



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 04/L-248

**ON RATIFICATION OF THE AGREEMENT FOR THE STATUS OF
THE MEMBERS OF THE ARMED FORCES OF THE REPUBLIC
OF ALBANIA AND SECURITY FORCE OF REPUBLIC OF
KOSOVO DURING THEIR TEMPORARY RESIDENCE IN
RESPECTIVE STATES TERRITORY**

Assembly of Republic of Kosovo,

Based on Articles 18 and 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON RATIFICATION OF THE AGREEMENT FOR THE
STATUS OF THE MEMBERS OF THE ARMED FORCES OF THE
REPUBLIC OF ALBANIA AND SECURITY FORCE OF REPUBLIC
OF KOSOVO DURING THEIR TEMPORARY RESIDENCE IN
RESPECTIVE STATES TERRITORY**

Article 1
Purpose

The purpose of this Law is to Ratify the Agreement for Status of Members of the Armed Forces of the Republic of Albania and Security Forces of the Republic of Kosovo during their temporary stay on the territory of respective states.

Article 2

Scope

The Agreement on Status of Members of the Armed Forces of the Republic of Albania and Security Forces of the Republic of Kosovo during their temporary stay on the territory of respective states is a constituent part of this law (Annex 1) and is applied between the Republic of Kosovo and the Republic of Albania.

Article 3

Entry into Force

This law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 04/L-248
31 January 2014

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI



AGREEMENT

BETWEEN

THE REPUBLIC OF ALBANIA

AND

THE REPUBLIC OF KOSOVO

on

**Status of the Members of Armed Forces of the Republic of Albania and the
Security Forces of the Republic of Kosovo
during their temporary stationing in the territories of respective states**

The Republic of Albania
and
The Republic of Kosovo

Considering of a high level of importance the cooperation in defence and security areas in the interest of regional peace and stability and beyond;

Desiring to establish appropriate common rules on the temporary stationing of the members of Armed Forces of the Republic of Albania and the Security Forces of the Republic of Kosovo in the territories of the respective states

have agreed as follows:

Article 1 **Definitions**

1. **"Force"** means the personnel belonging to the Armed Forces of the Republic of Albania and Security Forces of the Republic of Kosovo.
2. **"Civilian Component"** means the civilian personnel accompanying a Force.
3. **"Dependant Person"** means the spouse of a member of a force or a civilian component, or the child/children of such a member depending on him or her for support.
4. **"Host Country"** means the Party in the territory of which the force or civilian component of the Sending State is stationed or passing in transit.
5. **"Sending Country"** means the Party to which it belongs the force sent in the territory of the Host country.

Article 2 **Purpose of Agreement**

This Agreement regulates the procedures for entry, exit, temporary stationing, and status of the members of Armed Forces of the Republic of Albania and members of the Security Forces of the Republic of Kosovo in the territory of respective countries, as well as civilian components or dependant persons.

Article 3 **Procedure and temporary stationing**

Procedures for entry, exit, and temporary stationing of the members of the Force, of the civilian components and of dependant persons are regulated based upon the national legislation of the Host Country. Temporary stationing in the territory of the Host Country, based on this

Agreement, is focused on exercises, training, passing in transit, humanitarian aid operations, search and rescue operations, and other aspects of cooperation between the countries. The details concerning the aim of the stationing, the number of the members of the force, civilian components and dependant persons, the place of deployment, duration and other necessary information are defined between the competent authorities. If necessary, the parties may agree on a technical respective agreement.

Article 4

Entry and Exit from the territory

1. The members of the Force of Sending Country shall be required to have these documents, in cases of entry and exit from the borders of the host country:
 - 1.1. Passport or Military Identity Card
 - 1.2. Travel Order, collective or individual, issued in the Albanian language, and in English or French language, by the relevant institution of the Sending Country.
2. Civilian component and dependant persons shall be required to have passports or identity cards.
3. The Host Country shall accept these documents as regular documents for the entry in the border check points of the members of the Force of Sending Country, without any additional request, unless otherwise specified in the additional technical agreement.
4. The personnel of the force of Sending Country, when passing the border for entry or exit from the territory of the Host Country, shall wear military uniform and respect the obligations related to border control rules.

Article 5

Weapons

1. Competent authorities of the Sending Country shall provide related information to the Host Country about the number, type, and any other necessary information on military weapons and ammunition the members of the Force of the Sending Country will have with them during their temporary stationing period in the territory of the Host Country.
2. The personnel of the Force of Sending Country can carry weapons for the execution of the issued orders from the relevant authorities of the Sending Country, based on the legislation of the Host Country and domestic legislation in these cases. The authorities of the Sending Country shall elaborate with priority the requests from the Host Country regarding weapons and ammunition issues.

Article 6
Public Security and Constitutional Order

In cases when the Host Country deems that its public security and constitutional order is threatened by a member of the Force of the Sending Country, the Host Country may claim the immediate departure of the above mentioned member/ person from its territory. The authorities of the Sending Country shall comply with this request.

Article 7
Compliance with laws and customs

The members of the force of Sending Country, civilian components, and dependant persons, shall be engaged to comply with laws, rules, customs and traditions of the Host Country and shall not be involved in any activity which is out of their mission in the territory of the Host Country.

Article 8
Jurisdiction

1. The Authorities of the Sending Country have the right to exercise within the territory of the Host Country the disciplinary jurisdiction, civil and criminal one, for the members of the Force of Sending Country.
2. The Authorities of the Host Country enjoy the right to exercise exclusive jurisdiction over the members of the Force of Sending Country, on the civilian components and dependant persons, in cases of violations which are punishable by the legislation of the Host Country and not punishable by the legislation of the Sending Country, and in cases when one of the above subjects commits violation concerning the security, independence, constitutional order and integrity of the Host Country.
3. The Authorities of the Host Country enjoy the primary right to exercise jurisdiction over members of the Force of the Sending Country concerning the criminal offence of murder, serious injury, and other criminal offences against the physical and sexual integrity, with the exception of cases when these actions are directed against a member of the Force of the Sending Country.
4. The relevant Authorities of the Host Country and the Sending Country shall cooperate for the settlement of all cases in which there are competing rights with each other on the exercise of jurisdiction. If the Country which has the primary right decides not to exercise the jurisdiction, it shall inform immediately the authorities of the other Country. The Authorities of the Country which have the primary right of the exercise of jurisdiction shall respond with a common understanding to the request of authorities of the other Country for an exception from its right in cases when the other Country deems that such an exception is of specific importance.

5. If the Host Country waives the right to exercise criminal jurisdiction against a member of the Force of the Sending Country, a civilian component or a dependant person, the Sending Country shall expel immediately the suspected person from the territory of the Host Country.

6. The Authorities of the Host Country and the Sending Country shall assist and cooperate with each other for the detention and arrest of the members of the Force, of civilian persons or their dependant persons, and their surrender to the competent authorities.

7. The Authorities of the Host Country and Sending Country shall assist and cooperate with each other for the execution of all necessary investigations and collection of elaboration of evidence.

Article 9 Customs Control

1. The members of the Force of Sending Country, the civilian component and their dependant persons, shall comply with laws and rules established by the customs authorities of the Host Country. The Customs authorities of the Host Country enjoy the right, according to the general conditions defined by laws and rules of the Host Country, to control the members of the Force of the Sending Country, the civilian component and their dependant persons, to check their baggage and vehicles, as well as to seize the items prohibited by law to be introduced in the territory of the Host Country.

2. Official documents with their respective official seals shall not be subject to customs control.

Article 10 Exemption from taxes and customs obligations

1. The Force of the Sending Country can import, without any customs fees, equipment for the Force and other reasonable quantity of food, supply and other goods for the exclusive use of the Force. In cases when it is allowed by the Host Country, this exemption is also used for civilian components of the Force and dependant persons.

2. The Force of the Sending Country shall import and re-export, without any customs fees, the service vehicles required for the accomplishment of the mission in the territory of the Host Country. The service vehicles of the Force of the Sending Country are exempt from any national taxes of the Host Country concerning their use.

3. The members of the Force, civilian components and their dependant persons can import without any payment their personal items and furniture, and their personal vehicles. The vehicles for personal use are not subject to exempt from national taxes of the Host Country concerning their use.

4. When it is not possible a total exemption from taxes, customs obligations, tariffs or other financial obligations defined in the legislation of the Host Country, the fees shall not be higher than those imposed to the personnel of the Force of the Host Country.

Article 11 Environmental Protection

The Sending Country shall acknowledge and accept the importance of environmental protection in the context of activities carried out by the members of its armed Force in the territory of the Host Country. The members of the Armed Force of the Sending Country shall comply with legal provisions of the Host Country on environmental protection. The competent Authorities of both Countries shall closely cooperate on all issues of environmental protection, especially for the conduct of exercises.

Article 12 Vehicle Driving Licences

The relevant Authorities of the Host Country shall mutually acknowledge, for the purposes of circulation in their territories, the regular national driving licences of the drivers, issued by the competent authorities of the Sending Country, within their validity period, according to the internal legal framework, for the members of the Force or civilian component and their dependant persons.

Article 13 Public Health

1. The Sending Country shall comply with the health legislation of the Host Country. The members of the Force of Sending Country can be required to submit an official health certificate issued by the authorities of the Sending Country, confirming that these persons do not suffer from contagious diseases.

2. The competent authorities of the Force of the Host Country shall notify the relevant authorities of the Force of Sending Country upon such request, not later than fifteen (15) days before the planned date of the entry of the force in the territory of the Host Country.

3. In cases when it is observed that a member of the Force of the Sending Country is infected with a contagious disease and represents a risk to the community, the authorities of the Host Country shall claim the temporary isolation or immediate repatriation of the above person from the territory of the Host Country.

Article 14

Claims on caused damages

1. Claims for remunerations in cases of damages caused to properties of the Host Country by the members of the Force of the Sending Country, during the exercise of their mission and beyond, shall be settled in accordance with the civil legislation of the Host Country. The competent authorities of the Parties shall engage to closely cooperate by helping each other for the settlement of the issue.
2. Claims of remunerations from the third parties, in case of damages caused to their property by the members of the Force of the Sending Country, shall be settled by the competent authorities of the Host Country, which have the task to immediately inform the competent authority of the Sending Country. The latter shall provide an analysis of the specific case and submit their appropriate report to the authorities of the Host Country.
3. The competent authorities of the Host Country decide if the remuneration shall be paid and at what amount is the claim caused to the injured party justified, based on the law of the Host Country. The remuneration to the third injured party shall be based on the rates: 75% of the total remuneration is paid by the Sending Country and 25% by the Host Country.
4. The authority of the Host Country shall pay the total remuneration in local currency. It shall also ask the authority of the Sending Country for financial reimbursement at its expense. The authority of the Sending Country shall reimburse its related sum of money within three months.

Article 15

Withdrawal from claims

The Parties shall withdraw all their claims for the injury or death of any of the members of the Force occurred during the exercise of his official duties, with the exception of cases when the consequence arises from intentional actions or negligence.

Article 16

Medical Services

The Host Country shall be responsible to provide for the personnel of the Force of Sending Country medical and dental assistance at the same level of condition provided for the personnel of its Force.

Article 17

Settlement of Disputes

Any disputes arising from the implementation or interpretation of this Agreement shall be resolved based on common understanding, through bilateral consultations and shall not be referred to any other third party for solution.

Article 18 Implementation

1. Measures related to the implementation of this Agreement shall be carried out by the Ministry of Defence of the Republic of Albania and the Ministry for Security Forces of the Republic of Kosovo, which shall notify each other on their respective points of contacts for its implementation.

2. If necessary, the Parties can sign a Technical Agreement in the future, in accordance with and in support of the implementation of this Agreement.

Article 19 Amendments and changes

This Agreement can be amended and changed in a written form, with the consent of both Parties.

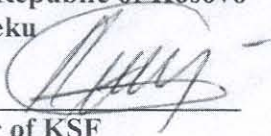
Article 20 Entry into Force, duration and termination

This Agreement shall enter into force after both Parties have notified each other on the accomplishment of the state legal requirements required for the entry into force. The date of the entry into force is the date of last notification by the parties.

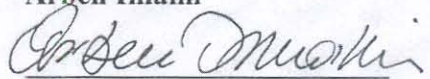
This Agreement shall remain into force for an indefinite period of time. The Agreement can be terminated by each of the Parties by a written notice for this purpose via diplomatic channels. The termination of the Agreement shall become effective six (6) months after the receipt of notice.

Done in Prizren, on 1 July 2013, in two original copies, each in the Albanian, Serbian and English languages, all texts being equally authentic. In case of any dispute in the interpretation or implementation of the provisions of this Agreement, the Albanian version shall prevail.

For the Republic of Kosovo
Agim Çeku


Minister of KSF

For the Republic of Albania
Arben Imami


Minister of Defence