

THIRD ADDITIONAL PROTOCOL TO THE
AGREEMENT
ON THE MULTINATIONAL PEACE FORCE
SOUTH-EASTERNEUROPE

The States-Parties to the Agreement on the Multinational Peace Force South-Eastern Europe, signed in Skopje on the 26th of September 1998,

Considering that according to the Agreement on the Multinational Peace Force South-Eastern Europe the provisions of the PfP SOFA and its Additional Protocol should in principle be duly applicable, mutatis mutandis, to the Agreement,

Desiring to define the appropriate status of SEEBRIG Headquarters, established or deployed on a temporary/rotational basis in their territories in accordance with the Agreement on the Multinational Peace Force South- Eastern Europe, and its personnel and their dependants thereof, have agreed on the following:

ARTICLE 1

In the present Protocol the expressions:

a/ "MPFSEE Agreement" means the Agreement on the Multinational Peace Force South-Eastern Europe, signed in Skopje on the 26th of September 1998.

b/ "PfP SOFA" means the Agreement among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces, signed in Brussels on the 19th of June 1995.

c/ "SEEBRIG Headquarters" means the Force Headquarters as defined in Article VII of the MPFSEE Agreement and Annex-C thereof.

d/"Personnel" means the military and civilian personnel of SEEBRIG Headquarters.

e/ "Dependant" means the spouse of a member of the personnel or a child of such member depending on him or her for support.

ARTICLE 2

Unless it is otherwise provided in the MPFSEE Agreement, its Annexes and the provisions of this Protocol, the provisions of Pfp SOFA and its Additional Protocol shall apply within the territory of the Host Nation or within the territory of any other Signatory State to the MPFSEE Agreement on whose territory the Headquarters is located. The rights and obligations concerning criminal and disciplinary jurisdiction and claims shall be exercised by the Sending States in accordance with the relevant provisions of Pfp SOFA.

ARTICLE 3

Personnel and their dependants shall have a personal identity card issued by the appropriate authorities of the Host Nation showing names, date and place of birth, nationality, rank or grade, number, photograph and period of validity. This card shall be presented on demand and from administrative point of view it shall constitute a proof that the holder is a member of the personnel or a dependant.

ARTICLE 4

Personnel and their dependants shall benefit from the military facilities and in conditions applicable for the equal/comparable rank/grade personnel in the Host Nation, in accordance with the directives in force.

ARTICLE 5

SEEBRIG Headquarters shall possess juridical personality; it shall have the capacity to conclude contracts and to acquire and dispose of property. However, the Host Nation and SEEBRIG Headquarters may agree that the Host Nation shall act on behalf and for the account of the SEEBRIG Headquarters in any legal proceedings as claimant or defendant.

ARTICLE 6

For the purpose of facilitating the establishment, construction, maintenance and operation of SEEBRIG Headquarters, it shall be relieved in accordance with Article VI of Annex D of the MPFSEE Agreement, from duties and taxes, affecting expenditures by them in the interest of the objectives set forth in MPFSEE Agreement and for their official and exclusive benefit.

ARTICLE 7

Any land, buildings or fixed installations provided for the use of the SEEBRIG Headquarters by the Host Nation without charge to the headquarters and no longer required by the Headquarters shall be handed back to the Host Nation, and any increase or loss in the value of the property provided by the Host Nation resulting from its use by the headquarters shall be determined by consensus by the Ministers of Defense of the Parties (taking into consideration any applicable law of the Host Nation) and distributed among or credited or debited to the parties to the MPFSEE Agreement in the proportions in which they have contributed to the capital costs of the Headquarters.

ARTICLE 8

To enable the operation of common budget, the SEEBRIG Headquarters may hold currency in US Dollars or Host Nation's local currency and operate accounts in Host Nation's local currency.

ARTICLE 9

The archives and other official documents of the SEEBRIG Headquarters kept in premises used by those Headquarters or in the possession of any properly authorized member of the Headquarters shall be inviolable, unless the Headquarters has waived this immunity. The Headquarters shall, at the request of the Host Nation and in the presence of a representative of that state, verify the nature of any documents to confirm that they are entitled to immunity under this article.

ARTICLE 10

All differences between the Parties or among any such Parties and the SEEBRIG Headquarters relating to the interpretation or application of this Protocol shall be settled according to Article XIII of the MPFSEE Agreement.

ARTICLE 11

This Protocol constitutes an integral part to the MPFSEE Agreement.

ARTICLE 12

This Protocol is subject to ratification. Ten days after four Parties have notified the depositary about the completion of their internal procedures, this Protocol shall enter into force among them. For the remaining Parties, it shall enter into force ten days after they notify the depositary about the completion of their internal procedures.

Pending its entry into force the present Protocol shall be applied provisionally by the Signatory State of the MPFSEE Agreement in which territory the Headquarters is located.

To this end, the Signatory State in which territory the Headquarters is located shall take the necessary measures which may be required by its respective domestic legislation, and shall notify the depositary of the date on which it will start the effective provisional application of the present Protocol-

Signed in Athens on the 21st of June 2000 in seven original copies in the English language.

On behalf of the States-Parties to the MPFSEE Agreement:

Mr. Ilir Bocka, Deputy Minister of Defence

Mr. Velizar Shalamanov, Deputy Minister of Defence

Mr. Kadri Kadriu, Deputy Minister of Defence

Mr. Dimitrios Apostolakis, Deputy Minister of National Defence

Mr. Giovanni Rivera, Deputy Minister of Defence

Mr. Ion Mircea Plangu, Secretary of State for Defense Policy

Mr. Lt. Gen. M. Sener Eruygur, Undersecretary of Ministry of Defence