

No. 53145*

**Poland, Lithuania
and
Ukraine**

Agreement between the Government of the Republic of Lithuania, the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine concerning the establishment of a common military unit. Warsaw, 19 September 2014

Entry into force: *21 August 2015, in accordance with article 15*

Authentic texts: *English, Lithuanian, Polish and Ukrainian*

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**Pologne, Lituanie
et
Ukraine**

Accord entre le Gouvernement de la République de Lituanie, le Gouvernement de la République de Pologne et le Cabinet des Ministres de l'Ukraine concernant la création d'une unité militaire commune. Varsovie, 19 septembre 2014

Entrée en vigueur : *21 août 2015, conformément à l'article 15*

Textes authentiques : *anglais, lituanien, polonais et ukrainien*

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**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA,
THE GOVERNMENT OF THE REPUBLIC OF POLAND
AND
THE CABINET OF MINISTERS OF UKRAINE
CONCERNING
THE ESTABLISHMENT OF A COMMON MILITARY UNIT**

The Government of the Republic of Lithuania, the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine, hereinafter referred to as "the Parties";

Taking into consideration the provisions of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on the 19th of June 1951, further referred to as "the NATO SOFA", where applicable;

Considering the provisions of 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, hereinafter referred to as "the PfP SOFA", and its Additional Protocol, signed in Brussels on the 19th of June 1995, and also the Further Additional Protocol, signed in Brussels on the 19th of December 1997, hereinafter referred to as "the Additional Protocols", where applicable;

Following the aims and principles of the Charter of the United Nations, done at San Francisco on 26 June 1945 concerning multilateral co-operation in the area of international operations and international security;

Committed to continue their contribution to establish and strengthen the Euro-Atlantic and regional stability and security;

Applying the provisions of Articles 3 and 4 of the Treaty between the Republic of Poland and Ukraine on Good Neighbourhood, Friendly Relations and Co-operation, signed in Warsaw on the 18th of May 1992, the provisions of Articles 4, 7 and 26 of the Treaty between the Republic of Lithuania and Ukraine on Friendship and Co-operation, signed in Vilnius on the 8th of February 1994 and the provisions of Articles 4, 5 and 6 of the Treaty between the Republic of Poland and the Republic of Lithuania on Friendly Relations and Good Neighbourly Co-operation, signed in Vilnius on the 26th of April 1994;

Taking into consideration the provisions of the Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine concerning Mutual Protection of Classified Information, signed in Warsaw on the 4th of September 2001 and the Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on Mutual Protection of Classified Information, signed in Warsaw on the 12th of May 2008, and the Agreement between the Government of the Republic of Lithuania and the Cabinet of Ministers of Ukraine on Mutual Protection of Classified Information signed in Kyiv, on the 5th of June 2003, hereinafter referred to as "the Agreements on the Protection of Classified Information";

Have agreed as follows:

ARTICLE 1 PURPOSE AND SCOPE

1. The Parties shall establish the Lithuanian – Polish – Ukrainian common military unit of a brigade size, hereinafter referred to as "the Brigade".
2. This Agreement shall define the overall aim, working principles, decision making procedures, security and other general arrangements for the Brigade.

ARTICLE 2 MISSION AND PRINCIPLES

1. With the consent of the Parties, the Brigade or its elements shall be available for international operations, hereinafter referred to as "the Operations", conducted on the basis of a mandate of the United Nations Security Council.
2. Participation of the Brigade and its elements in the Operations shall take place exclusively on the basis of the decisions made by the competent authorities of the Republic of Lithuania, the Republic of Poland and Ukraine.
3. The contribution of forces to the Brigade shall be without prejudice to each state's internal right to make decision on whether to deploy its forces to a specific operation.

**ARTICLE 3
GENERAL PROVISIONS**

1. Structure, manpower, equipment, principles of training, command and control, composition, rotation and other detailed aspects of the functioning of the Brigade and its Command shall be determined in Technical Arrangement, hereinafter referred to as "the TA", to be concluded by the ministers/ministries competent for defence matters of the Parties, hereinafter collectively referred to as "the Executive Institutions".
2. The Brigade's Command is a multinational military institution established in order to plan, organize, command and control over the Brigade's activities. The Brigade's Command shall include its personnel, equipment, materials and goods delivered by the Executive Institutions and/or the competent military authorities of the Republic of Lithuania, the Republic of Poland and Ukraine, as well as the equipment, materials and goods acquired by the Brigade's Command. The Brigade's Command shall be located in Lublin on the territory of the Republic of Poland. The Brigade's Command shall be governed by the laws in force in territory of the Republic of Poland and the relevant international law.
3. All national components shall remain within structures of the armed forces of their States at all times. An appropriate level of command and control shall be nationally delegated under the power of transfer of authority to the Brigade's Command.
4. National components affiliated to the Brigade shall be stationed in the territories of their States. The area of stationing of the Brigade during the Brigade's training and preparation for the Operations shall be determined by the Executive Institutions.
5. Members of personnel of the Republic of Lithuania and Ukraine delegated to the Brigade's Command as well as their dependents shall enjoy the immunities and privileges provided by NATO SOFA, PfP SOFA and the Additional Protocols while stationing and residing on the territory of the Republic of Poland. Detailed procedures on the application of the immunities and privileges shall be specified in the TA.
6. In accordance with the provision of the NATO SOFA and PfP SOFA, the Republic of Poland shall facilitate the entrance, stationing, departure and other details related to the execution of the official duties by the members of the personnel of the Brigade.
7. The provisions of the NATO SOFA, PfP SOFA and the Additional Protocols shall respectively apply to the members of the personnel of the Brigade's Command and their dependants, as well as to the national components while they are stationing on the territory of the other Party.

**ARTICLE 4
PROVISIONS CONCERNING THE BRIGADE'S COMMAND**

1. General arrangements
- 1) The provisions of NATO SOFA and PfP SOFA shall apply mutatis mutandis to the Brigade's Command, members of its personnel and their dependants;
- 2) Officials entitled under the law of the Republic of Poland to enter the premises of the Brigade's Command for the purpose of performing their official duties may do so in the presence of the Brigade's Commander or his representative. This provision shall not prejudicially affect the inviolability of archives and other official documents;
- 3) The Republic of Poland shall recognize as valid all driving licences and permissions to operate a motorized vehicle issued to the members of personnel of the Brigade's Command and their dependants;
- 4) The Republic of Poland shall recognize that immovable and moveable property owned or occupied by the Brigade's Command, as well as its documents, assets and funds, are immune

from requisition, confiscation, sequestration and expropriation and from any form of interference whether by administrative, judicial or legislative actions.

2. Personnel matters

1) The Brigade's Command may make arrangements for the employment of:

- a) personnel defined as civilian personnel with local status as described in Article IX (4) of NATO SOFA;
- b) dependants of personnel in support of civilian positions;
- 2) In order to receive services, the Brigade's Command may enter into contracts with the individuals and the legal entities hereinafter referred to as "the Contractors" which shall not be eligible for the tax and duty exemptions;
- 3) As a necessary condition of making arrangements for the employment of persons mentioned in paragraph 2.1.a and b or entering into contracts with the Contractors, which are related to access to classified information, such persons and the Contractors shall possess appropriate documents authorising them to access to classified information;
- 4) Persons mentioned in paragraph 2.1 a and b, who are not citizens of the Republic of Poland, may enter and reside in the Republic of Poland during the period they are posted or contracted by the Brigade's Command. All driving licences and permissions to operate motorized vehicles held by them shall be accepted as valid by the authorities of the Republic of Poland. They shall not be required to obtain a work permit by the authorities of the Republic of Poland.

3. Services

1) Postal services:

- a) Official mail and packages of the personnel of the Brigade's Command may be sent or received through the postal services operating in the territory of the Republic of Poland;
- b) Charges for services provided through the postal services shall be assessed in the same manner as the mail sent by the Armed Forces of the Republic of Poland;

2) Communications:

- a) The Executive Institutions and/or the competent military authorities of the Republic of Poland shall provide the Brigade's Command with official telephone, telefax and electronic communications equivalent to that provided to the Armed Forces of the Republic of Poland;
- b) The Executive Institutions and/or the competent military authorities of the Republic of Lithuania and Ukraine shall have the right to import, install and use within the compound of the Brigade's Command and, if necessary for technical reasons, outside of it, such military radio stations and telecommunications facilities and devices as are required for the operational functions of the Brigade's Command. Military radio stations, telecommunication facilities and devices shall be used solely for official purposes. Installation, allocation, use of frequencies and application of systems shall be conducted in accordance with the law of the Republic of Poland.

4. Legal capacity

The Brigade's Command shall have legal capacity to perform legal actions deemed essential for the performance of its duties.

ARTICLE 5 THE CO-ORDINATION GROUP

1. The Executive Institutions shall be responsible for the implementation of this Agreement and shall establish the Co-ordination Group consisting of their representatives.
2. The composition, tasks, functions, rights and obligations, decision making procedures and other details of functioning of the Co-ordination Group shall be specified in the TA.

**ARTICLE 6
COMMAND AND CONTROL**

1. The Brigade's Commander and other authorized members of personnel shall have the right to give orders the members of personnel of the Brigade's Command.
2. For the periods of the Brigade's joint training, preparation for the Operations and its participation in the Operations, the Brigade's Commander and other authorized members of personnel shall have the right to give orders to the subordinated personnel of the national components of the Brigade.
3. The members of personnel mentioned in paragraphs 1 and 2 shall be obliged to execute orders given to them, unless they are contradictory to the laws in force in the territories of their states or to the international law.
4. The official language of the Brigade shall be the English language.

**ARTICLE 7
TRAINING, EXERCISES AND CERTIFICATION**

1. Training and preparation of national components for the Operations shall be the responsibility of the competent military authorities of the Republic of Lithuania, the Republic of Poland and Ukraine respectively. Combined training and exercises shall be conducted in order to ensure interoperability between the national components. The competent military authorities of the Republic of Poland shall be in charge of co-ordination process for training and preparation for the Operations.
2. Certification of the Brigade shall be required in order to verify that the defined standards are met. Certification of national components shall be the responsibility of the competent military authorities of the Republic of Lithuania, the Republic of Poland and Ukraine respectively.
3. Specific provisions concerning training, exercises and certification shall be determined in separate arrangements.

**ARTICLE 8
LOGISTICS AND STRATEGIC TRANSPORTATION**

1. Logistic support of national components of the Brigade during the training, preparation for and participation in the Operations shall primarily be the responsibility of the competent military authorities of the Republic of Lithuania, the Republic of Poland and Ukraine respectively.
2. Specific terms and procedures of logistic support for each exercise or the Operations shall be determined in separate arrangements.
3. The Executive Institutions shall cooperate in finding effective solution for the strategic transportation of the Brigade or its elements.

**ARTICLE 9
MEDICAL SUPPORT**

1. Medical support shall be the responsibility of the competent military authorities of the Republic of Lithuania, the Republic of Poland and Ukraine respectively, unless otherwise agreed by the Executive Institutions.
2. In order to efficiently use strategic air medical evacuation assets, mutual support shall be recommended and shall be co-ordinated by the Brigade's Command.
3. Specific provisions concerning medical support for the members of personnel of the Brigade's Command and their dependents shall be determined in the TA.

4. For the period of preparation and execution of a live exercise and/or operation, medical support for the Brigade's elements concerned shall be determined in respective documents and/or in a separate arrangement.

**ARTICLE 10
DISCIPLINE**

1. Military discipline shall remain the responsibility of the competent military authorities of the Republic of Lithuania, the Republic of Poland and Ukraine respectively.
2. The members of military personnel of national components of the Brigade shall perform their military service in accordance with their national laws.

**ARTICLE 11
FINANCING ARRANGEMENTS**

1. Each Party shall be responsible for financing its national component of the Brigade during common training, preparation and participation in the Operations.
2. Details of financing of the Brigade's Command shall be determined in the TA.

**ARTICLE 12
TAXES AND CUSTOMS**

To the extent provided by the laws and regulations in force in the territory of the Republic of Lithuania, the Republic of Poland and Ukraine:

- 1) the Brigade's Command shall be exempted from taxes, customs and other fees;
- 2) equipment, supplies, products and materials temporarily imported into and exported from the territory of the Republic of Poland in connection with performance of the Brigade's Command official duties shall be exempted from taxes, customs and other fees;
- 3) equipment, supplies, products and materials temporarily imported into and exported from the territory of the Republic of Lithuania, the Republic of Poland and Ukraine in connection with the Brigade's participation in joint exercises and Operations shall be exempted from taxes, customs and other fees.

**ARTICLE 13
CLASSIFIED INFORMATION**

1. For the purposes of implementation of this Agreement classified information transferred between the Parties shall be protected in accordance with the Agreements on the Protection of Classified Information.
2. If the approval of a Party originating classified information for transfer of such classified information to any other Party is required by any agreement mentioned in paragraph 1, the Parties agree that this provision shall constitute such approval. However such approval shall solely concern exchange of classified information between the Parties for the purposes of implementation of this Agreement.
3. The Brigade's Command shall have the right to generate, use, transmit, store, handle and safeguard the classified information in accordance with the common implementing regulations regarding the protection of classified information, hereinafter referred to as "the common implementing regulations", as stipulated in paragraph 4.

4. The Brigade's Command shall elaborate common implementing regulations. The appropriate national security authorities shall issue to the Brigade's Command a written consent of common implementing regulations. The Brigade's Command shall approve common implementing regulations after the receipt of the written notification on the consent.

ARTICLE 14
SETTLEMENT OF DISPUTES AND CLAIMS

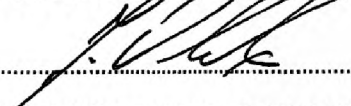
1. Any disputes between the Parties regarding the implementation of this Agreement shall be settled through consultations and negotiations.
2. Claims and liabilities among the Parties arising in connection with the execution of this Agreement shall be settled in accordance with the provisions of NATO SOFA and PFP SOFA, as applicable.

ARTICLE 15
FINAL PROVISIONS

1. The Government of the Republic of Poland shall be the Depository of this Agreement.
2. This Agreement shall enter into force 30 days after the receipt by the Depository of the last written notification on the completion of all national legal procedures necessary for this Agreement to enter into force. The Depository shall notify in written the remaining Parties on the receipt of the notification mentioned above.
3. Immediately after this Agreement has entered into force, the Depository shall take necessary actions to register it with the Secretariat of the Organization of the United Nations, pursuant to article 102 paragraph 1 of the Charter of the United Nations, done at San Francisco on 26 June 1945. Immediately after this Agreement has been registered, the Depository shall inform the remaining Parties on that fact.
4. This Agreement shall remain in force for an indefinite period.
5. This Agreement may be terminated by any of the Parties at any time through written notification sent to the Depository. The Depository shall immediately notify in written the remaining Parties on the receipt of such terminating notification. The termination of this Agreement for the Party which has initialized such procedure shall take effect 180 days after the receipt of the terminating notification by the Depository.
6. This Agreement may be amended by the written consent of the Parties. Such amendments shall enter into force in accordance with the procedure specified in paragraph 2.
7. Termination of this Agreement shall not affect financial obligations of the Parties resulting from its application. Such obligations shall remain in force until they are fully settled.
8. The Brigade shall be open to accession for any other state at the common invitation of the Parties. A state may join the Brigade through accession to this Agreement. The accession to this Agreement shall be done through its amendment, which shall come into force in accordance with Article 15 paragraphs 2 and 3 applied adequately.

Done in Warsaw..... on 19 September 2014 in one original in the Lithuanian, Polish, Ukrainian and English languages, all texts being equally authentic. In case of any discrepancy regarding their interpretation, the English text shall prevail. The Depository shall distribute the certified copies of this Agreement to all the remaining Parties.

ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA


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ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF POLAND


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ON BEHALF OF THE CABINET OF MINISTERS OF UKRAINE


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