

AGREEMENT

AMONG

THE GOVERNMENT OF THE REPUBLIC OF NORTH MACEDONIA

AND

THE COUNCIL OF MINISTERS OF THE REPUBLIC OF ALBANIA,

THE COUNCIL OF MINISTERS OF BOSNIA AND HERCEGOVINA,

THE GOVERNMENT OF MONTENEGRO,

THE GOVERNMENT OF THE REPUBLIC OF SERBIA,

AND THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA

ON

THE HOST NATION ARRANGEMENTS

ON THE STATUS OF THE BALKAN MEDICAL TASK FORCE

STANDING ORGANIZATION AND ITS PERSONNEL

The Government of the Republic of North Macedonia, on the one side

and

The Council of Ministers of the Republic of Albania, the Council of Ministers of Bosnia and Herzegovina, the Government of Montenegro, the Government of the Republic of Serbia and the Government of the Republic of Slovenia on the other side hereinafter jointly referred to as “the Parties”;

Building upon the commitments of the Agreement among the Council of Ministers of the Republic of Albania, the Council of Ministers of Bosnia and Herzegovina, the Government of the Republic of Macedonia, the Government of Montenegro, the Government of the Republic of Serbia and the Government of the Republic of Slovenia on the establishment of the Balkan Medical Task Force (BMTF), last signed on 14 January 2016;

Noting that the Memorandum of Understanding (MoU) outlines the regulation on operating, funding, manning and infrastructure of the Balkan Medical Task Force as well as for its administrative and logistical support,

Recalling that the South-Eastern Europe Clearinghouse (SEEC) has been an active and fruitful forum for cooperation and open discussions within the field of defense and security. It has contributed to security sector reform, increased regional co-operation and fostered smart defense initiatives like the establishment of Balkan Medical Task Force. The functionalities of SEEC remain in the framework of the Western Balkans Defence Policy Directors (WBDPD).

Considering the Vienna Convention on Diplomatic Relations, dated 18 April 1961, being applicable to this Agreement;

Recognizing the establishment of the Balkan Medical Task Force as a multinational medical unit based on the existing military medical capabilities of the Parties;

Have agreed as follows:

Article 1
Purpose and Objective

1. The purpose of this Agreement is to regulate the status of the Balkan Medical Task Force Standing Organization (SO), its premises and staff.
2. The objective of this Agreement is to enable the SO to conduct (discharge) its duties and functions efficiently through the fully operational seat of the SO.

Article 2
Definitions

For the purposes of this present Agreement:

- a) Balkan Medical Task Force (BMTF): multinational medical military unit composed of medical modules formed by contributions of the Parties.
- b) SO: a permanent peacetime body of the BMTF responsible for organizing and planning the training activities and peacetime and/or contingency operations of the BMTF, located in Skopje, Republic of North Macedonia.
- c) Host Nation (HN): the Republic of North Macedonia hosting the BMTF SO.
- d) Steering Board (SB): the highest decision making body, consisting of authorized political and military representatives from each Party.
- e) Premises of the SO: Ilinden Barracks, Skopje.
- f) "Commander of the BMTF" means an official appointed as the Head of the BMTF, which acts also as commander of SO.
- g) "Official" means staff member of the SO.
- h) "Representative" means authorized representative to the so the BMTF.
- i) "Expert" means a person performing temporary mission for the BMTF other than under "g" and "h" of this Article.
- j) "Administrative and Technical Staff" means employees engaged in technical and administrative service of the SO.
- k) "Service Staff" means employees providing domestic services for the BMTF.

Article 3
Seat

The SO is hereby established. The seat of the SO is in Ilinden Barracks, Skopje, the Republic of North Macedonia

Article 4 Legal Status

1. The SO shall have legal personality and legal capacity necessary for carrying out its functions as to conclude contracts, to acquire and dispose movable and immovable property and to establish legal proceedings in accordance with the legislation of the Host Nation.
2. The SO shall be entitled to the same privileges and immunities as the ones accorded to the diplomatic missions in the Host Nation, in line with the Vienna Convention on Diplomatic Relations.
3. The Host Nation shall assist in the procedure of obtaining relevant documents for regulating legal status of the SO, in order this status to be achieved within 60 days from signing of this Agreement.
4. Should any form of expropriation be necessary, all appropriate action will be taken to prevent the exercising of the functions of the SO being impeded in any way. In this case Host Nation will give its assistance to enable relocation of the SO.

Article 5 Host Nation contributions

1. The Host Nation shall provide to the SO for duration of this Agreement, free of charge, the necessary facilities, including convenient and appropriate premises for effective performance of its functions.
2. The premises shall be made available upon signature of this Agreement.
3. Host Nation will provide a sufficient premises insurance.
4. The Host Nation shall provide to the SO personnel first aid; other support by the Host Nation military medical service system will be rendered in accordance to the applicable international agreements.

Article 6 Internal regulations of the SO

The SO may issue the necessary internal regulations concerning the implementation and organization of its functions, in line with the Agreement and MoU.

Article 7
Visual identity

1. The SO may display the BMTF items of visual identity (e.g. flag and logo) as adopted by the SB, on its premises and on motor vehicles used for official purposes.
2. Motor vehicles that belong to the SO shall be entitled to diplomatic registration plates and to appropriate status.

Article 8
The Freedom of SO Functioning

The Host Nation shall guarantee the SO a freedom of daily functioning.

Article 9
Inviolability

1. The premises of the SO shall be inviolable. Competent authorities of the Host Nation shall have the right to enter the premises of the SO in order to perform their duties, only with consent of the Command of the SO or duly authorized Officials of the SO, under conditions agreed by them.
2. The HN shall take all measures in order to protect the SO's premises against any intrusions or damages, and to prevent damaging of its dignity.
3. Records and archive of the SO as well as documentation including computer programs and photographs belonging to it or being in its possession shall be inviolable.
4. The SO shall ensure that its premises do not become a shelter for persons trying to avoid arrest at command issued by the authorities of the Host Nation, or for persons who are trying to avoid the execution of legal procedure or for persons for whom extradition or deportation order was issued.

Article 10
Exemption from court proceedings and executions

1. The SO shall enjoy an exemption from court proceedings and executions in the Host Nation except in cases:
 - a) when SO competent body has authorized waiver of immunity from court proceedings. Waiver of immunity from court proceedings shall not be held to imply in respect to any measures of execution or detention of property ;

- b) counter-claims in direct connection to procedure initiated by the SO.
2. SO shall endeavour to resolve through negotiation or if such negotiations fail by means of alternative dispute resolution of disputes arising from:
 - a) any agreement on purchase of goods and services, any loan or other transaction to provide financing, as well as any guarantee relationship or indemnification related to any such transaction or any other financial obligation;
 - b) lawsuits under Labour Law.
3. The SO, in terms of its movable and immovable property, wherever located and by whomsoever held in the Host Nation/ shall be exempted from any measure of execution. including confiscation, deprivation, freezing or any other form of execution or sequestration or any other deprivation of property provided for by the laws of the Host Nation.

Article 11 Communication

1. Freedom of communication for its official purposes shall be guaranteed to the SO. The SO shall, in terms of its official communication, be provided with the same treatment which is accorded to diplomatic missions in the Host Nation.
2. The SO may use the appropriate communication tools and shall have the right to use codes in its official communication. It shall also have the right to send and receive correspondence via properly identified couriers or in packages that shall be given the same privileges and enjoy exemptions as diplomatic couriers or diplomatic packages.
3. Official correspondence and other official communication of the SO, when properly identified shall not be censored.

Article 12 Publications

Import and export of publications for the needs of the SO as well as of other information material that the SO imports or exports within its official activities, shall not be the subject to restrictions of any kind.

Article 13
Utility Services

1. Competent authorities of the Host Nation shall be obligated to, at request of the SO and under the just conditions, provide utility services to SO, which it needs in order to perform its functions, including, but not being limited to, post services, phone, electricity, water, sewerage, gas, garbage pick-up services and fire fighting protection.
2. Prices for utility services under the previous paragraph shall not exceed the lowest comparable prices approved to diplomatic missions.
3. In case of termination or indication of termination of the aforementioned utility services, the SO shall be given the same priority as to diplomatic missions, for the requirements of its official functions.
4. At request of competent authorities of the Host Nation, the Commander of the SO shall be responsible to ensure to appropriately authorized representatives of utility service companies, to check, repair, maintain and relocate installations in the SO's premises, at appropriate time, under conditions that will not affect the functioning of the SO.

Article 14
Exemption from Duties and Taxes

1. The SO, its funds, income and other property shall be exempted from direct duties and taxes. This exemption shall not be applied to taxes and appropriations considered utility services taxes offered at fixed prices, in line with the quantity of provided services, which can be identified, described and divided.
2. In terms of value added tax included in prices or separately calculated, exemption shall be applied only on items acquired for official usage of the SO, whereas goods purchased for its usage, for which exemptions apply in line with this provision, must not be sold, given as a gift or in any other way deprived except in line with conditions agreed with the Government.
3. The SO shall be exempted from the state and local rates or fees, except rates or fees calculated as the price of actually rendered services.
4. The SO will not, as general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid.

Article 15
Exemption from Customs and Treatment

1. Customs treatment of items for the SO shall be equally favourable as the ones recorded to diplomatic missions in the Host Nation.
2. Goods imported or exported for the purpose of official use by the SO shall be exempted from payment of customs duties, taxes and fees.

Article 16
Free disposal of funds and freedom of business

The SO, for the purpose of executing its functions, shall have the right to receive, keep, convert and transfer all funds, currencies, cash and other transferable values, and freely dispose with them, perform business without restrictions, in line with the legislation of the Host Nation.

Article 17
Privileges and Immunities of the Members of the SO

1. During the time of performance of duty in the Host Nation, the Commander of the SO, provided that he/she is not a national of the Host Nation shall be entitled to the same privileges and immunities as the ones accorded to the head of diplomatic missions in the Host Nation.
2. During the time of performance of duty in the Host Nation, the Officials of the SO, provided that they are not nationals of the Host Nation shall be entitled to the same privileges and immunities as the ones accorded to the diplomatic agents in the Host Country.
3. Members of the Administrative and Technical Staff, provided that they are not nationals of the Host Nation shall be entitled to the same privileges and immunities as the ones accorded to the administrative and technical personnel of diplomatic missions in the Host Nation.
4. The Government shall take all the necessary measures to facilitate the entry, into, departure from and residence in the Host Nation of the Commander of SO, Officials, Representatives, Experts and Administrative and Technical staff and their family members.
5. The family members of the SO personnel living in the same household shall be entitled to the same privileges and immunities as the ones accorded to the family members of diplomatic agents of comparable rank in the Host Nation.

6. SO personnel and members of their family, Representatives and Experts, which may require visa for performing professional activities in duration proportional to the duration of their mission, as well as permission for temporary residence shall be granted visa free of charge.

Article 18
Access to the Labour Market

Under special conditions and within the limits of the relevant Host Nation Legislation, the spouses and children forming part of household of the members of the SO shall enjoy access to the labour market provided they reside in the Host Nation as the principal holder of the identity card, as long as they are not citizens of the Host Nation.

Article 19
Social Security

Commander of BMTF, Officials, Experts and Technical and Administrative Staff, provided that they are not nationals of the Host Nation shall be exempted from paying obligatory contributions, in connection to any type of social security in the Host Nation.

Article 20
Officials

1. Without prejudice to privileges and immunities provided in Article 17, Officials in the Host Nation shall enjoy the right to import for personal use, free from customs and other taxes or duties, under condition those are not taxes for rendered utility services, as well as exemption from import restrictions and limitations of import and export of:
 - a) their furniture and personal belongings at the moment when they first take their duty, in one or more separate shipments, and
 - b) one motor vehicle every four years.
2. The way in which imported goods will be disposed with, with exemption from payment of import duties, shall be applied in line with regulations on duty, tax and other facilities to which foreign diplomatic and consular representative office in the Host Nation are entitled.

Article 21 Experts

Experts shall enjoy the following privileges and exemptions in the Host Nation:

- a) exemption from court proceedings in respect of words spoken or written as well as all acts carried out by them in the performance of their official functions, even after they cease to be the Officials of the SO;
- b) exemption from check and seizure of personal and official luggage;
- c) inviolability of official documentation, data and other material;
- d) exemption from immigration restrictions, and obligation to register themselves, their members of their families living in the same household;
- e) equal protection and facilities in repatriation, for them, their members of their families living in the same household, accorded to the members of comparable rank in diplomatic missions.

Article 22 Representatives

Representatives shall enjoy the following exemptions, during the period of execution of their responsibilities in the Host Nation as well as during their trip on the territory of the Host Nation:

- a) exemption from court proceedings, in respect of words spoken or written as well as all acts carried out by them in the performance of their official functions, even after they cease to be the representatives;
- b) exemption from check and seizure of personal luggage;
- c) inviolability of official documentation, data and other material;
- d) exemption from immigration restrictions.

Article 23 Citizens of the Host Nation and persons with Permanent residence permit

Officials, Experts, and Administrative and Technical Staff who are citizens of the Host Nation or persons with permanent residence permit in the Host Nation, or personnel seconded by the Ministry of Defence of the Host Country shall be entitled only to privileges and immunities stated under Article 20, Paragraph 1, items a and b.

Article 24 Administrative, Technical and Service Staff

The SO shall have the right to engage Administrative Technical and Service Staff, who are citizens of the Host Nation and persons with permanent residence permit in the Host Nation in line with the laws of the Host Nation.

Article 25
Exception to Immunity from Legal Proceedings and Execution

Officials, Experts and Representatives shall not enjoy immunity in terms of civil action by third party for damages arising from a road traffic accident caused by motor vehicle operated by SO personnel where these damages are not recoverable from insurance.

Article 26
The Purpose of Privileges and Exemptions

1. Privileges and immunities under this Agreement are granted in the interests of the SO and not for-the personal benefits of the individuals themselves.
2. Their purpose is solely to provide freedom of actions of the SO under all circumstances as well as full independence of mentioned persons in performing their duties for the SO.
3. The BMTF competent body shall have a right and duty to waive immunity of any Member of the SO in any case where in its opinion; the immunity would impede the course of justice and can be waived without prejudice to the interest of the BMTF. Waiver of immunity from jurisdiction in respect of administrative proceeding shall not be held to imply waiver of immunity in respect of the executing of the judgment, for which a separate waiver of immunity shall be necessary.

Article 27
Notification

1. The SO shall notify to the Ministry of Foreign Affairs of the Host Nation the names of the Commander, Officials, Experts, Administrative and Technical Staff, as well as of the members of their families immediately or, at latest, within three days as of the date of their arrival. The SO shall also notify the termination of the mandate of Commander or any Official, Expert or Administrative and Technical Staff as well as, where appropriate, the fact that a person ceases to be a member of their family.
2. The Ministry of Foreign Affairs of the Host nation shall issue to the Commander, Officials, Experts, Administrative and Technical Staff and to members of their families appropriate identity cards.

Article 28
Not Assuming Responsibility by the Host Country

The Host Nation shall not assume any international responsibilities for actions or omissions made by the SO at its territory.

Article 29
Security Issues

1. Nothing in this Agreement shall preclude the right of the Government of the Host Nation to apply all appropriate measures of protection in the interest of public security. Nothing in this Agreement shall prevent implementation of the laws of the Host Nation, necessary for perseverance of health or public order.
2. Should the Government of the Host Nation consider necessary to apply provisions of the Paragraph 1 of this Article, as soon as circumstances allow, it shall establish the connection with the SO in order to make a joint decision on measures that might be necessary to protect the interest of the SO.
3. The SO shall be obligated to cooperate with authorities of the Host Nation in order to prevent any impediment of public security due to any activity carried out by the SO.

Article 30
Settlement of Disputes

All disputes concerning the interpretation and implementation of this Agreement shall be settled through negotiations between the Parties.

Article 31
Amendments

This Agreement may be amended by mutual written consent of the Parties to this Agreement. Amendments shall enter into force and apply provisionally in accordance with Article 32 of this Agreement.

Article 32
Entry into Force

1. This Agreement shall enter into force on the date of the receipt of the last notification of the Parties, including the Host Nation, by the Ministry of Foreign Affairs of the Host Nation about the completion of their internal requirements for its entry into force.
2. The accession of any new Party to this Agreement will be done through a Note of Accession (NOA), to be signed by the new Party and the existing Parties. NOA shall enter into force in accordance with paragraph 1.
3. After signing the Agreement one (1) original copy will be deposited with the Government of the Host Nation which shall serve as the Depository. The parties shall retain one (1) original copy each and the Depository shall provide the SO with a duly certified copy thereof.
4. This Agreement will apply provisionally as of the day of its signing.

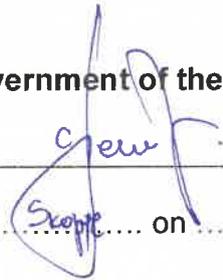
Article 33
Duration, Denunciation, Withdrawal and Termination

1. This Agreement shall remain in force for an unlimited period as long as the Agreement among the Council of Ministers of the Republic of Albania, the Council of Ministers of Bosnia and Herzegovina, the Government of the Republic of Macedonia, the Government of Montenegro, the Government of the Republic of Serbia and the Government of the Republic of Slovenia on the establishment of the Balkan Medical Task Force, last signed on 14 January 2016 is in force.
2. The Government of the Host Nation shall be entitled to denounce this Agreement, notifying the Parties in written form. In that case, this Agreement shall be terminated six (6) months as of the receipt of this notification.
3. Each Party may withdraw from this Agreement notifying the Depository and the other Parties in written form. In that case, this Agreement shall cease to be in force for that Party six (6) months as of the receipt of the notice by the depository.

In witness thereof, the undersigned Representatives, duly authorized by their respective Governments, have signed this agreement.

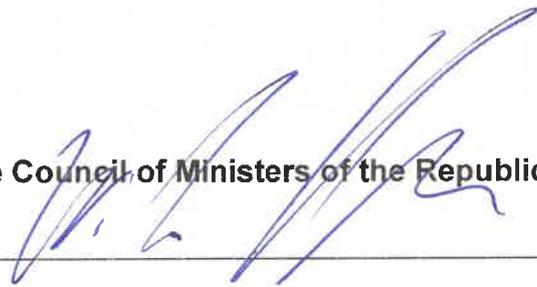
Signed in six (6) original copies in the English language.

For the Government of the Republic of North Macedonia:

A handwritten signature in blue ink, appearing to be 'Stevan', written over a horizontal line.

Signed in on 12.05.2022

For the Council of Ministers of the Republic of Albania



Signed in Tirana... on ...06...05...2022

For the Council of Ministers of Bosnia and Herzegovina:



Signed in Sarajevo on 25. 04. 2022

For the Government of Montenegro:

Olivera Zec, MINISTER OF DEFENCE

Signed in Podgorica on 6 April 2022

For the Government of the Republic of Serbia:

H. Čačić

Signed in *Belgrade* on *10 April 2022*

For the Government of the Republic of Slovenia:

M. Tomi

Signed in Ljubljana on 19 April 2022