membres d'une force ou d'un élément civil seront exonérés dans l'Etat de séjour de tout impôt sur les traitements et émoluments qui leur sont payés en cette qualité par l'Etat d'origine ainsi que sur tous biens, meubles corporels leur appartenant et dont l'existence dans l'Etat de séjour est due uniquement à leur présence temporaire dans cet Etat.

2. Le présent article n'exonérera en aucune façon le membre d'une force ou d'un élément civil des impôts afférents aux activités génératrices de profits, autres que celles qu'il exerce en cette qualité, auxquelles il pourrait se livrer dans l'Etat de séjour. Sauf en ce qui concerne le traitement, les émoluments, ainsi que les biens meubles corporels, visés au paragraphe 1, les dispositions du présent article ne s'opposent en rien à la perception des impôts auxquels ledit membre est assujéti en vertu de la loi de l'Etat de séjour, même s'il est considéré comme ayant sa résidence ou son domicile hors du territoire de cet Etat.

3. Les dispositions du présent article ne sont pas applicables aux "droits" tels qu'ils sont définis au paragraphe 12 de l'article XI.

4. Au regard des dispositions du présent article, l'expression "membre d'une force" ne s'applique pas à une personne ayant la nationalité de l'Etat de séjour.

ARTICLE XI

1. Sous réserve des dérogations établies par la présente Convention, les membres d'une force ou d'un élément civil ainsi que les personnes à leur charge sont soumis aux lois et règlements dont l'application est confiée à l'administration des douanes de l'Etat de séjour. Les agents de cette administration ont notamment le droit de procéder dans les conditions générales prévues par la législation et la réglementation en vigueur dans l'Etat de séjour, à la visite des membres d'une force ou d'un élément civil ainsi que des personnes à leur charge, de leurs bagages et de leurs véhicules ; ils ont également le droit de saisie conformément à cette législation et à cette réglementation.

2.—(a) L'importation temporaire et la réexportation des véhicules immatriculés à l'armée appartenant à une force ou à un élément civil circulant par leurs propres moyens sont autorisées en franchise de droits sur présentation d'un tryptique du modèle figurant en annexe à la présente Convention.

(b) L'importation temporaire de véhicules immatriculés à l'armée, ne circulant pas par leurs propres moyens, se fera dans les conditions fixées au paragraphe 4 et leur réexportation dans les conditions fixées au paragraphe 8 du présent article.

(c) Les véhicules immatriculés à l'armée appartenant à une force ou à un élément civil bénéficient également de l'exemption des taxes qui pourraient être dues en raison de la circulation des véhicules sur les routes.

3. Les documents officiels sous pli scellé d'un sceau officiel ne sont pas soumis à la visite et au contrôle de la douane. Les courriers qui en effectuent le transport doivent être munis, quelle que soit leur qualité, d'un ordre de mission individuel délivré dans les conditions indiquées à l'article III, paragraphe 2 (b). Cet ordre de mission doit mentionner le nombre de plis et certifier que ceux-ci ne contiennent que des documents officiels.

4. Une force peut importer en franchise de droits son équipement et des quantités raisonnables d'approvisionnement, matériels et autres marchandises destinés à l'usage exclusif de cette force ou, dans les cas où cela est autorisé par l'Etat de séjour, à l'usage de l'élément civil et des personnes à charge. L'admission ainsi prévue en franchise est subordonnée au dépôt, au Bureau des douanes, à l'appui des documents de douane que l'on aura convenu de

agreed between the receiving State and the sending State signed by a person authorised by the sending State for that purpose. The designation of the person authorised to sign the certificates as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving State.

5. A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the first arrival of any dependent to join him, import his personal effects and furniture free of duty for the term of such service.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 2 (b), 4, 5 or 6 above—

(a) may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph, is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 2 (b), 4, 5 or 6 as the case may be ;

(b) shall not normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the authorities concerned of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.

12. In paragraphs 1-10 of this Article—

“duty” means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes which are no more than charges for services rendered;

“importation” includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not

fournir, d'une attestation dont la forme aura été acceptée par l'Etat de séjour et par l'Etat d'origine, signée par une personne habilitée à cet effet par l'Etat d'origine. La désignation de la personne habilitée à signer les attestations ainsi que les spécimens de sa signature et des cachets utilisés seront adressés aux administrations douanières de l'Etat de séjour.

5. Un membre d'une force ou d'un élément civil peut, à l'occasion de sa première arrivée en vue de prendre son service dans l'Etat de séjour, ou à l'occasion de la première arrivée d'une personne à sa charge venue l'y rejoindre, importer ses effets et son mobilier personnels en franchise de droits pour la durée de son séjour.

6. Les membres d'une force ou d'un élément civil peuvent bénéficier de la franchise temporaire des droits en cas d'importation temporaire de véhicules à moteur privés destinés à leur usage personnel et à celui des personnes à leur charge. Cette disposition n'entraîne pas l'obligation d'exemption des taxes qui pourraient être dues pour l'usage des routes par les véhicules privés.

7. Les importations faites par les autorités d'une force pour des fins autres que la satisfaction des besoins exclusifs de cette force ou de son élément civil, ainsi que les importations, autres que celles visées aux paragraphes 5 et 6 du présent article, effectuées par les membres d'une force armée ou d'un élément civil, ne bénéficient, en application du présent article, d'aucune exemption de droits ni d'aucune dispense de formalités.

8. Les marchandises admises en franchise en application des dispositions des paragraphes 2 (b), 4, 5 ou 6 ci-dessus :

(a) Peuvent être réexportées librement à condition que, en ce qui concerne les marchandises importées en application du paragraphe 4; soit remise au Bureau des douanes une attestation délivrée dans les conditions prévues à ce paragraphe. Le service des douanes conserve cependant le droit de vérifier, s'il y a lieu, que les marchandises réexportées sont bien celles décrites sur l'attestation dans le cas où celle-ci est nécessaire, et ont été réellement importées dans les conditions prévues aux paragraphes 2 (b), 4, 5 ou 6, suivant le cas;

(b) Ne peuvent normalement être cédées à titre onéreux ou gratuit dans l'Etat de séjour. Cependant, dans des cas particuliers, une telle cession peut être autorisée, sous réserve des conditions imposées par les autorités compétentes de l'Etat de séjour (par exemple, paiement des droits et taxes, accomplissement des formalités inhérentes au contrôle du commerce extérieur et des changes).

9. Les exportations de marchandises achetées dans l'Etat de séjour sont soumises à la réglementation en vigueur sur le territoire dudit Etat.

10. Des facilités particulières sont accordées par les autorités douanières pour le passage des frontières par des unités ou formations régulièrement encadrées, à condition que les autorités douanières intéressées aient reçu la notification appropriée en temps utile.

11. Des dispositions spéciales seront prises par l'Etat de séjour afin que les carburants et lubrifiants destinés à l'usage des véhicules immatriculés à l'armée, des aéronefs et bateaux militaires d'une force ou d'un élément civil soient livrés exempts de tous droits et taxes.

12. Pour l'application des dix premiers paragraphes du présent article, le mot "droits" s'entend des droits de douane et de tous autres droits et taxes frappant, suivant le cas, l'importation ou l'exportation, à l'exception des droits et taxes qui constituent un remboursement de frais pour service rendu. Le mot "importation" inclut l'enlèvement des marchandises placées dans un entrepôt de douanes ou sous un régime analogue, à

been grown, produced or manufactured in the receiving State.

13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State, but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression "receiving State" in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

ARTICLE XII

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

ARTICLE XIII

1. In order to prevent offences against customs and fiscal laws and regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civilian component, and not to a member of such force or civilian component, seized by the authorities of the receiving State in connexion with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

ARTICLE XIV

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

ARTICLE XV

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies,

condition qu'il s'agisse de marchandises qui n'aient été, ni récoltées, ni fabriquées, ni manufacturées dans l'Etat de séjour.

13. Les dispositions du présent article s'appliquent non seulement aux marchandises importées dans l'Etat de séjour ou exportées de cet Etat, mais aussi aux marchandises en transit à travers le territoire d'une Partie Contractante. En l'occurrence, l'expression "Etat de séjour" s'entend, dans le présent article, de toute Partie Contractante à travers le territoire de laquelle les marchandises transitent.

ARTICLE XII

1. Toute exemption ou facilité douanière ou fiscale accordée en vertu de la présente Convention est subordonnée à l'observation des dispositions que les autorités douanières ou fiscales de l'Etat de séjour peuvent estimer nécessaires pour prévenir des abus.

2. Les mêmes autorités peuvent décider que ne bénéficieront pas des exemptions prévues par le présent accord les importations de produits récoltés, fabriqués ou manufacturés dans l'Etat de séjour et exportés au préalable en franchise ou moyennant restitution des droits et taxes qui étaient dus dans le cas où ces produits n'auraient pas été exportés. Cette disposition s'applique également à des marchandises enlevées d'un entrepôt de douane, si le dépôt dans cet entrepôt a été considéré comme une exportation.

ARTICLE XIII

1. En vue de la répression des infractions aux lois et règlements douaniers et fiscaux, les autorités des Etats de séjour et d'origine se prêtent un mutuel concours pour procéder aux enquêtes et à la recherche des preuves.

2. Les autorités d'une force donnent toute l'assistance en leur pouvoir afin que les marchandises susceptibles de saisie, par les autorités douanières ou fiscales de l'Etat de séjour ou à leur profit, soient remises à celles-ci.

3. Les autorités d'une force s'engagent à faire tout ce qui est en leur pouvoir afin que les droits, taxes et amendes dus soient acquittés par les membres de cette force ou de son élément civil, ainsi que par les personnes à leur charge.

4. Les véhicules immatriculés à l'armée et les marchandises appartenant à une force ou à son élément civil et non à un de leurs membres, et saisis par les autorités de l'Etat de séjour à l'occasion d'une infraction douanière ou fiscale, sont remis aux autorités compétentes de cette force.

ARTICLE XIV

1. Une force, un élément civil, leurs membres, ainsi que les personnes à leur charge, demeurent assujettis aux règles du contrôle des changes de l'Etat d'origine et doivent se conformer aux règlements de l'Etat de séjour.

2. Les autorités chargées du contrôle des changes des Etats d'origine et de séjour peuvent mettre en vigueur des dispositions spéciales applicables à une force, à son élément civil ou à leurs membres ainsi qu'aux personnes à leur charge.

ARTICLE XV

1. Sous réserve des dispositions du paragraphe 2 ci-dessous, la présente Convention reste en vigueur en cas d'hostilités entraînant l'application des

except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days' notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

ARTICLE XVI

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

ARTICLE XVII

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

ARTICLE XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

ARTICLE XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the

dispositions du Traité de l'Atlantique Nord. Toutefois, les dispositions relatives au règlement des dommages contenues dans les paragraphes 2 et 5 de l'article VIII ne s'appliquent pas aux dommages de guerre et les dispositions de la présente Convention, notamment celles des articles III et VII, font immédiatement l'objet d'un nouvel examen par les Parties Contractantes intéressées. Celles-ci peuvent éventuellement convenir des modifications qui apparaîtraient désirables en ce qui concerne l'application de la Convention entre elles.

2. Dans le cas d'hostilités telles qu'elles sont définies ci-dessus, chaque Partie Contractante a le droit, en le notifiant dans un délai de 60 jours aux autres Parties Contractantes, de suspendre l'application de l'une quelconque des dispositions de la Convention pour autant que de besoin. Si ce droit est exercé, les Parties Contractantes se consultent immédiatement en vue de se mettre d'accord sur les dispositions propres à remplacer celles dont l'application est suspendue.

ARTICLE XVI

Toute contestation entre les Parties Contractantes en ce qui concerne l'interprétation ou l'application de la présente Convention est réglée par négociations entre elles sans recours à une juridiction extérieure. Sauf dans les cas où la présente Convention contient une disposition contraire, les contestations qui ne peuvent pas être réglées par négociations directes, seront portées devant le Conseil de l'Atlantique Nord.

ARTICLE XVII

Chaque Partie Contractante peut à tout moment demander la révision de tout article de la présente Convention. La demande sera adressée au Conseil de l'Atlantique Nord.

ARTICLE XVIII

1. La présente Convention sera ratifiée et les instruments de ratification seront déposés aussitôt que possible auprès du gouvernement des Etats-Unis d'Amérique qui notifiera la date de ces dépôts à chaque Etat signataire.

2. La présente Convention entrera en vigueur trente jours après le dépôt par quatre Etats signataires de leurs instruments de ratification. Elle entrera en vigueur pour chacun des autres Etats signataires trente jours après le dépôt de son instrument de ratification.

3. Après son entrée en vigueur, la présente Convention, sous réserve de l'approbation du Conseil de l'Atlantique Nord et aux conditions que ce dernier pourra fixer, sera ouverte à tout Etat adhérent au Traité de l'Atlantique Nord. L'accession deviendra effective par le dépôt d'un instrument d'accession auprès du gouvernement des Etats-Unis d'Amérique qui notifiera à chaque signataire et à l'Etat accédant la date de dépôt dont il s'agit. La présente Convention entrera en vigueur, au regard de tout Etat au nom duquel un instrument d'accession sera déposé, trente jours après la date de dépôt de cet instrument.

ARTICLE XIX

1. La présente Convention pourra être dénoncée par chaque Partie Contractante après l'expiration d'un délai de quatre ans à dater de son entrée en vigueur.

2. La dénonciation de la Convention par une Partie Contractante se fera par notification écrite adressée par cette Partie au gouvernement des Etats-

Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

ARTICLE XX

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territory of a Contracting Party.

2. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend (subject, if the State making the declaration considers it to be necessary, to the conclusion of a special agreement between that State and each of the sending States concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present Agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreements if required, or when it has come into force under Article XVIII, whichever is the later.

3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.

Unis d'Amérique qui informera toutes les autres Parties Contractantes de cette notification et de la date de sa réception.

3. La dénonciation prendra effet un an après réception de sa notification par le gouvernement des Etats-Unis d'Amérique. Après l'expiration de cette période d'un an, la Convention cessera d'être en vigueur pour la Partie qui l'aura dénoncée, mais restera en vigueur entre les autres Parties Contractantes.

ARTICLE XX

1. Sous réserve des dispositions des paragraphes 2 et 3 ci-dessous, la présente Convention s'applique uniquement au territoire métropolitain d'une Partie Contractante.

2. Toutefois un Etat peut, lors du dépôt de ses instruments de ratification ou d'accession, ou ultérieurement, déclarer, par notification au gouvernement des Etats-Unis, que la présente Convention s'étendra à tous les territoires ou à tels des territoires dont les relations internationales sont assurées par lui dans la région de l'Atlantique Nord, sous réserve, si l'Etat qui fait la déclaration l'estime nécessaire, de la conclusion d'un accord particulier entre ledit Etat et chacun des Etats d'origine. La présente Convention sera appliquée pour le territoire ou les territoires ainsi mentionnés, 30 jours après la réception par le gouvernement des Etats-Unis d'Amérique de la notification, ou 30 jours après la conclusion de l'accord particulier éventuel, ou, lors de l'entrée en vigueur de la Convention telle qu'elle est définie à l'article 18, si celle-ci intervient après ce délai.

3. Un Etat qui a fait la déclaration prévue au paragraphe (2) ci-dessus du présent article en vue d'étendre la Convention à un territoire dont il assure les relations internationales, peut dénoncer la Convention dans les conditions prévues à l'article 19 en ce qui concerne ce seul territoire.

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

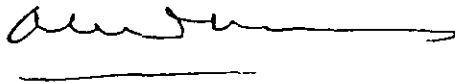
En foi de quoi les Plénipotentiaires ci-dessous désignés ont signé la présente Convention.

Done in London this nineteenth day of June, 1951, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

Fait à Londres le dix-neuf juin 1951, en anglais et en français, les deux textes faisant également foi, en un simple exemplaire qui restera déposé dans les archives du gouvernement des Etats-Unis d'Amérique. Le gouvernement des Etats-Unis d'Amérique en transmettra des copies authentiques à tous les gouvernements signataires et adhérents.

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. Lybenny

For Iceland:

Pour l'Islande:

Guðmundur Pétursson

For Italy:

Pour l'Italie:

Stefano Ronchi

For the Grand Duchy of Luxembourg:

Pour le Grand Duché de Luxembourg:

A. Clasen

For the Kingdom of the Netherlands:

Pour le Royaume des Pays-Bas:

Andriessen

For the Kingdom of Norway:

Pour le Royaume de Norvège:

Trygve

For Portugal:

Pour le Portugal:

R. Lome Almeida

The agreement is only applicable to territory of Continental Portugal, with the exclusion of the Azores, Madeira and the Overseas Provinces.

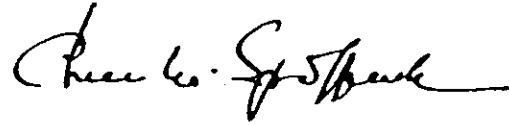
For the United Kingdom of Great Britain and Northern Ireland:

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

Herbert Morrison

For the United States of America:

Pour les Etats-Unis d'Amérique:

A handwritten signature in cursive script, appearing to read "Charles S. Spaulding". The signature is written in dark ink and is positioned centrally below the text. It features a prominent initial "C" and a long, sweeping horizontal stroke at the end.

APPENDIX

Country Ministry or Service

TRIPTYQUE*

Valid from To

for temporary importation to
of the following service vehicle:—

Type

Registration Number

Engine Number

Spare tyres

Fixed Communication Equipment

Name and signature of the holder of the triptyque

Date of issue

By order of

TEMPORARY EXITS AND ENTRIES

Name of Port or Customs
Station

Date

Signature and Stamp of
Customs Officer

Exit

Entry

Exit

Entry

Exit

Entry

Exit

Entry

* This document shall be in the language of the sending State and in the English and French languages.

ANNEXE

Pays Ministère ou Service

TRIPTYQUE*

valable du au

pour l'entrée temporaire

du véhicule suivant

Marque

Numéro d'immatriculation

Numéro du moteur

Pneumatique de rechange

Matériel de transmission fixé à demeure

Nom et signature du titulaire du triptyque

Délivré le

Par ordre de

SORTIES ET ENTREES TEMPORAIRES

Désignation du Bureau
des douanes

Date

Visa et cachet de la
douane

Sortie

Entrée

Sortie

Entrée

Sortie

Entrée

Sortie

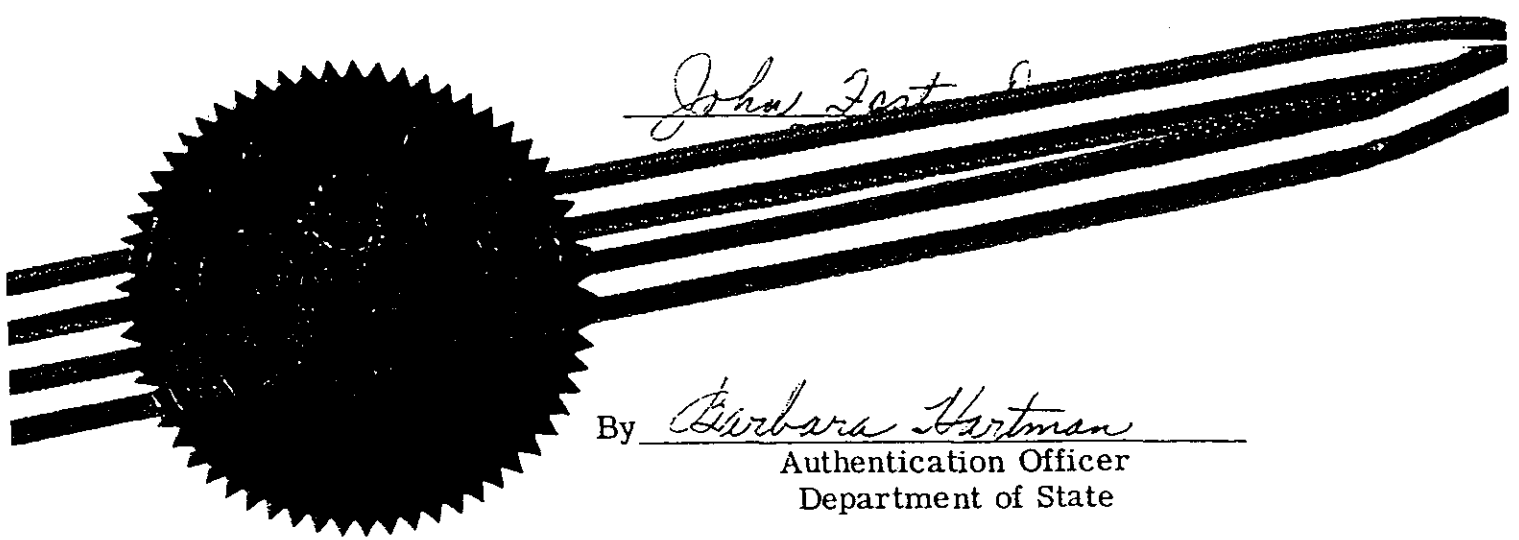
Entrée

* Ce document est établi dans la langue de l'Etat d'origine, et également en anglais et en français.

I CERTIFY THAT the foregoing is a true copy of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces signed at London on June 19, 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, JOHN FOSTER DULLES, 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 first day of May, 1956.

John Foster Dulles



By *Barbara Hartman*
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 i 76/07), na prijedlog predsjednika Vlade Republike Hrvatske, dajem

Prethodno mišljenje

I.

Ovo Prethodno mišljenje daje se na Prijedlog zakona o potvrđivanju Sporazuma između stranaka Sjevernoatlantskog ugovora o pravnom položaju njihovih snaga, s Konačnim prijedlogom zakona, u tekstu koji je sastavni dio dopisa predsjednika Vlade Republike Hrvatske (Klasa: 910-04/09-05/10, Urbroj: 5030106-09-2 od 19. lipnja 2009.).

Prethodno mišljenje daje se radi upućivanja Hrvatskom saboru u postupak donošenja.

II.

Ovo Prethodno mišljenje stupa na snagu danom donošenja.

**PREDSJEDNIK REPUBLIKE
I VRHOVNI ZAPOVJEDNIK
ORUŽANIH SNAGA**



Stjepan Mesić

**KLASA: 807-04/09-01/20
URBROJ: 71-03/1-09-02
Zagreb, 26. lipnja 2009.**

