

INFORMACIJA O ZAKLJUČIVANJU PROTOKOLA O SARADNJI IZMEĐU MINISTARSTVA ODBRANE CRNE GORE I MINISTARSTVA ODBRANE REPUBLIKE BUGARSKE U OBLASTI VOJNOG OBRAZOVANJA I OBUKE

Sporazum o saradnji u oblasti odbrane između Ministarstva odbrane Crne Gore i Ministarstva odbrane Republike Bugarske, koji je potpisan u Podgorici 27. maja 2009. godine, predstavlja pravni osnov za dalje unaprjeđenje saradnje u oblastima od obostranog interesa.

U nedostatku vojno-obrazovnih institucija u Crnoj Gori, Ministarstvo odbrane Crne Gore razvija saradnju u oblasti vojnog usavršavanja sa partnerskim i savezničkim zemljama, među kojima je prepoznala i Republiku Bugarsku. Imajući u vidu da je identifikovana potreba za jačanjem saradnje u oblasti usavršavanja i obuke, Ministarstvo odbrane Crne Gore i Ministarstvo odbrane Republike Bugarske usaglasili su tekst Protokola o saradnji u oblasti vojnog obrazovanja i obuke.

Navedeni Protokol o saradnji definiše uslove usavršavanja pripadnika oružanih snaga i predstavnika ministarstava odbrane u vojno-obrazovnim ustanovama, u kojima se realizuju bečelor, master i doktorski programi, kao i centrima za obuku, u kojima se organizuju različiti kvalifikacioni kursevi i kursevi jezika. Protokolom je predviđeno da će strana primalac snositi troškove školarine, dok će strana pošiljalac snositi troškove prevoza, smještaja i dnevnica.

Predviđeno je da Protokol potpišu ministar odbrane Crne Gore, mr Predrag Bošković, i ministar odbrane Republike Bugarske, Krasimir Karakačanov, u okviru učešća na NATO Sastanku ministara odbrane, u Briselu, Kraljevina Belgija, 7. juna 2018. godine.

Na osnovu navedenog, Ministarstvo odbrane predlaže da Vlada Crne Gore donese sljedeće:

Z A K L J U Č K E

1. Vlada je usvojila Informaciju o zaključivanju Protokola o saradnji između Ministarstva odbrane Crne Gore i Ministarstva odbrane Republike Bugarske u oblasti vojnog obrazovanja i obuke.
2. Vlada je prihvatila Protokol o saradnji između Ministarstva odbrane Crne Gore i Ministarstva odbrane Republike u oblasti vojnog obrazovanja i obuke.
3. Ministar odbrane Crne Gore, mr Predrag Bošković, potpisaće Protokol o saradnji između Ministarstva odbrane Crne Gore i Ministarstva odbrane Republike Bugarske u oblasti vojnog obrazovanja i obuke.

**PROTOKOL O SARADNJI IZMEĐU MINISTARSTVA ODBRANE REPUBLIKE
BUGARSKE
I MINISTARSTVA ODBRANE CRNE GORE
U OBLASTI
VOJNOG OBRAZOVANJA I OBUKE**

Preambula

Ministarstvo odbrane Republike Bugarske i Ministarstvo odbrane Crne Gore, u daljem tekstu „Strane“, u skladu sa Sporazumom o saradnji u oblasti odbrane, potpisanim u Podgorici 27. maja 2009. godine, između Ministarstva odbrane Republike Bugarske i Ministarstva odbrane Crne Gore, dogovorili su o slijedećem:

Član 1

Strane će primjenjivati odredbe predmetnog Protokola po principu jednakosti i uzajamne koristi.

Član 2

(1) Strane su saglasne da upute civilno i vojno osoblje (u daljem tekstu „učesnici obuke“), na obuku u vojno-obrazovne ustanove ili centre za obuku druge Strane.

(2) Na osnovu predmetnog Protokola, svaka od strana poslaće učesnike obuke na školovanje u vojno obrazovne ustanove ili centre za obuku druge strane.

(3) Strane su saglasne da ohrabruju i razvijaju direktnu saradnju i razmjenu između njihovih obrazovnih i istraživačkih institucija kroz zajedničke projekte na polju naučnog istraživanja i obuke, konferencija, uzajamnih posjeta između predavača i naučnika kroz EU i NATO inicijative, programe i finansiranje.

(4) Uslovi navedeni u Sporazumu definišu slijedeće:

a. Strana pošiljalac: Strana iz predmetnog Protokola koja upućuje osoblje, uređaje i opremu na vojno-obrazovne institucije druge Strane;

b. Strana primalac: Strana iz predmetnog Protokola koja prima na svoje vojno-obrazovne ustanove osoblje, uređaje i/ili opremu druge Strane;

c. Država primalac: Država Strane primaoca;

d. Država pošiljalac: Država Strane pošiljaoca;

e. Osoblje: vojno i civilno osoblje iz Ministarstva odbrane i Oružanih snaga Strana.

f. Obuke: sve vrste studija ponuđene od vojno-obrazovnih ustanova ili centara za obuku Strana, uključujući kvalifikacione kurseve, kurseve jezika, kao i bečelor, master i doktorske programe.

g. Učesnici obuke: članovi osoblja bilo koje od Strana, učestvuju na svim vrstama obuka, kao civilno ili vojno lice, kao kadet ili kao učesnik na kursovima jezika ili kvalifikacionim kursovima.

Član 3

(1) Broj učesnika obuke, oblici obuke, kursevi specijalizacije i njihovo trajanje određuju se zvaničnom korespondencijom Strana do 31. maja, svake godine. Najmanje dva mjeseca prije toga, Strane će razmjenjivati ponude kurseva, sa studijskim planovima i programima, kao i uslove za učesnike obuke.

(2) Lični podaci učesnika obuke koji apliciraju za obuku biće poslani najmanje 50 dana prije početka kursa.

Član 4

U skladu sa odredbama predmetnog Protokola, vojno-obrazovne institucije obje Strane, nakon odobrenja nadležnih ministara, mogu potpisati/razmjeniti naredna dokumenta kako bi precizirali konkretne projekte i parametre njihove saradnje i razmjene.

Član 5

Za sprovođenje ovog Protokola će biti odgovorni:

a) Za Ministarstvo odbrane Republike Bugarske: Menadžment ljudskih resursa u Direktoratu odbrane, 3, Dyakon Ignatij Street, Sofija, Bugarska.

b) Za Ministarstvo odbrane Crne Gore: Direktorat za politiku odbrane Ministarstva odbrane, 29, Ul. Jovana Tomaševića, Podgorica, Crna Gora.

Član 6

(1) Učesnici obuka moraju ispunjavati uslove kursa na vojno-obrazovnoj instituciji Strane primaoca.

(2) Učesnici koji apliciraju za studijski kurs biće odabrani za svaki kurs od Strane pošiljaoca na osnovu predviđenih uslova, koji se odnose na:

a) Profesionalne i lične kvalitete;

b) Dužinu staža u Oružanim snagama ili Ministarstvu odbrane;

c) Mjesto, čin i godine starosti;

d) Usvojen nivo obrazovanja ili kvalifikacije;

e) Odgovarajuće znanje jezika Strane primaoca (ili jezika na kojem se studije sprovode), adekvatno za prisustvo i aktivno učešće tokom studija.

Član 7

(1) Status oružanih snaga strane pošiljaoca, propisan zakonima i podzakonskim aktima u oblasti odbrane strane pošiljaoca, odrediće hijerarhiju komandovanja za studente/polaznike obuke.

(2) Direktni nadređeni učesnicima obuke tokom perioda obuke je izaslanik odbrane Države pošiljaoca.

Član 8

Status učesnika obuke Strane pošiljaoca, kada su na teritoriji Strane primaoca, regulisaće se odredbama Sporazuma između Strana Sjeverno-atlantskog ugovora u

vezi sa Statusom njihovih Snaga, potpisanim u Londonu 19. juna 1951. godine (u daljem tekstu: NATO SOFA).

Član 9

Tokom trajanja studija, vojni učesnici obuke će slijediti njihove nacionalne instrukcije u vezi sa nošenjem uniforme.

Član 10

(1) Obuka učesnika obje Strane će biti izvršena na osnovu sljedećih finansijskih uslova.

(2) Strana primalac će obezbijediti sljedeće:

- a. Troškove za školarinu/učešće za obrazovanje i obuku.
- b. Materijale za sprovođenje testova, laboratorijskog posla i časova; naoružanje, tehničku opremu i municiju za trening i druge neophodne materijale i opremu za vrijeme obuke, pod istim uslovima, kao učesnici na obuci Strane primaoca.
- c. Pristup biblioteci, sobi za čitanje, sportskim centrima i drugim mjestima neophodnim za učenje, pod istim uslovima kao učesnici obuke Strane primaoca.
- d. Putovanja na teritoriji Strane primaoca za potrebe obrazovanja.
- e. Putovanje u inostranstvo nije obavezno. Takvo putovanje se može realizovati uz odobrenje Strane pošiljaoca. U slučaju putovanja radi obuke u treću državu Strana pošiljalac pokriva sve troškove.
- f. U skladu sa važećim zakonodavstvom Strane primaoca, tokom trajanja kursa, vojnu uniformu i specijalnu opremu neophodnu za vježbu tokom studija. Navedeno se mora vratiti nakon završetka.

(3) Strana pošiljalac mora obezbijediti sljedeće:

- a. Povratnu kartu ka zemlji Strane primaoca,
- b. Finansijsku podršku (nagrade/platu) za učesnike obuke u skladu sa svojim zakonodavstvom,
- c. Troškove za smještaj i dnevnice tokom trajanja obuke,
- d. U slučaju smrti učesnika obuke Strane pošiljaoca, prevoz preminule osobe kao i svi drugi troškovi biće pokriveni od Strane pošiljaoca, na osnovu pravovremenog obavještenja Strane primaoca.

(4) Član VIII NATO SOFA biće primijenjen u slučaju bilo kakve štete, uzrokovane od studenta/učesnika na obuci Strane pošiljaoca dok je na teritoriji Strane primaoca.

Član 11

Učesnici obuke u vojno-obrazovnim institucijama imaju pravo na godišnje odsustvo koje traje u zavisnosti od plana studija i pravila obrazovne institucije koju pohađaju.

Učesnici obuke Države pošiljaoca mogu koristiti odsustvo za nacionalne praznike Države pošiljaoca u skladu sa zakonom.

Strana pošiljalac je zadužena za organizovanje polaska i dolaska učesnika obuke.

Tokom trajanja obuke u vojno-obrazovnim institucijama i centrima za obuku, učesnike obuke mogu posjećivati članovi porodice, o trošku učesnika obuke.

Član 12

Učesnicima obuke će biti obezbijeđena besplatna hitna medicinska i stomatološka njega, u skladu sa nacionalnim zakonodavstvom Države primaoca.

Medicinska i stomatološka njega obezbijeđena učesnicima obuke i članovima njihovih porodica, a nije uključena u stavu 1 ovog člana, u potpunosti treba da bude plaćena od Strane pošiljaoca učesnika obuke, u zavisnosti od prihvatljivih pravila Strane pošiljaoca u saglasnosti sa procedurama zdravstvenog objekta koji pruža njegu.

Član 13

(1) Učesnik obuke može biti opozvan u sljedećim slučajevima:

- a. Ukoliko je odsutan na više od 20% časova u slučaju bolesti ili drugih razloga,
- b. Neispunjavanja zahtjeva obrazovnog programa,
- c. Suspendovanja njegove/njene obuke zbog zdravstvenih razloga,
- d. Odluke Strane pošiljaoca.

(2) Strana primalac će informisati Stranu pošiljaoca o razlozima opoziva učesnika na obuci. Troškove opoziva učesnika na obuci će snositi Strana pošiljalac.

(3) Učesnici obuke, koji ispunjavaju uslove obrazovnog plana, uspješno polože ispite i odbrane projekte na kursu, će primiti odgovarajuća dokumenta i znakove, kako je predviđeno propisima Strane primaoca.

Član 14

(1) Djeljenje, čuvanje, i rad sa informacijama, u vezi sa procesom realizacije ovog Protokola, će biti izvršeni u skladu sa važećom nacionalnom zakonskom regulativom i odredbama Sporazuma između Vlade Crne Gore i Vlade Republike Bugarske o uzajamnoj zaštiti i razmjeni klasifikovanih informacija potpisanim u Podgorici 24. novembra 2010. godine, kao i u skladu sa odredbama člana 5 Sporazuma između Ministarstva odbrane Republike Bugarske i Ministarstva odbrane Crne Gore u oblasti odbrane potpisanim u Podgorici, 27. maja 2009. godine.

(2) Materijal za školovanje učesnika obuke za vrijeme trajanja iste, Strana primalac dostaviće posredstvom izaslanika odbrane, nakon sprovedene provjere nadležnih institucija Države Primaoca.

Član 15

Učesnicima obuke neće biti dozvoljeno učešće u političkim aktivnostima, kao i oružanim konfliktima na teritoriji Države primaoca tokom trajanja njihove obuke. Štaviše, učesnicima na obuci nije dozvoljeno posjedovanje i držanje oružja osim ako to nije neophodan dio njihove obuke.

Član 16

Svi sporovi nastali iz ili u vezi sa tumačenjem i primjenom ovog Protokola biće riješeni pregovorima između Strana i neće biti upućeni bilo kom međunarodnom sudu ili trećoj strani na rješavanje, sa izuzetkom relevantnih odredbi Člana VIII i XVI NATO SOFA.

Član 17

(1) Ovaj Protokol će stupiti na snagu danom posljednjeg pisanog obavještenja kojim se dvije Strane informišu međusobno o završetku svih internih procedura i ostati na snazi neodređeni vremenski period.

(2) Svaka od Strana može otkazati Protokol u bilo koje vrijeme, kroz pisano obavještenje drugoj Strani. Otkazivanje će nastupiti nakon šest mjeseci od datuma obavještenja.

(3) Ovaj Protokol može biti izmjenjen ili dopunjen u bilo koje vrijeme pisanim dogovorom Strana. Svaka izmjena će stupiti na snagu u skladu sa procedurom navedenom u stavu 1 ovog člana.

Potpisan u _____, _____ godine, u dva originalna primjerka na engleskom jeziku.

ZA MINISTARSTVO ODBRANE
REPUBLIKE BUGARSKE

ZA MINISTARSTVO ODBRANE
CRNE GORE

PROTOCOL ON COOPERATION
BETWEEN
THE MINISTRY OF DEFENCE OF THE REPUBLIC OF BULGARIA
AND
THE MINISTRY OF DEFENCE OF MONTENEGRO
IN
THE FIELD OF MILITARY EDUCATION AND TRAINING

PREAMBLE

The Ministry of Defence of the Republic of Bulgaria and the Ministry of Defence of Montenegro, hereinafter referred to as Parties, pursuant to the provisions of the Agreement on Cooperation in the Field of Defence, signed in Podgorica on 27th of May 2009, between the Ministry of Defence of the Republic of Bulgaria and the Ministry of Defence of Montenegro, have agreed as follows:

ARTICLE 1

The Parties shall implement the provisions of the present Protocol on the basis of equality and mutual benefits.

ARTICLE 2

(1) Each one of the two Parties, agrees to send military and civilian personnel (hereafter referred to as “Trainees”) for training in the military educational institutions or training centres of the other Party.

(2) On the basis of the present Protocol, each Party will send Trainees for studying in the military educational institutions or training centres of the other Party.

(3) The Parties agree to encourage and to develop direct cooperation and exchange between their education and research institutions through joint projects in the fields of scientific research and training, conferences, visits exchange between lecturers and scientists utilizing EU and NATO initiatives, programs and funding.

(4) The terms used in this Agreement are defined as follows:

a. Sending Party: A Party on this Protocol that sends personnel, devices and equipment to the military educational institutions of the other Party;

b. Receiving Party: A Party on this Protocol that receives in its military educational institutions personnel, devices and/or equipment of the other Party;

c. Receiving Country: the country of the receiving Party;

d. Sending Country: the country of the sending Party;

e. Personnel: military personnel and civilians from the Ministry of Defence and the Armed Forces of either of the two Parties.

f. Training: all kinds of studies offered by the military educational institutions or training centres of both Parties, including qualification courses, language training courses, as well as educational bachelor master and doctoral programs.

g. Trainee: member of the personnel of any of the parties, attending any kind of training as civilian or military student, as cadet or as attendee in a language or qualification course.

ARTICLE 3

(1) The number of the Trainees, the forms of training and the study courses of specialization and their duration are determined by official correspondence between the Parties by the 31st of May, each year. At least two months before this the Parties shall exchange courses offers, with study plans and programs, as well as the requirements for the Trainees.

(2) The personal details of the Trainees applying for a course of training shall be sent no later than 50 days before the beginning of the course.

ARTICLE 4

Pursuant to the provisions of the present Protocol the military education institutions of both Parties, after approval of the respective Ministers may sign / exchange follow-on documents to specify concrete projects and parameters of their cooperation and exchange.

ARTICLE 5

The implementation of this Protocol will be responsibility of:

a) For the Ministry of Defence of the Republic of Bulgaria: **Human Resources Management in the Defence Directorate**, 3, Dyakon Ignatij Str., Sofia.

b) For the Ministry of Defence of Montenegro: Defence Policy Directorate, Ministry of Defence, Jovana Tomaševića Street 29, Podgorica, Montenegro.

ARTICLE 6

(1) The Trainees who are sent for training have to meet the requirements of the course at the military educational institution of the receiving Party.

(2) Trainees applying for a course of studies shall be selected for each course by the sending Party on the basis of the requirements set, regarding:

- a) Professional and personal qualities;
- b) Length of service in the armed forces or the Ministry of Defence;
- c) Position, rank and age;
- d) Acquired level of education or qualification
- e) Fluency of the language of the receiving Party (or the language in which the studies are being conducted) adequate to attend and actively participate during the studies.

ARTICLE 7

(1) The status of the sending Party's armed forces, determined by the laws and bylaws in the field of defence of the Sending Party, shall determine the chain of command for the Students/Trainees.

(2) The direct superior of the Trainees during the training period is the Defence, Military and Air Attaché of the Sending Country.

ARTICLE 8

The status of the Trainees of the Sending Party when in the territory of the Receiving Party shall be governed by the provisions of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on 19 June 1951 (hereinafter referred to as NATO SOFA).

ARTICLE 9

During the period of studies, the military Trainees shall follow their national instructions in regard to wearing uniforms.

ARTICLE 10

(1) The training of the Trainees from both Parties shall be performed on the basis of the following financial terms.

(2) The Receiving Party shall provide the following:

- a. Cost for tuition/participation to education and training.
- b. Materials for carrying out tests, laboratory work and classes; weapons, technical equipment and ammunition for the training and other necessary materials and equipment for the training period, under the same conditions, as trainees of the Receiving Party.
- c. Access to libraries, reading rooms, sports centres and other places necessary for the training, under the same conditions, as trainees of the Receiving Party.
- d. Domestic travel for education purposes.
- e. Travel abroad is not compulsory. Such travel is to be conducted with the approval of the Sending Party. In case of educational travel to a third country the Sending Party covers the total cost.
- f. In accordance with the legislation applicable in the Receiving Country, throughout the course period, military uniform and special equipment necessary for the practice-directed studies. These are to be given back after the graduation,

(3) The Sending Party shall provide the following:

- a. Round-trip tickets to the country of the Receiving Party,
- b. Financial support (rewards/salaries) for its trainees in accordance with its own legislation,
- c. Cost for lodging and per diem (including board) throughout the training period.
- d. In case of death of a trainee of the Sending Party, transportation of the remains of the deceased person as well as all the relevant costs, will be covered by the Sending Party, following a prompt notification by the Receiving Party.

(4) Article VIII of the NATO SOFA shall apply in case of any damage, caused by a Student /Trainee of the Sending Party when **on** the territory of the Receiving Party.

ARTICLE 11

The Trainees in the military educational institutions or training centres shall be entitled to an annual absence-leave of duration consistent with the study plan and the regulations of the educational institution they attend.

The Trainees from the Sending Country may use absence-leave for the national holidays of the Sending Country in accordance with its legislation.

The Sending Party is responsible for organizing the arrival and departure of the Trainees.

During the period of training in the military educational institutions, Trainees may be visited by members of their families at the Trainees' expenses.

ARTICLE 12

(1) The Trainees shall be provided with emergency medical and dental care free of charge in accordance with the national legislation of the Receiving Country.

(2) The medical and dental care, provided to Trainees and members of their families, not included in paragraph 1, shall be paid for, entirely by the Students/ Trainees or the Sending Party, depending on the Sending's Party applicable rules and in compliance with the procedures of the medical facility providing the care.

ARTICLE 13

(1) A Trainee will be recalled in case of:

- a. being absent more than 20% of the classes because of illness or other reasons.
- b. not fulfilling the requirements of the educational program;
- c. suspending his/her training due to health reasons;
- d. a decision of the Sending Party.

(2) The Receiving Party shall inform the Sending Party for the reasons recalling the Trainee. The expenses of recalling the Trainee will be held by the Sending Party.

(3) The Trainees, who fulfil the requirements of the educational plans, successfully pass their exams and have defended their course projects, shall receive the appropriate documents and insignia, as provided by the regulations of the Receiving Party.

ARTICLE 14

(1) Sharing, safe-keeping and working with information, connected with the process of realization of this Protocol, shall be performed according to the relevant national legislation and the provisions of the Agreement between the Government of Montenegro and the Government of the Republic of Bulgaria on mutual protection and exchange of classified information done in Podgorica on the 24th of November 2010, as well as the provisions of article 5 of the Agreement between the Ministry of Defence of the Republic of Bulgaria and the Ministry of Defence of Montenegro on cooperation in the field of defence, done in Podgorica on the 27th of May 2010.

(2) The study materials received by the Trainees for the time of the training from the Receiving Party shall be sent through the military attaché of the countries after a check carried out by the appropriate institutions of the Receiving Country.

ARTICLE 15

The Trainees shall not be allowed to carry out political activities or to take part in armed conflicts on the territory of the Receiving Country during their training. Moreover the Trainees are not allowed to possess or carry arms, unless this is a necessary part of the training.

ARTICLE 16

Any disputes arising out of or in connection with the interpretation and the implementation of this Protocol shall be solved by the Parties through negotiations and will not be referred to any international tribunals or third Party for settlement, with the exception of the relevant provisions of articles VIII and XVI of the NATO SOFA.

ARTICLE 17

(1) This Protocol shall enter into force on the date of the last written notification by which the two Parties inform each other, about the completion of the relevant internal procedures and shall remain in force for an indefinite period of time.

(2) Either Party may denounce this Protocol at any time by a written notification to the other Party. The denunciation shall take effect six months after the notification date.

(3) This Protocol can be amended or supplemented at any time through a written agreement among the Parties. Any such amendment shall enter into force according to the procedure described in paragraph 1 of the present article.

Done in on 201... in two originals in English language.

**FOR THE MINISTRY OF DEFENCE
OF THE REPUBLIC OF BULGARIA**

**FOR THE MINISTRY OF DEFENCE OF
MONTENEGRO**