

## **Multinational Corps Northeast Convention**

Convention between

The Government of the Federal Republic of Germany, The Government of the Kingdom of Denmark, and The Government of the Republic of Poland on the Multinational Corps Northeast

The Government of the Federal Republic of Germany,  
The Government of the Kingdom of Denmark, and  
The Government of the Republic of Poland -

Considering the accession of the Republic of Poland to the North Atlantic Treaty of 4 April 1949 as amended on 17 October 1951 and to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces (NATO SOFA) of 19 June 1951,

Taking note of the Memorandum of Understanding between their Ministries of Defence of 17 August 1995,

Endorsing the decision taken by their Ministers of Defence on 16 April 1998 on the establishment of the Multinational Corps Northeast (hereinafter referred to as the Corps) - have agreed as follows:

### Article 1

#### Purpose of the Convention

(1) The purpose of this Convention is to define the responsibilities of the Contracting Parties, the principles of organisation and co-operation in the Corps, and the status of its Headquarters.

(2) Implementing arrangements will be concluded by Ministries of Defence.

### Article 2

#### Definitions

For the purpose of this Convention the following definitions shall apply:

a) Corps. All elements as mentioned in Article 4 of this Convention including personnel, material and goods provided by the Contracting Parties due to the co-operation for common purposes.

b) Headquarters. All elements as mentioned in Article 4 paragraph 1 lit. a and b and paragraphs 2 and 3 of this Convention including personnel, material and goods provided by the Contracting Parties due to the co-operation for common purposes.

c) Agreement. The Agreement concerning Operation of the Multinational Corps Northeast.

### Article 3

#### Tasks and Missions

(1) Within the limits of national constitutions and in accordance with the provisions of the Charter of the United Nations, pursuant to the decisions taken by the competent organs of the participating States, the Corps will be tasked:

a) to plan and operate for collective defence purposes under Article 5 of the North Atlantic Treaty;

b) to contribute with its Headquarters within the framework of the United Nations, the North Atlantic Treaty Organisation, or regional arrangements pursuant to Chapter VIII of the Charter of the United Nations, to multinational crisis management operations including peace support operations, e.g. as a Land Component Command in a Combined Joint Task Force (CJTF) context or as a Force Command; these missions may be conducted with forces subordinated or added to the Corps for those purposes;

c) with its Headquarters to plan, prepare and on request to conduct humanitarian and rescue missions including natural disaster relief missions.

(2) The Corps will be assigned to NATO and in this respect primarily affiliated to the Baltic Approaches (BALTAP)/Joint Headquarters Northeast (JHQ Northeast) for common training and exercise purposes. It may be made available to other relevant organisations on a case-by-case basis as decided by competent national authorities.

(3) National contributions to the Corps shall also be available for national purposes.

#### Article 4

##### Organisational Structure of the Corps

(1) The Corps will consist of

a) a multinational Headquarters, i.e. the Corps Staff, including a multinational Communications and Information Systems Centre (CISC) Platoon and the Headquarters Company provided by Poland;

b) the multinational Command Support Brigade Headquarters, in the peacetime establishment integrated with a nucleus in the Corps Staff (G 6); and

c) national contributions assigned to the Corps as laid down in the Agreement or made available to it by the Contracting Parties on a case-by-case basis.

(2) The Corps will be supported by a collocated Air Operations Co-ordination Centre (AOCC) and a Maritime Liaison Cell (MLC).

(3) The national contributions to the Headquarters will be supported by national support elements (NSE).

#### Article 5

##### Language

English shall be the official working language of the Corps.

## Article 6

### Legal Status

(1) The provisions of the NATO SOFA shall apply to the Headquarters and to its military and civilian personnel and their dependents. As far as personnel and materiel of the Corps are concerned, the NATO SOFA and other existing visiting forces agreements are supplemented by this Convention but remain otherwise unaffected.

(2) For the purpose of applying the provisions of the NATO SOFA to the Headquarters the expressions „force“, „civilian component“ and „dependent“, wherever they occur in the NATO SOFA shall have the meanings set out below:

a) „force“ means the personnel attached to the Headquarters who belong to the land, sea or air armed services of any Contracting Party;

b) „civilian component“ means civilian personnel who are not stateless persons, nor nationals of any State which is not a Contracting Party, nor nationals of, nor ordinarily resident in the Receiving State and who are attached to the Headquarters and in the employ of an armed service of a participating State.

c) „dependent“ means the spouse of a member of a force or civilian component, as defined in subparagraphs a) and b) of this paragraph, or a child of such member depending on him or her for support.

(3) The Headquarters shall be considered to be a force for the purposes of Article II, paragraph 2 of Article V, paragraph 10 of Article VII, paragraph 5 of Article VIII, paragraphs 2, 3, 4, 7 and 8 of Article IX, and Article XIII of NATO SOFA.

## Article 7

### Payment of Claims

Claims of third parties, other than contractual claims, arising out of acts or omissions of members of the elements of the Corps mentioned in Article 4 paragraph 1 lit. a (excluding the elements of the Headquarter Company which are responsible for the administration, guarding and management of the barracks), paragraph 1 lit. b and paragraph 2, done in performance of official duty or arising out of the official use of any materiel used by these elements and causing damage, shall be equally shared by the Contracting Parties and paid entirely from the Multinational Budget, as defined in Article 10.

## Article 8

### Exemption from Taxation

(1) The exemption from taxation accorded under Article X of NATO SOFA to members of a force or civilian component in respect of their salaries and emoluments shall apply, as regards personnel of the

Headquarters to salaries and emoluments paid to them as such personnel by the armed service to which they belong or by which they are employed, except that this paragraph shall not exempt any such member or employee from taxation imposed by the sending State.

(2) For the purpose of facilitating the establishment, construction, maintenance and operation of the Headquarters duties and taxes for goods and services related thereto shall be waived as far as practicable. Details shall be regulated in an arrangement between the Headquarters and the competent Polish authorities.

(3) Goods and services imported by the personnel of the Headquarters or their dependents for their own private consumption or use shall be exempted from any duties and taxes. Types and quantities of these goods and services shall be specified in an arrangement between the Headquarters and the competent Polish authorities.

(4) Goods and services imported by the Headquarters for the use of the Headquarters or to be sold in messes, canteens and bars operating in the Headquarters shall be exempted from any duties and taxes. Types and quantities of these goods and services shall be specified in an arrangement between the Headquarters and the competent Polish authorities.

(5) Surplus and used equipment imported or procured by the Headquarters free of taxes or duties may be sold or otherwise made available to other users only in accordance with applicable provisions of the Receiving State.

(6) The provisions in paragraphs 5 and 6 of Article XI of NATO SOFA shall not apply to nationals of the Receiving State, unless such nationals belong to the armed services of a participating State other than the Receiving State.

(7) The expression „duties and taxes“ does not include charges for services rendered.

#### Article 5

#### Article 9

#### Accounts

(1) To enable it to operate the Multinational Budget, the Headquarters may hold currency of any kind and operate accounts in any currency.

(2) The Contracting Parties shall facilitate transfers of the funds of the Headquarters from one country to another and the conversion of any currency held by the Headquarters into any other currency, when necessary to meet the requirements of the Headquarters.

(3) The bank accounts of the Headquarters can be exempted from national currency regulations, and from any emergency measures against bank accounts according to an agreement concluded between the bank and the Headquarters.

#### Article 10

#### Multinational Budget

(1) There shall be an equally shared Multinational Budget for the elements of the Corps mentioned in paragraph 2. The scope and funding of the Multinational Budget shall be agreed upon annually by the Ministries of Defence in accordance with national provisions.

(2) The elements of the Corps which are to be funded equally by the Contracting Parties are those defined in Article 4 paragraph 1 lit. a (excluding the elements of the Headquarters Company which are responsible for the administration, guarding, and management of the Barracks), paragraph 1 lit. b and paragraph 2.

(3) The principles established in current NATO rules and regulations for administration and financial management shall apply, as far as not otherwise agreed.

(4) The execution of the Multinational Budget and the multinational accounts shall be audited annually by the competent national audit institutions on a rotational basis. The audit includes financial and performance aspects. The auditing shall be based on mutually accepted auditing standards and procedures.

(5) Independently from the rotational audit, the national audit institutions are entitled to request all information and examine all files they consider necessary for auditing the national contributions and informing their respective governments and parliaments. These requests shall be channelled through the Commander of the Corps.

## Article 11

### Contracting Capacity

(1) The Headquarters shall have the capacity on behalf of the participating States

a) to enter into contracts;

b) to acquire and dispose of movable property and

c) to file, consider and settle or adjudicate claims in this respect.

(2) Contracts for combined purposes debited to the Multinational Budget shall be concluded, with ensuing legal effect, for the participating States. Based on the requirements submitted by the Commander of the Corps the competent national authorities shall co-operate by common consent.

(3) All assets financed from the Multinational Budget shall become joint property of the participating States. The provisions and procedures which govern the disposal of joint property shall be laid down in separate arrangements.

(4) If legal proceedings are initiated as a result of the contracts identified in paragraph 1 above, the Receiving State shall assume responsibility for legal representation. In third countries the State of which the person authorised to conclude contracts is a national shall assume this responsibility. Costs of legal proceedings shall be borne by the Multinational Budget.

(5) All costs resulting from or relating to the contracts as mentioned in paragraph 1 shall be borne by the Multinational Budget.

## Article 12

### Inviolability of Official Documents

The archives and other official documents of the Headquarters kept in premises used by the Headquarters or in the possession of any properly authorised member of the Headquarters shall be inviolable, unless the Headquarters has waived this immunity. The Headquarters shall, at the request of the Receiving State 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 13

### Inviolability of Premises

(1) The laws of the Receiving State apply within the premises of the Headquarters. The courts or other appropriate organs of the Receiving State have jurisdiction, as provided in applicable laws and subject to the provisions of NATO SOFA, over acts, transactions or omissions taking place on the premises of the Headquarters.

(2) Subject to the following provisions, the premises of the Headquarters shall be inviolable.

a) Officials, including customs officers and labour inspectors, entitled under the law of the Receiving State to enter the premises for the purposes of performing their official functions shall do so only if duly authorised by the Commander or his representative.

b) In cases of emergency, or by virtue of an order issued by an investigating magistrate, such authorisation shall be given to such persons as are entitled to enter premises or installations in such cases.

(3) The Headquarters will take all feasible measures to prevent its premises from being used as a refuge by persons who are avoiding arrest under any law of the Receiving State, who are requested by the Receiving State for extradition or expulsion to another country, or who are endeavouring to avoid service of legal process.

## Article 14

### Communications

(1) In agreement with the appropriate authorities of the Receiving State regarding locations and technical details of equipment, the Headquarters may import, establish, access, operate and maintain, on either a temporary or permanent basis, inside or outside the premises occupied by it, such

telecommunications facilities and military radio stations as may be required for its operational functions, military exercises, manoeuvres or emergencies.

(2) The frequencies to be used will be agreed with the authorities of the Receiving State. The authorities of the Receiving State and the Headquarters will take measures to avoid or eliminate interference with military and civilian telecommunication services and electrical facilities.

(3) Military radio and telecommunication stations of the Headquarters will be used exclusively for official purposes.

(4) The criteria, regulations and rates for work and services of the telecommunications operators shall not be less favourable than those applied to the Armed Services of the Receiving State.

(5) In establishing and operating telecommunications facilities, the Headquarters shall observe the provisions of the International Telecommunications Constitution and Convention, of 22 December 1992, and of any other international provision in the field of telecommunications binding in the Receiving State. The Headquarters shall be exempt from this provision to the extent that such exemption is granted to the Armed Forces of the Receiving State.

(6) The Headquarters shall be entitled to send and receive messages in cipher.

## Article 15

### Postal Services

(1) The Headquarters official mail may be sent through the postal or courier services of the Receiving State or through national military channels. Where appropriate, it shall be exempt from prepaid postage in the same way as mail sent by the Armed Forces of the Receiving State.

(2) All mail and courier material which is certified as being official and which is addressed to or sent by the Headquarters shall be exempt from customs examinations and censorship. Such mail or material will be marked with the term „Headquarters, Multinational Corps Northeast Official Mail“. Courier mail will not be sent through civilian postal services of the Receiving State.

## Article 16

### Traffic and Vehicles

(1) The traffic regulations of the Receiving State shall apply to the official vehicles and trailers of the Headquarters and to private vehicles and trailers of members of the force, civilian component and dependents, subject to the following provisions.

(2) The licence plates for official vehicles and trailers of the Headquarters shall be issued by the Headquarters. These official vehicles and trailers shall not be subject to regulations of the Receiving State concerning compulsory insurance of holders of motor vehicles.

(3) Official vehicles and trailers of the Headquarters shall receive the same treatment as service vehicles of the Polish Armed Forces with regard to fees and tolls for road use.

(4) The competent authorities of the Receiving State shall, in respect of motor vehicles and trailers of the Headquarters, grant exemptions from regulations of the Receiving State concerning the construction, design and equipment of motor vehicles and trailers, with due regard to public safety and order, if such exemption is necessary for the fulfilment of the functions of the Headquarters.

(5) Deviations from the regulations governing conduct in road traffic shall be permitted to the Headquarters on such conditions and to such extent as are permitted to the Armed Forces of the Receiving State, if the vehicles and trailers are clearly marked as belonging to the Headquarters.

## Article 17

### Security

(1) NATO classified material within the Corps shall be treated and protected in accordance with applicable NATO security provisions.

(2) The Headquarters will develop common implementing regulations in the field of security including security of information technology (IT Security) for approval by competent national authorities.

(3) The Contracting Parties shall co-operate in the implementation of this Article and support each other in assuring its application.

## Article 18

### Personal Data Protection

(1) Personal data shall be passed and processed solely for the purposes envisaged in the NATO SOFA and in this Convention. Restrictions in possible applications based on the legislation of the Contracting Party supplying the information shall be observed. The Contracting Parties shall agree on common regulations on collection, processing and use of personal data.

(2) This Article shall not impose an obligation on the Contracting Parties to carry out measures which would contravene its laws or conflict with its predominant interests with regard to the protection of the security of the State or of public safety.

## Article 19

### Settlement of Disputes

Any dispute concerning the interpretation or application of this Convention shall be settled through

negotiations between the Contracting Parties without recourse to third parties.

As far as relevant, experiences and common practice deriving from the application of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty of the 28 August 1952 shall be used for interpretation.

## Article 20

### Accession of Other States

Other States Party to the North Atlantic Treaty may, at the invitation of the Contracting Parties to this Convention, join this Convention under conditions to be agreed in detail.

## Article 21

### Entry into Force, UN Registration, Amendments and Review of the Convention

(1) This Convention shall enter into force thirty days after the date of receipt of the last notification that the national requirements for entry into force have been fulfilled.

(2) As soon as this Convention enters into force, it shall be registered by the Government of the Republic of Poland with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations. The Government of the Republic of Poland shall inform the Government of the Kingdom of Denmark and the Government of the Federal Republic of Germany of the registration and the registration number as soon as it is notified by the Secretariat.

(3) This Convention may be amended or supplemented by mutual written consent of the Contracting Parties and due to required national procedures.

(4) This Convention shall be reviewed upon request of one of the Contracting Parties.

(5) This Convention may be terminated by each of the Contracting Parties giving twelve months notice in writing to the others. The Contracting Parties shall consult each other to agree on mutually acceptable conditions of termination.

Done at Szczecin on 5 September 1998 in triplicate, in the English language.

For the Government of the For the Government of For the Government of  
Federal Republic of Germany the Kingdom of Denmark the Republic of Poland