

Na osnovu člana 21 stav 2 Zakona o zaključivanju i izvršavanju međunarodnih ugovora („Službeni list CG“, broj 77/08), Vlada Crne Gore na sjednici od _____ 2023. godine, donijela je

**ODLUKU O OBJAVLJIVANJU
SPORAZUMA
IZMEĐU
VLADE REPUBLIKE SJEVERNE MAKEDONIJE
I
SAVJETA MINISTARA REPUBLIKE ALBANIJE,
SAVJETA MINISTARA BOSNE I HERCEGOVINE,
VLADE CRNE GORE,
VLADE REPUBLIKE SRBIJE,
I VLADE REPUBLIKE SLOVENIJE
O
ARANŽMANIMA ZEMLJE DOMAĆINA
O STATUSU STALNE ORGANIZACIJE BALKANSKE NAMJENSKE MEDICINSKE
JEDINICE I NJENOG PERSONALA**

Član 1

Objavljuje se Sporazum između Vlade Republike Sjeverne Makedonije i Savjeta ministara Republike Albanije, Savjeta ministara Bosne i Hercegovine, Vlade Crne Gore, Vlade Republike Srbije i Vlade Republike Slovenije o aranžmanima zemlje domaćina Stalne organizacije Balkanske namjenske medicinske jedinice i njenog personala, potpisan razmjenom potpisa, u Crnoj Gori 06. aprila 2022. godine, u Republici Srbiji 11. aprila 2022. godine, u Sloveniji 19. aprila 2022. godine, u Bosni i Hercegovini 25. aprila 2022. godine, u Albaniji 6. maja 2022. godine i u Republici Sjevernoj Makedoniji 12. maja 2022. godine, u originalu na engleskom jeziku.

Član 2

Tekst Sporazuma iz člana 1 ove odluke, u originalu na engleskom i prevodu na crnogorski jezik glasi:

**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 (WBDDP).

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:

Slavjanka Petrovska, sign.

Signed in Skopje, on 12.6.2022.

For the Council of Ministers of the Republic of Albania

Niko Peleši, sign.

Signed in Tirana, on 16.5.2022.

For the Council of Ministers of Bosnia and Herzegovina:

Sifet Podžić, sign.

Signed in Sarajevo, on 25.4.2022.

For the Government of Montenegro:

Olivera Injac, sign.

Signed in Podgorica, on 6.4.2022.

For the Government of the Republic of Serbia:

Nebojša Stefanović, sign.

Signed in Belgrade, on 11.4.2022.

For the Government of the Republic of Slovenia:

Matej Tonin, sign.

Signed in Ljubljana, on 19.4.2022.

**SPORAZUM
IZMEĐU
VLADE REPUBLIKE SJEVERNE MAKEDONIJE
I
SAVJETA MINISTARA REPUBLIKE ALBANIJE,
SAVJETA MINISTARA BOSNE I HERCEGOVINE,
VLADE CRNE GORE,
VLADE REPUBLIKE SRBIJE,
I VLADE REPUBLIKE SLOVENIJE
O
ARANŽMANIMA ZEMLJE DOMAĆINA
O STATUSU STALNE ORGANIZACIJE BALKANSKE NAMJENSKE MEDICINSKE JEDINICE I
NJENOG PERSONALA**

Vlada Republike Sjeverne Makedonije, s jedne strane,

i

Savjet ministara Republike Albanije, Savjet ministara Bosne i Hercegovine, Vlada Crne Gore, Vlada Republike Srbije i Vlada Republike Slovenije, s druge strane u daljem tekstu zajednički nazvane „Strane“;

Gradeći na obavezama Sporazuma između Savjeta ministara Republike Albanije, Savjeta ministara Bosne i Hercegovine, Vlade Republike Makedonije, Vlade Crne Gore, Vlade Republike Srbije i Vlade Republike Slovenije o uspostavljanju Balkanske namjenske medicinske jedinice (BNMJ) koji je potpisan 14.01.2016. godine;

Notirajući da Memorandum o razumijevanju reguliše funkcionisanje, finansiranje, popunu i infrastrukturu Balkanske namjenske medicinske jedinice, kao i administrativnu i logističku podršku,

Podsjećajući da je Forum za pomoć zemljama jugoistočne Evrope (SEEC) bio aktivan i plodan forum za saradnju i otvorene diskusije u oblasti odbrane i sigurnosti. Doprinio je reformi sektora sigurnosti, povećanoj regionalnoj saradnji i inicijativama za jačanje pametne odbrane kao što je osnivanje Balkanske namjenske medicinske jedinice. Funkcionalnost SEEC je i dalje u okviru sastanka direktora za politiku odbrane Zapadnog Balkana (WBCPD).

S obzirom na Bečku konvenciju o diplomatskim odnosima od 18. aprila 1961. godine koja se primjenjuje na ovaj Sporazum;

Prepoznajući osnivanje Balkanske namjenske medicinske jedinice kao multinacionalne medicinske jedinice na osnovu postojećih vojno-medicinskih sposobnosti Strana;

Saglasile su se o sljedećem:

Član 1

Svrha i cilj

1. Svrha ovog Sporazuma je da reguliše status Stalne organizacije (SO) Balkanske namjenske medicinske jedinice (BNMJ), njenih prostorija i osoblja.
2. Cilj ovog Sporazuma je da omogući SO da efikasno obavlja svoje dužnosti i funkcije preko potpuno operativnog sjedišta SO.

Član 2

Definicije

1. U svrhu ovog Sporazuma:
 - a) Balkanska namjenska medicinska jedinica (BNMJ): Multinacionalna medicinska vojna jedinica koju čine medicinski moduli formirani na osnovu doprinosa Strana.
 - b) Stalna organizacija (SO): Stalno mirnodopsko tijelo BNMJ nadležno za organizovanje i planiranje aktivnosti obuke i mirnodopskih i/ili nepredviđenih operacija BNMJ sa sjedištem u Skoplju, Republika Sjeverna Makedonija.
 - c) Zemlja domaćin (ZD): Republika Sjeverna Makedonija kao domaćin BNMJ.
 - d) Upravni odbor (UO): Najviši organ u donošenju odluka, koji se sastoji od ovlaštenih političkih i vojnih predstavnika iz svake Strane.
 - e) Prostorije SO: znači kasarna Ilinden, Skoplje.
 - f) „Komandant BNMJ“ (KOM BNMJ): znači osoba koja je imenovana za načelnika BNMJ koja djeluje i kao komandant SO;
 - g) „Službenik“: znači član osoblja SO;
 - h) „Predstavnik“: znači ovlašćeni predstavnik u SO BNMJ;
 - i) „Ekspert“: znači osoba koja obavlja privremeni posao za BNMJ, za razliku od tačaka „g“ i „h“ ovog člana;
 - j) „Administrativno i tehničko osoblje“: znači osobe zaposlene u tehničkoj i administrativnoj službi SO;
 - k) „Servisno osoblje“: znači zaposleni koji pružaju usluge održavanja za BNMJ.

Član 3

Sjedište

SO se ovim osniva. Sjedište SO je u Ilinden kasarni, u Skoplju.

Član 4

Pravni status

1. SO ima pravni identitet i pravnu sposobnost potrebnu za obavljanje svojih djelatnosti, za zaključivanje ugovora, sticanje i raspolaganje pokretnom i nepokretnom imovinom, kao i za pokretanje zakonskih postupaka, shodno zakonskim propisima ZD.
2. SO ima pravo na iste privilegije i imunitete, kao one koje su date diplomatskim misijama u ZD, u skladu sa Bečkom konvencijom o diplomatskim odnosima.
3. ZD pomaže u postupku dobijanja relevantnih dokumenata za regulisanje pravnog statusa SO, da bi SO dobio takav status u roku od 60 dana od datuma potpisivanja ovog Sporazuma.
4. Ako bude neophodan neki oblik eksproprijacije, biće preduzete sve odgovarajuće mjere kako obavljanje funkcija SO ne bi bilo poremećeno. U tom slučaju će ZD pružiti pomoć kako bi omogućila premještaj SO.

Član 5

Doprinosi ZD

1. ZD stavlja na raspolaganje SO za vrijeme trajanja ovog Sporazuma, bez nadoknade, potrebne objekte, uključujući pogodne i prigodne prostorije za efikasno obavljanje dužnosti.
2. Prostorije se stavljaju na raspolaganje potpisivanjem ovog Sporazuma.
3. ZD će omogućiti adekvatno obezbjeđenje prostorija.
4. ZD će obezbijediti personalu SO prvu pomoć; druga podrška od strane sistema vojno-medicinskih usluga ZD će biti pružena u skladu sa važećim međunarodnim sporazumima.

Član 6

Interni propisi SO

SO može donijeti potrebne interne propise u vezi sa sprovođenjem i organizacijom sopstvenih dužnosti, u skladu sa Sporazumom i MoR.

Član 7

Vizuelni identitet

1. SO može isticati elemente vizuelnog identiteta BNMJ, (npr. Zastava i logo), koje je usvojio UO, na svojim prostorijama i na službenim motornim vozilima.
2. Motorna vozila, koja su vlasništvo SO, imaju pravo na diplomatske registarske tablice i odgovarajući status.

Član 8

Sloboda funkcionisanja SO

ZD garantuje SO slobodu svakodnevnog funkcionisanja.

Član 9

Nepovredivost

1. Prostorije SO su nepovredive. Nadležne vlasti ZD imaju pravo da uđu u prostorije SO, da bi obavljale svoje dužnosti, samo uz pristanak komande SO, ili propisno ovlašćenih službenika SO, pod uslovima koji oni odrede.
2. ZD preuzima sve mjere da zaštiti prostorije SO od upada i oštećenja, i da spriječi povredu njenog dostojanstva.
3. Evidencija i arhiv SO kao i sva ostala dokumentacija, uključujući kompjuterske programe i fotografije, koji mu pripadaju, ili koji su u njegovom posjedu, nepovredivi su.
4. SO obezbjeđuje da njegove prostorije ne postanu sklonište osobama koje pokušavaju da izbjegnu hapšenje po nalogima nadležnih organa ZD, ili osobama koje pokušavaju da izbjegnu sprovođenje zakonskog postupka, ili osobama za koje je izdat nalog za deportaciju ili ekstradiciju.

Član 10

Izuzeto od sudskog gonjenja i izvršenja

1. SO je izuzet od sudskog gonjenja i izvršenja u ZD, osim u sledećim slučajevima:
 - a) kada nadležno tijelo SO odobri ukidanje imuniteta od sudskog gonjenja. Ukidanje imuniteta od sudskog gonjenja se neće smatrati važećim u odnosu na bilo koju mjeru izvršenja i oduzimanja imovine;
 - b) protivtužbi direktno povezanih sa postupkom, koji je inicirao SO.
2. SO pokušava da pregovorima, ili u slučaju da oni ne urode plodom, alternativnim sredstvima rješavanja sporova, riješi sporove proistekle iz:
 - a) bilo kog sporazuma o kupovini roba i usluga, kredita, ili neke druge transakcije za obezbjeđenje sredstava, kao i u vezi sa garancijama ili nadoknadama povezanim sa takvim transakcijama, ili nekom drugom finansijskom obavezom;
 - b) tužbama na osnovu Zakona o radu.
3. Pokretna i nepokretna imovina SO, bez obzira gdje se nalazi i u čijem je posjedu u ZD, izuzima se od bilo koje mjere izvršenja, uključujući konfiskaciju, oduzimanje, zamrzavanje, ili bilo koji drugi oblik izvršenja, sekvestriranja ili drugo oduzimanje imovine na osnovu zakona ZD.

Član 11

Komunikacija

1. Sloboda komunikacije za svoje službene svrhe garantuje se SO. Službena komunikacija SO ima isti tretman kao komunikacija diplomatskih misija u ZD.

2. SO može da koristi odgovarajuće alate za komunikaciju i ima pravo da koristi šifre u svojoj zvaničnoj komunikaciji. Ona takođe ima pravo da šalje i prima korespondenciju preko propisno identifikovanih kurira ili u paketima koji će imati iste privilegije i uživati imunitete date diplomatskim kuririma ili diplomatskim paketima.
3. Kada je propisno označena službena korespondencija i ostali vidovi službene komunikacije SO ne primjenjuje se cenzura.

Član 12

Publikacije

Uvoz i izvoz publikacija za potrebe SO, kao i ostali informativni materijal koji SO uvozi ili izvozi u okviru svojih službenih aktivnosti, ne podliježe restrikcijama bilo koje vrste.

Član 13

Komunalne usluge

1. Nadležni organi ZD su obavezni da, na zahtjev SO i pod fer uslovima, pruže komunalne usluge SO, potrebne za obavljanje njenih djelatnosti, koje uključuju, ali nisu ograničene na, poštanske usluge, telefon, električnu energiju, vodu, kanalizaciju, gas, odnošenje smeća i zaštitu od požara.
2. Cijene komunalnih usluga iz prethodnog stava ne prelaze najniže uporedive cijene odobrene za diplomatske misije.
3. U slučaju okončanja, ili indicije prestanka gore pomenutih komunalnih usluga, SO ima isti prioritet kao diplomatske misije, za potrebe obavljanja svojih djelatnosti.
4. Na zahtjev nadležnih organa ZD, komandant SO je odgovoran da omogući propisno ovlašćenim predstavnicima kompanija komunalnih službi da pregledaju, poprave, održavaju i relociraju instalacije u prostorijama SO, u odgovarajuće vrijeme, pod uslovima koji neće uticati na rad SO.

Član 14

Izuzeci od carinskih naknada i poreza

1. SO, njegova sredstva, prihod i ostala imovina oslobađaju se od direktnih carinskih naknada i poreza. Ovo izuzimanje se ne primjenjuje za poreze i naknade, koji se smatraju plaćanjima za komunalne usluge, pružene po fiksnim cijenama, u skladu sa iznosom pružene usluge, koja se može odrediti, opisati i podijeliti po stavkama.
2. Što se tiče poreza na dodatu vrijednost uključenog u cijene, ili posebno obračunatog i iskazanog, izuzimanje se primjenjuje samo na dobra kupljena za službenu upotrebu SO, s tim što se takva dobra kupljena za njegovu upotrebu, za koje važi izuzimanje u skladu sa ovom odredbom, ne smiju prodavati, poklanjati ili na bilo koji drugi način otuđivati, osim pod uslovima dogovorenim sa Vladom.
3. SO se oslobađa od plaćanja državnih i lokalnih такси i dažbina, osim onih, koje predstavljaju cijenu pruženih usluga.
4. SO, po pravilu, neće tražiti oslobađanje od carine i od poreza na prodaju pokretne i nepokretne imovine, koji su dio cijene koju treba platiti.

Član 15

Oslobađanje od carina i carinskog tretmana

1. Carinski tretman dobara za SO je podjednako povoljan kao carinski tretman koji uživaju diplomatske misije u ZD.
2. Roba koja se uvozi ili izvozi za službene potrebe SO oslobađa se plaćanja carina, poreza i naknada.

Član 16

Slobodno raspolaganje sredstvima i sloboda poslovanja

SO, s ciljem obavljanja svojih djelatnosti, ima pravo da prima, posjeduje, mijenja i vrši transfer svih sredstava, valuta, gotovog novca i drugih prenosivih vrijednosti, da slobodno raspolaže istim i obavlja poslovnu djelatnost bez restrikcija, u skladu sa zakonskim propisima ZD.

Član 17

Privilegije i imuniteti članova SO

1. Za vrijeme obavljanja dužnosti u ZD, komandant SO, koji nije državljanin ZD, ima pravo na iste privilegije i imunitete koje uživaju šefovi diplomatskih misija u ZD.
2. Za vrijeme obavljanja dužnosti u ZD, službenici SO, koji nisu državljani ZD, imaju pravo na iste privilegije i imunitete koje uživaju diplomatski službenici u ZD.
3. Članovi administrativnog i tehničkog osoblja, koji nisu državljani ZD, imaju pravo na iste privilegije i imunitete, koje uživaju članovi administrativnog i tehničkog osoblja u ZD.
4. Vlada preduzima sve potrebne mjere da olakša ulazak u, izlazak iz i boravak u ZD komandantu SO, službenicima, predstavnicima, ekspertima, administrativnom i tehničkom osoblju, kao i članovima njihovih porodica.
5. Članovi porodica osoblja SO, koji žive u istom domaćinstvu, imaju pravo na iste privilegije i imunitete, kao one koje uživaju članovi porodica diplomatskih službenika uporedivog ranga u ZD.
6. Osoblju SO i članovima njihovih porodica, predstavnicima i ekspertima kojima je za obavljanje profesionalne dužnosti potrebna viza, čiji je rok važenja proporcionalan trajanju njihove misije, kao i dozvola privremenog boravka, dobijaju vizu bez nadoknade.

Član 18

Pristup tržištu rada

Pod posebnim uslovima i u okviru ograničenja relevantnih zakonskih propisa ZD, bračni drugovi i djeca, koji su dio domaćinstva članova SO, imaju pristup tržištu rada ako borave u ZD, kao prvi imaoci identifikacionog dokumenta, sve dok nisu građani ZD.

Član 19

Socijalno osiguranje

1. KOM BNMJ, službenici, eksperti i tehničko i administrativno osoblje, koji nisu državljani ZD, oslobađaju se plaćanja obaveznih doprinosa u vezi sa bilo kakvom vrstom socijalnog osiguranja u ZD.

Član 20

Službenici

1. Ne dovodeći u pitanje privilegije i imunitete iz člana 17 ovog Sporazuma, službenici u ZD imaju pravo na uvoz za ličnu upotrebu, bez plaćanja carina i drugih poreza i naknada, pod uslovom da ti porezi nisu porezi na pružene komunalne usluge, kao i na izuzimanje od uvoznih restrikcija i ograničenja uvoza i izvoza na:
 - a) svoj namještaj i lične stvari u momentu kada započinju službu, za jednu ili više posebnih pošiljki, i
 - b) jedno motorno vozilo na svake četiri godine.
2. Raspolaganje uvezenom robom, koja je izuzeta od plaćanja uvoznih carina, se vrši shodno propisima o carinama, porezu i drugim olakšicama, koje uživaju kancelarije inostranih diplomatskih i konzularnih predstavnika u ZD.

Član 21

Eksperti

Eksperti uživaju sledeće privilegije i izuzimanja u ZD:

- a) izuzimanje od sudskog gonjenja u vezi sa riječima izgovorenim ili napisanim, kao i sa djelima počinjenim prilikom izvršenja službenih dužnosti, čak i kada prestanu da budu službenici SO;
- b) izuzimanje od provjere i zaplijene ličnog i službenog prtljaga;
- c) nepovredivost službene dokumentacije, podataka i drugog materijala;
- d) izuzimanje od ograničenja useljavanja, od obaveza da prijave sebe i članove porodice koji su dio njihovog domaćinstva;
- e) podjednaku zaštitu i olakšice repatrijacije, za njih i članove porodica koji su dio njihovog domaćinstva, kakve se dodjeljuju članovima diplomatskih misija odgovarajućeg ranga.

Član 22

Predstavnici

Predstavnici uživaju sledeće privilegije i oslobađanja prilikom vršenja svojih dužnosti u ZD, kao i tokom njihovog putovanja po ZD:

- a) izuzimanje od sudskog gonjenja u vezi sa riječima izgovorenim ili napisanim, kao i sa djelima počinjenim prilikom izvršenja službenih dužnosti, čak i kada prestanu da budu predstavnici;
- b) izuzimanje od provjere i zaplijene ličnog prtljaga;
- c) nepovredivost službene dokumentacije, podataka i drugog materijala;
- d) izuzimanje od ograničenja preseljenja.

Član 23

Građani ZD i osobe sa stalnom boravišnom dozvolom

Službenici, eksperti, i tehničko i administrativno osoblje, koji su građani ZD, ili osobe sa stalnom boravišnom dozvolom u ZD, ili privremeno raspoređeno osoblje Ministarstva

odbrane ZD ima pravo na privilegije i imunitete navedene u članu 20. stav 1. tač. a) i b) ovog Sporazuma.

Član 24

Administrativno, tehničko i servisno osoblje

SO ima pravo da angažuje administrativno, tehničko i servisno osoblje, koji su građani ZD i osobe sa stalnom boravišnom dozvolom u ZD, shodno zakonima ZD.

Član 25

Izuzetost od zakonskog procesuiranja i izvršenja

Službenici, eksperti i predstavnici nemaju imunitet u građanskim parnicama, koje je pokrenula treća strana, za odštetu nastalu u saobraćajnoj nezgodi izazvanoj motornim vozilom SO, kada se ova odšteta ne može naplatiti od osiguranja.

Član 26

Cilj privilegija i izuzimanja

1. Privilegije i imuniteti na osnovu ovog Sporazuma se daju u interesu SO, a ne za ličnu korist samih individua.
2. Njihova svrha je isključivo da omogući slobodu djelovanja SO, u svim okolnostima, kao i potpunu nezavisnost gore pomenutih osoba u obavljanju njihovih dužnosti za SO.
3. Nadležno tijelo BNMJ ima pravo i dužnost da ukine imunitet bilo kom članu SO u bilo kom slučaju kada, po njegovom mišljenju, imunitet opstruira tok pravde i kada može biti ugrožen ne dovodeći u pitanje interes BNMJ. Izuzimanje imuniteta od jurisdikcije u upravnom postupku se ne smatra izuzimanjem od imuniteta u pogledu izvršenja presude, jer je za to potrebno posebno izuzimanje od imuniteta.

Član 27

Obavještanje

1. SO obavještava Ministarstvo vanjskih poslova ZD o imenima komandanta, službenika, eksperata i administrativnog i tehničkog osoblja, kao i o onim članovima njihovih porodica koji su dio njihovog domaćinstva, odmah, ili najkasnije tri dana od datuma njihovog dolaska. SO obavještava o prestanku mandata komandanta ili bilo kog službenika, eksperta ili člana administrativnog i tehničkog osoblja, i gdje je potrebno, o tome da osoba prestaje da bude član njihovih porodica.
2. Ministarstvo vanjskih poslova ZD izdaje komandantu, službenicima, ekspertima, administrativnom i tehničkom osoblju i članovima njihovih porodica odgovarajuće identifikacione isprave.

Član 28

Nepreuzimanje odgovornosti od strane ZD

ZD ne preuzima nikakvu međunarodnu odgovornost za aktivnosti i propuste SO na njenoj teritoriji.

Član 29

Pitanja bezbjednosti

1. Ništa u ovom Sporazumu nema prednost nad pravom Vlade ZD da primijeni odgovarajuće mjere zaštite interesa javne bezbjednosti. Ništa u ovom Sporazumu ne sprječava sprovođenje zakona ZD, potrebnih za očuvanje zdravlja ili javnog reda.
2. Ukoliko Vlada ZD smatra potrebnim da primijeni odredbe stava 1. ovog člana, ona čim to okolnosti dozvole uspostavlja vezu sa SO, da bi donijela zajedničku odluku o mjerama koje mogu biti potrebne da se zaštite interesi SO.
3. SO je obavezan da sarađuje sa vlastima ZD, kako bi se spriječilo bilo kakvo ugrožavanje javne bezbjednosti usljed neke aktivnosti SO.

ZAVRŠNE ODREDBE

Član 30

Rješavanje sporova

Svi sporovi proistekli iz tumačenja i sprovođenja ovog Sporazuma rješavaju se pregovorima između ugovornih strana.

Član 31

Izmjene i dopune

Ovaj Sporazum može se izmijeniti i dopuniti međusobnom pismenom saglasnošću ugovornih strana ovog Sporazuma. Izmjene i dopune stupaju na snagu i primjenjuju se provizorno shodno članu 32. ovog Sporazuma.

Član 32

Stupanje na snagu

1. Ovaj Sporazum stupa na snagu na dan kada Ministarstvo vanjskih poslova Zemlje domaćina primi posljednju notu ugovornih strana, uključujući ZD, u vezi sa ispunjavanjem njihovih internih zahtjeva za njegovo stupanje na snagu.
2. Pristupanje bilo koje nove ugovorne strane ovom Sporazumu vrši se kroz Notu o pristupanju koju potpisuju nova ugovorna strana i postojeće ugovorne strane. Nota o pristupanju stupa na snagu u skladu sa stavom 1.
3. Nakon potpisivanja ovog Sporazuma, original se deponuje kod Vlade ZD koja je depozitar. Ugovorne strane zadržavaju po jedan original i depozitar daje SO propisno ovjerene kopije istog.
4. Ovaj Sporazum se primjenjuje privremeno od datuma potpisivanja.

Član 33

Trajanje, otkaz, povlačenje i okončanje

1. Ovaj Sporazum važi u okviru neodređenog vremenskog perioda sve dok je na snazi Sporazum između Savjeta ministara Republike Albanije, Savjeta ministara Bosne i Hercegovine, Vlade Republike Makedonije, Vlade Crne Gore, Vlade Republike Srbije

Vlade Republike Slovenije o osnivanju Balkanske namjenske medicinske jedinice koji je potpisan 14.01.2016. godine.

2. Vlada ZD ima pravo da otkáže ovaj Sporazum, nakon što je o tome obavijestila ugovorne strane u pisanoj formi. U tom slučaju, ovaj Sporazum se okončava šest (6) mjeseci od datuma prijema takvog obavještenja.
3. Svaka ugovorna strana može da se povuče iz ovog Sporazuma nakon što je o tome obavijestila depozitara i ostale ugovorne strane u pisanoj formi. U tom slučaju, ovaj Sporazum prestaje da važi za tu ugovornu stranu šest (6) mjeseci od datuma kada je depozitar primio takvo obavještenje.

U potvrdu ovoga, dolje potpisani predstavnici, propisno ovlašćeni od njihovih Vlada, potpisali su ovaj Sporazum.

Potpisano u šest (6) istovjetnih primjeraka na engleskom jeziku.

Za Vladu Republike Sjeverne Makedonije:

Slavjanka Petrovska, s.r.

Potpisano u Skoplju, dana 12.5.2022.

Za Savjet ministara Republike Albanije:

Niko Peleši, s.r.

Potpisano u Tirani, dana 6.5.2022.

Za Savjet ministara Bosne i Hercegovine:

Sifet Podžić, s.r.

Potpisano u Sarajevu, dana 25.4.2022.

Za Vladu Crne Gore:

Olivera Injac, s.r.

Potpisano u Podgorici, dana 6.4.2022.

Za Vladu Republike Srbije:

Nebojša Stefanović, s.r.

Potpisano u Beogradu, dana 11.4.2022.

Za Vladu Republike Slovenije:

Matej Tonin, s.r.

Potpisano u Ljubljani, dana 19.4.2022.

Član 3

Ova odluka stupa na snagu osmog dana od dana objavljivanja u „Službenom listu Crne Gore - Međunarodni ugovori“.

Broj: _____

Podgorica, _____ 2023. godine

Vlada Crne Gore

**Predsjednik,
dr Dritan Abazović**