

**AGREEMENT**  
**BETWEEN**  
**THE UNITED STATES OF AMERICA**  
**AND**  
**THE CZECH REPUBLIC**  
**ON THE STATUS OF**  
**UNITED STATES FORCES**  
**PRESENT IN THE TERRITORY**  
**OF THE CZECH REPUBLIC**

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## Preamble

The United States of America (the United States) and the Czech Republic (hereafter referred to collectively as “the Parties” and singularly as “Party”):

Recalling the Conclusion of the Agreement Between the United States of America and the Czech Republic on Establishing a United States Ballistic Missile Defense Radar Site in the Czech Republic, done in Prague on July 8, 2008;

Considering that the purpose of the presence of such United States forces in the Czech Republic is in furtherance of the efforts of the Parties to strengthen peace and security in areas of mutual interest, including by increasing the ability of the North Atlantic Treaty Organization (hereafter referred to as “NATO”) to promote and strengthen defense capabilities pursuant to Articles 3 and 5 of the North Atlantic Treaty, done in Washington on April 4, 1949;

Recognizing the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces, done in London on June 19, 1951, (hereafter referred to as “the NATO SOFA”), including its provision for separate arrangements supplementary to that Agreement, and intending that this Agreement constitutes such a supplementary arrangement;

Recognizing also the Agreement between the Government of the United States of America and the Government of the Czech Republic concerning Security Measures for the Protection of Classified Military Information, done in Prague on September 19, 1995, that relates to specific areas of mutual cooperation, as amended by exchange of notes;

Desiring to enhance cooperation between the United States and the Czech Republic;

Affirming that such cooperation is based on full respect for the sovereignty of each Party, including the territorial sovereignty of the Czech Republic, and the purposes and principles of the United Nations Charter and the North Atlantic Treaty;

Have agreed as follows:

**Article I**  
**Scope and Purpose**

1. This Agreement provides for the status of United States forces, its personnel and dependents who are present in the territory of the Czech Republic in connection with the radar site. This Agreement also provides for the status of United States contractors and United States contractor employees present in the territory of the Czech Republic in connection with construction and operation of the radar site.
2. The purpose of this Agreement is to regulate matters not covered by the provisions of the NATO SOFA and to supplement certain matters addressed in the NATO SOFA. Provisions of the NATO SOFA shall apply unless otherwise stated in this Agreement.

**Article II**  
**Definitions**

For the purposes of this Agreement, the following terms are hereunder defined:

1. The term “radar site” is used as specified in the Agreement Between the United States of America and the Czech Republic on Establishing a United States Ballistic Missile Defense Radar Site in the Czech Republic.
2. Except as provided in Article VII and Article XXIV of this Agreement, the term “civilian component” as defined in Article I, paragraph 1(b) of the NATO SOFA also includes employees of non-Czech, non-commercial organizations who are nationals of or ordinarily resident in the United States and who are not ordinarily resident in the territory of the Czech Republic, and who solely for the purpose of contributing to the welfare, morale or education of the United States forces, are accompanying those forces in the territory of the Czech Republic. The term “civilian component” also includes those dependents employed by United States forces, by the organizations referred to in this paragraph, or by service support activities in Article XXV of this Agreement. For the purposes of Articles XVIII through XXIII of this Agreement, Czech citizens and persons ordinarily resident in the territory of the Czech Republic shall not be considered as part of the civilian component.
3. “Classified information” means any information that, regardless of its form, under the national laws and regulations of either Party, requires protection against unauthorized disclosures, misappropriation or loss, and has been designated as such by the application of security classification markings. The information may be oral, visual, electronic, in documentary form, or in the form of materiel, including equipment or technology.
4. The term “dependent” as used in Article I, paragraph 1(c) of the NATO SOFA also means a member of the family of a member of the force or of the civilian component who is financially, legally, or for reasons of health dependent upon and supported by such member, shares the quarters occupied by such member, and is present in the territory of the Czech Republic with the consent of the authorities of the United States forces. For the purposes of Articles XVIII through XXIII of this Agreement, Czech citizens and persons ordinarily resident in the territory of the Czech Republic shall not be considered as dependents.
5. “Executive Agent” means the Department of Defense for the United States and the Ministry of Defense for the Czech Republic.
6. “Members of the force” has the same meaning as the term “force” in Article I, paragraph 1(a) of the NATO SOFA.

7. "Official duty" means any duty, service or act required or authorized to be done by statute, regulation or the order of a military superior or of a member of the civilian component issued in his or her supervisory capacity. Official duty is not meant to include all acts done by an individual during the period while on duty, but is meant to apply only to acts that are required or authorized to be done as a function of that duty or service that the individual is performing.

8. "United States forces" means the entity comprising the members of the force, the civilian component, and all property, equipment, and materiel of the United States Armed Forces present in the territory of the Czech Republic.

9. "United States contractors" and "United States contractor employees" mean non-Czech physical persons or legal entities and their employees who are not citizens of the Czech Republic or ordinarily resident in the territory of the Czech Republic, who are present on the territory of the Czech Republic in connection with activities under this Agreement to supply goods and services in the territory of the Czech Republic to United States forces under a contract or subcontract with or for United States forces.

10. "Minor offenses" means offenses, including administrative violations, that, if committed by civilians, are punishable under Czech law by authorities other than courts and by punishment other than confinement. Such offenses are cognizable under Article VII of the NATO SOFA.

### **Article III** **Use of Authorized Facilities and Areas**

1. Without prejudice to its full sovereignty and control over its territory and airspace, the Czech Republic grants the United States the use of facilities and areas located within the territory of the Czech Republic for the purpose of establishing and operating a radar site. The Czech Republic retains full sovereignty and title to any real property authorized to be used by United States forces.

2. The United States may, in concert with the Czech Executive Agent, undertake new construction activities, make alterations or improvements to structures or infrastructure, alter or demolish existing structures and infrastructure, and clear existing vegetation and excavate soil. Further, the United States may, at its discretion, maintain, equip, and operate ballistic missile defense structures and infrastructure, including operational and support facilities and infrastructure, at the radar site.

3. It is the duty of the United States to respect the relevant law of the Czech Republic in the course of preparation, construction and operation of, and withdrawal from, the radar site.

4. The Czech Executive Agent shall be responsible for obtaining all authorizations required by Czech law. The United States Executive Agent shall assist the Czech Executive Agent in obtaining such authorizations by expeditiously providing, on request, all appropriate information, documentation, and technical studies. There shall be no charge to the United States for such authorizations.

5. The United States shall respect Czech technical requirements and standards, but may, following consultation with the competent Czech authorities, apply its own technical requirements and standards of construction, provided that the United States standards and technical requirements are similarly effective in achieving the desired protections, or the health and safety of the Czech general public are not adversely affected.

6. Before commencing specific construction activities, including site preparation and other related activities, the United States forces shall submit all appropriate documentation for such activities to the Czech Executive Agent for review. Authorizations required by Czech law pursuant to paragraph 4 above shall be provided by the Czech Executive Agent as expeditiously as possible. Absent timely objection by the Czech Executive Agent, the specific United States construction activities may begin 45 days after all appropriate documentation is submitted for review.

7. United States forces may carry out construction works with members of the force and of the civilian component.

8. The United States Executive Agent shall regularly report to the Czech Executive Agent on the progress of the construction activities and shall enable representatives of the Czech Executive Agent full access to such works in order to observe that the construction is in conformity with the design. If the Czech Executive Agent determines that the construction deviates from the design, the Executive Agents shall immediately consult to resolve the issue.

9. Disagreements concerning planned or ongoing construction that cannot be resolved between the Executive Agents may be addressed in accordance with Article XXXII of this Agreement. At the request of the Czech Executive Agent, further work on that portion of a construction project that is the subject of such a disagreement shall be temporarily suspended pending prompt resolution of such disagreement.

10. The Parties shall cooperate on the long-term planning of the use and development of the land areas surrounding the radar site in order to ensure long-term, undisturbed implementation of this Agreement.

11. When requested, the Czech Executive Agent shall assist within its competencies in facilitating United States forces' temporary access to state-owned areas or other areas for use in support of United States forces transit, training, and related activities, as appropriate.

#### **Article IV** **Contracting Procedures**

United States forces may, in accordance with United States law, enter into contracts for the acquisition, from any source, of articles and services, including construction, in the territory of the Czech Republic. United States forces shall utilize local Czech physical persons and legal entities as suppliers of articles and services to the extent feasible for the performance of a contract when the bids of such suppliers are competitive and constitute the best value.

#### **Article V** **Security and Discipline**

1. The Czech Republic shall be responsible for ensuring adequate external security and protection of the radar site. The United States shall be responsible for internal security and maintenance of order at the radar site, including but not limited to access (entry and exit) to the radar site, and installation and maintenance of fences and other means of protection.

2. To ensure internal security, the United States may take all appropriate measures to ensure the maintenance of order and security at the radar site, including conducting checks on persons and items carried by them, and on vehicles entering and leaving the radar site.

3. United States military authorities shall be responsible for the maintenance of discipline over members of the force.

4. United States military authorities may establish military security units at the radar site.

5. Upon request of either Party and with the consent of appropriate Czech authorities, United States military authorities may operate outside of the radar site in order to restore or maintain discipline of members of the force and of the civilian component, and dependents. During such operations, United States military authorities shall act in cooperation with Czech authorities and shall respect their decisions.

6. Upon request of either Party and with the consent of appropriate Czech authorities, United States military authorities may operate outside of the radar site in order to ensure security of United States forces and dependents. During such operations, United States military authorities shall use clear identification of their special status, and they shall immediately contact appropriate Czech authorities and shall act consistent with their instructions.

7. Within the radar site, United States military authorities may detain any person infringing security measures or access authorizations. Except regarding those persons over whom the United States has primary or exclusive jurisdiction, United States military authorities shall immediately notify the appropriate authorities of the Czech Republic of any such detention and shall immediately enable them to take custody or control of such persons.

8. In order to assist each other in fulfilling their responsibilities under this Article, the Parties may establish joint patrols, joint operations or any other similar security measures for the purpose of the maintenance of public order and safety. All measures under this paragraph shall be coordinated by appropriate authorities of both Parties.

9. Authorities of the Parties may exchange information, including personal data, relating to the prevention, detection, investigation, trial, and punishment of offenses related to the radar site, members of the force or of the civilian component, or dependents. Unless otherwise agreed by the Parties, personal data provided pursuant to this Article shall be used only for the purposes for which transmitted. The Parties shall take all necessary measures for protection of personal data in accordance with their laws and regulations.

## **Article VI** **Property Ownership**

1. All buildings, non-relocatable structures, and assemblies connected to the soil in the radar site area, including those used, altered or improved by United States forces, remain the property of the Czech Republic. All such structures constructed by United States forces become the property of the Czech Republic, once constructed, and United States forces are authorized to modify and use such structures.

2. Upon the termination of this Agreement, or when no longer needed by the United States, United States forces shall return to the Czech Republic the radar site, or any portion thereof, and any non-relocatable structures and assemblies connected to the soil. The radar site shall be returned in a serviceable condition consistent with its ordinary use with the understanding that the United States shall not be required to expend additional funds to make upgrades or repairs. Environmental aspects of the return of the radar site shall be governed by Article XXX of this Agreement. The Parties or their Executive Agents shall consult regarding the terms of return of the radar site. Any disputes regarding the terms of return of the radar site shall be settled

by negotiation through the Joint Commission as provided in Article XXXII, paragraph 3 of this Agreement.

3. United States forces and United States contractors shall retain title to all equipment, materiel, supplies, relocatable structures, fixtures, and other movable property they have installed, imported into or acquired within the territory of the Czech Republic in connection with this Agreement. This provision is without prejudice to the right of the competent Czech authorities to effect the forfeiture or seizure of United States contractors' property in the exercise of their criminal or administrative jurisdiction.

4. The United States and the Czech Republic may consult regarding the possible transfer or purchase of equipment determined to be excess, as may be authorized by United States law.

## **Article VII** **Possession and Use of Weapons**

1. In accordance with Article VI of the NATO SOFA, members of the force on official duty may possess and carry arms if authorized to do so by their orders. Czech authorities shall consider sympathetically requests by United States military authorities to allow members of the civilian component to carry and possess weapons for the purpose of protection in the performance of their protective or investigative functions for the United States forces if authorized to do so by their orders.

2. Possession and use of weapons by members of the force and of the civilian component outside the performance of official duty, and possession and use of weapons by dependents and United States contractor employees shall be in accordance with Czech laws and regulations.

## **Article VIII** **Entry and Stay**

1. Unless otherwise mutually agreed between the Executive Agents, the Czech Republic waives its authority under Article III, paragraph 2(b) of the NATO SOFA, to require countersignature of movement orders.

2. Members of the civilian component and dependents shall be exempt from the requirement to obtain visas to the maximum extent permissible under Czech law. Members of the civilian component and dependents shall be exempt from a duty to register with the police. To facilitate the entry and stay of members of the civilian component and dependents in the territory of the Czech Republic, the Executive Agents shall exchange relevant information on these persons.

3. Within five working days after their entry into the Czech Republic, members of the force and of the civilian component, United States contractors, United States contractor employees, and dependents shall apply to the appropriate Czech authorities for a certificate indicating their status as persons subject to provisions of this Agreement. Czech authorities shall issue this certificate in the English and Czech languages to such persons without delay, but no later than 30 days after their entry into the Czech Republic. The Czech Executive Agent shall provide a specimen of the certificate to the United States Executive Agent through the Joint Commission.

4. At the time of their entry into the territory of the Czech Republic, members of the civilian component and dependents shall be in possession of a valid passport. During their stay in the Czech Republic, such persons shall show either their United States Department of Defense identification card or their passport, and, if it has been issued, the certificate described in paragraph 3 of this Article, upon request by authorities of

the Czech Republic. The United States Executive Agent shall provide a specimen of the United States Department of Defense identification card to the Czech Executive Agent through the Joint Commission.

5. United States contractors and United States contractor employees shall enter and stay in the territory of the Czech Republic in accordance with Czech law. In case of the need for visas, the Czech Republic shall grant or deny them expeditiously.

6. Should a member of the force or of the civilian component die or be transferred from the territory of the Czech Republic, dependents of such member, while such dependents are present in the territory of the Czech Republic, shall continue to be accorded the status of dependents under this Agreement for a period of 90 days after such death or transfer.

7. Procedures pursuant to Article III, paragraphs 4 and 5 of the NATO SOFA shall apply also to members of the civilian component and dependents as defined in Article II of this Agreement.

### **Article IX** **Status of Contractors**

1. United States contractors and United States contractor employees shall be certified as such by United States military authorities and such certifications shall be provided to the appropriate Czech authorities. The United States Executive Agent shall provide a specimen of the certification to the Czech Executive Agent through the Joint Commission.

2. United States contractors and United States contractor employees, acting within the scope of this Agreement, shall be exempt from Czech laws and regulations with respect to the terms and conditions of their employment to perform work under contracts with United States forces, and licensing and registration of businesses and corporations solely with regard to the provision of goods and services to United States forces. Taxation of income shall be in accordance with Article XV of this Agreement for:

- a. United States contractors which are legal persons, partnerships or associations deriving their status as such from the laws in force in the United States or are ordinarily resident in the United States;
- b. United States contractors who possess the nationality of the United States or are ordinarily resident in the United States; and
- c. United States contractor employees who possess the nationality of the United States or are ordinarily resident in the United States.

3. United States contractors and United States contractor employees whose presence at a facility to which access is controlled by Czech authorities is required for the performance of a contract with United States forces shall be granted access to such facility within five working days and, in exceptional circumstances, within no more than two working days, of a request by United States military authorities. Such access may be denied or withdrawn for reasons of security or due to misconduct on the part of the United States contractor or United States contractor employee. If the appropriate Czech authorities deny or withdraw such access, they shall state the reasons for their decision in writing to the appropriate United States military authorities.

4. If United States military authorities withdraw the certification provided under paragraph 1 of this Article to United States contractors and United States contractor employees, notice of such withdrawal shall be provided to appropriate Czech authorities, and the privileges accorded to such entities and persons in connection with this Agreement shall be terminated.

**Article X**  
**Movement of Vehicles and Aircraft**

1. With respect for the relevant Czech laws and regulations on land safety and movement, vehicles operated by or exclusively for United States forces in connection with the radar site may enter, exit, and move within the territory of the Czech Republic. The vehicles shall be reported to the appropriate Czech authorities.

2. With respect for the relevant rules of air safety and navigation, on approval of Czech authorities granted in accordance with established procedures United States state aircraft and other aircraft that are at the time operating exclusively under contract to the United States Department of Defense and in connection with the radar site, are authorized to land and take off within the territory of the Czech Republic. The United States shall pay standard commercial rates less taxes for services requested and received. United States state aircraft shall be free from boarding or inspection without the consent of United States authorities.

**Article XI**  
**Official Importation and Exportation**

1. With reference to Article XI of the NATO SOFA, goods, which include materiel, supplies, equipment, and other property, imported by United States forces or which are for the ultimate use by or for United States forces, including to support military services and military service activities, or are to be used or consumed by or on behalf of United States forces or are to be incorporated into articles or facilities used by United States forces, shall be permitted entry into the territory of the Czech Republic. Such entry shall be free from duties and other charges, including excise taxes and value added tax (hereafter referred to as "VAT"). The Parties shall cooperate as may be necessary to ensure that the quantities of goods imported are reasonable. United States forces shall provide the Czech authorities an appropriate certification that such goods are being imported by United States forces.

2. Goods referred to in paragraph 1 of this Article, imported by or on behalf of the United States forces into the Czech Republic, shall be exempt from any tax or other charge that would otherwise be assessed upon such property after its importation into the Czech Republic or acquisition by the United States forces in the Czech Republic.

3. Exportation from the Czech Republic territory by United States forces of goods referred to in paragraph 1 of this Article shall be exempt from Czech export duties.

4. Deposit of the certificate provided for in Article XI, paragraph 4 of the NATO SOFA shall be accepted by Czech customs authorities instead of customs declaration of the items imported or exported by or for the United States forces under this Article. Any inspection shall take place expeditiously.

**Article XII**  
**Personal Importation and Exportation**

1. Members of the force and of the civilian component, and dependents may import their personal property, furniture, one private motor vehicle per person 18 years or older, and other goods intended for their personal or domestic use or consumption free of duty during their assignment in the territory of the Czech Republic. This privilege shall apply not only to goods that are the property of such persons, but also to goods sent to them by way of gift or delivered to them in fulfillment of contracts directly concluded with a person or persons not domiciled in the territory of the Czech Republic. This property shall be listed in a document for the purpose of its identification as property for personal use that is free of import and export duties. This document shall be submitted to customs authorities of the Czech Republic.

2. The property referred to in paragraph 1 of this Article and other goods acquired free of taxes and/or duties may not be sold or otherwise transferred to persons in the territory of the Czech Republic not entitled to import such property duty free, unless such transfer is agreed upon by the appropriate Czech authorities. Payment of any taxes due as the result of such transactions shall be the responsibility of the recipient of such property or other goods. This provision shall not apply to gifts to charity. Members of the force and of the civilian component, and dependents may freely transfer such property among themselves and to or from the force, and such transfers shall be free of tax and/or duty. The United States forces shall be responsible for maintaining records that shall be accepted as proof by Czech authorities of these transfers of tax- or duty-free merchandise. Czech authorities shall accept duly filed police reports as prima facie evidence that tax- or duty-free property of members of the force or of the civilian component, or dependents has been stolen, which shall relieve the individuals of any liability for payment of the tax or duty.

3. Members of the force and of the civilian component, and dependents may export and/or re-export, free of exit duties or charges, goods imported by them into the territory of the Czech Republic identified as such under paragraph 1 of this Article. Export of goods acquired by them during their period of duty in the territory of the Czech Republic shall be subject to Czech laws and regulations, except those regarding taxes and duties on exports.

4. Consistent with current Czech law, personal property imported by United States contractor employees shall be admitted free of import and re-export duties. Should current Czech law on this subject change, at the request of either Party the Executive Agents of the Parties shall confer, through the Joint Commission, concerning the impact of the change on United States contractors or United States contractor employees.

**Article XIII**  
**Customs Procedures**

1. The Czech Republic shall take all appropriate measures to ensure the smooth and rapid clearance of imports and exports under this Agreement.

2. Customs inspections under this Agreement shall be carried out in accordance with procedures mutually agreed between the appropriate Czech authorities and the United States forces. Any customs inspection by Czech customs authorities of incoming or outgoing personal property of members of the force or of the civilian component, or dependents shall be conducted when the property is delivered to or picked up from the individual's residence.

3. United States forces official documents and classified information may be imported into and exported from the Czech Republic without being subjected to a customs inspection. United States forces official documents and classified information shall be appropriately marked and a certificate shall be issued that confirms that these are documents exclusively for official use.

4. United States military authorities shall establish and implement necessary measures aimed at the prevention of abuses of the rights granted under the NATO SOFA and this Agreement. United States military authorities and Czech authorities shall cooperate in the investigation of any alleged offenses involving customs violations.

**Article XIV**  
**Tax Exemptions for Official Duty Activities**

1. Provision of goods and services, which include materiel, supplies, services, utilities, equipment, and other property, shall be exempt from VAT or similar or successor taxes if the goods and services are purchased by or intended for use by United States forces or are to be consumed by or on behalf of United States forces or are ultimately to be incorporated into articles or facilities used by United States forces.

2. Goods subject to excise or energy taxes, including electricity and energy products, intended for use by or on behalf of United States forces shall be exempt from such taxes. Purchases of electricity, natural gas, and solid fuels for official purposes shall be exempt from such taxes at the point of sale. In all other cases, exemption shall be granted through a procedure for reimbursement as expeditiously as possible.

3. United States forces shall provide to competent Czech authorities an appropriate certification that the goods and services referred to in paragraph 1 are for the ultimate use by United States forces or are to be consumed by or on behalf of United States forces or are ultimately to be incorporated into articles or facilities used by United States forces.

4. The procedures, forms, and certificates to implement the exemptions in this Article shall be set out in an implementing arrangement.

**Article XV**  
**Tax Exemptions**

1. Provisions of the NATO SOFA and the Convention between the United States of America and the Czech Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital done in Prague on September 16, 1993 shall apply, unless this Article provides otherwise. The provisions most favorable to the tax payer shall prevail.

2. Income of a member of the force who is not a national of the Czech Republic or of a member of the civilian component who is not a national of the Czech Republic shall be exempt from taxation in the Czech Republic provided that such income is derived from United States military service or United States government employment. Issues concerning taxation of other elements of income derived by such a person from sources in the territory of the Czech Republic shall be solved in accordance with relevant Czech laws, regulations, and international agreements.

3. Unless the Agreement otherwise stipulates, issues concerning taxation of income of dependents shall be solved in accordance with relevant Czech laws, regulations, and international agreements.

4. Income of any kind, including earnings, profits, salaries or remunerations, received exclusively because of the contracts authorized by this Agreement, shall be exempt from taxation in the Czech Republic for:

- a. United States contractors which are legal persons, partnerships or associations deriving their status as such from the laws in force in the United States or are ordinarily resident in the United States;
- b. United States contractors who possess the nationality of the United States or are ordinarily resident in the United States; and
- c. United States contractor employees who possess the nationality of the United States or are ordinarily resident in the United States.

5. The service support activities referred to in Article XXV of this Agreement are integral parts of the United States forces and shall be accorded the same fiscal and customs exemptions granted to the force, including those provided in Article XI and XIV of this Agreement. Transactions in which goods or services are provided by such service support activities shall be exempt from VAT and other similar taxes and fees.

6. Members of the force and of the civilian component, and dependents shall not be liable to pay any tax, in the territory of the Czech Republic on the ownership, possession, use, transfer among themselves, or transfer in connection with death of their tangible movable property imported into the territory of the Czech Republic or acquired there for their own personal use. Vehicles operated by United States forces shall be exempt from the Czech road tax. Vehicles owned by a member of the force or of the civilian component, or a dependent shall be exempt from Czech road tax unless these vehicles both are registered in the Czech Republic and are used for commercial purposes.

7. Members of the force and of the civilian component, and dependents shall not be liable to pay any fee, license charge, or similar charges, including television or radio fees, except those levied for services requested and received, to the extent granted to diplomatic personnel.

8. The exemption from taxes on income provided by Article X of the NATO SOFA shall also apply to income received by members of the force and of the civilian component and dependents who are not nationals of the Czech Republic from employment with the organizations referred to in Article II, paragraph 2 or with the service support activities referred to in Article XXV of this Agreement.

9. The provisions of Czech laws and regulations pertaining to the obligation of an employer or self-employed individual to withhold or prepay income taxes and social security contributions shall not be applicable to income exempt from taxation in the Czech Republic under the terms of this Agreement.

10. Periods during which a dependent is in the territory of the Czech Republic accompanying his/her sponsor shall not be considered as creating a change of residence or domicile for the purpose of determining one's tax residence under Czech law. Marriage shall not, in and of itself, create a change in tax residency for purposes of Czech taxation.

11. Periods during which a United States contractor or a United States contractor employee is in the territory of the Czech Republic in relation to a contract with United States forces or a subcontract with regard to the provision of goods and services to United States forces and during which the contractor or contractor employee is not engaged in commercial ventures not related to United States forces shall not be considered as periods of residence in the Czech Republic, or as creating a change of residence or domicile, for the purpose of taxation under Czech law.

**Article XVI**  
**Motor Vehicles**

1. Czech authorities shall honor the registration and licensing by United States military and civilian authorities, relating to motor vehicles, trailers, and tactical vehicles of United States forces, members of the force and of the civilian component, United States contractors, United States contractor employees, and dependents. Upon the request of United States military authorities, the Czech authorities shall issue license plates, without charge, which are indistinguishable from those issued to the Czech population at large. The Parties shall use the same or similar procedures as used for the issuance of diplomatic vehicle registration and license plates in the Czech Republic.

2. United States military authorities shall provide for the safety of motor vehicles and trailers registered and licensed under paragraph 1 of this Article with due regard to Czech laws and regulations.

3. It is the duty of members of the force and of the civilian component, United States contractors, United States contractor employees, and dependents to maintain liability insurance for their privately owned vehicles in accordance with requirements for such insurance under Czech law. The United States shall act as the insurer for all official vehicles except those bearing Czech license plates.

4. A license or other permit issued to a member of the force or of the civilian component by United States military authorities empowering the holder to operate vehicles or aircraft of the force is valid in the Czech Republic. United States military authorities shall provide specimens of such licenses and permits, with accompanying explanation.

5. Czech authorities will honor driving licenses issued by United States military authorities for the operation of private motor vehicles by members of the force or of the civilian component, United States contractors, United States contractor employees, and dependents if United States military authorities have determined that, in addition to fitness to operate a motor vehicle, applicants possess adequate knowledge of Czech traffic regulations. In such cases, international drivers' licenses shall not be required. United States military authorities shall provide specimens of such licenses. Czech traffic laws and regulations regarding age limitations on the operation of motor vehicles shall apply.

6. United States military authorities shall withdraw driving licenses valid in the Czech Republic, issued in accordance with paragraphs 4 and 5 of this Article, if there is reasonable doubt concerning the holders' reliability or fitness to operate a motor vehicle. They shall respect Czech laws and regulations concerning the withdrawal of such driving licenses.

7. In cases where Czech courts or administrative bodies exercise jurisdiction pursuant to Article VII of the NATO SOFA and Articles XVIII and XXIII of this Agreement, provisions of Czech law relating to the withdrawal of permission to drive apply to driving licenses referred to in paragraph 5 of this Article.

8. Motor vehicles owned by a member of the force or of the civilian component, or a dependent shall be exempt from Czech registration or license fees, and similar charges, but not from the payment of tolls for the use of roads, bridges, and tunnels paid by members of the general public.

**Article XVII**  
**Authorization to Provide Professional Services**

Except as provided in Article VII of this Agreement, the Czech Republic shall not require members of the force or of the civilian component, United States contractors, or United States contractor employees to obtain trade, professional or other licenses otherwise required by the Czech Republic in relation to the provision of services by such persons in the Czech Republic as part of their official, working or contractual duties provided in connection with this Agreement to United States forces, members of the force and of the civilian component, dependents, United States contractors, United States contractor employees, and other personnel as mutually agreed by the Executive Agents.

**Article XVIII**  
**Criminal Jurisdiction**

1. The Czech Republic recognizes the particular importance of United States military authorities' disciplinary control over members of the force and the effect that such control has on operational readiness. The United States recognizes that certain cases, particularly those involving suspicion that a member of the force or of the civilian component, or a dependent committed an act resulting in grievous bodily harm or death of at least one person who is not a member of the force or of the civilian component, or a dependent, are of significant importance to the Czech Republic. Therefore, under Article VII, paragraph 3(c) of the NATO SOFA, each Party agrees to give sympathetic consideration to requests made by the other Party for waiver of its primary right to exercise criminal jurisdiction over members of the force or of the civilian component, or dependents.

2. United States military authorities and appropriate Czech authorities shall immediately inform the other Party in writing of any case falling under the primary jurisdiction of the other Party. The Czech Republic shall promptly notify the United States when an investigation is commenced that may involve a member of the force or of the civilian component, or a dependent, as the suspect or the victim. The United States shall promptly notify the Czech Republic when an investigation is commenced that may involve a Czech citizen.

3. Whenever a member of the force or of the civilian component, or a dependent is prosecuted by Czech authorities, jurisdiction shall be exercised by Czech non-military courts of general jurisdiction.

4. Members of the force or of the civilian component, or dependents may not be prosecuted in absentia, unless they avoid criminal proceedings by staying abroad or by hiding. Trial in the absence of these persons may be held only if the court is satisfied that the case may be reliably decided, and that the purpose of the criminal proceedings may be reached even without the presence of these persons, and if the indictment had been duly served on these persons, and if these persons had been timely and duly summoned to appear at the trial, and if these persons had been already heard by a law enforcement authority about the facts that are the cause of the indictment, and if provisions on commencement of prosecution had been followed, and if these persons had been notified about the possibility to study the file and make proposals to amend investigation. Trial in the absence of these persons may not be held if these persons are detained or are serving a sentence of imprisonment in the Czech Republic or if it concerns an offense punishable under Czech law by more than five years of imprisonment, unless these persons request that the trial be held in their absence. Czech authorities shall notify United States military authorities in advance if they intend to proceed with a trial in absentia and shall give careful consideration to the opinions of the United States forces in such circumstances.

5. A Party's request for the other Party's waiver of the right of primary criminal jurisdiction shall be delivered to the competent authority of the requested Party no later than 30 days after the date the notification referred to in paragraph 2 of this Article is given. The waiver will be considered granted if, within 30 days from the date on which the request is received, the competent authority of the requesting Party is not notified that the request has been rejected, or that clarification of the request is being solicited. In the latter case, the running of the 30 day period is suspended until the clarification is sent through the same channel as the waiver request.

6. In the case that one of the Parties waives its right of primary criminal jurisdiction, documents and tangible evidence obtained so far in relation to that criminal case shall be transmitted to the other Party through the competent Czech authority and appropriate United States military authority. The handover of evidence may be postponed only for the time necessary for completion of other criminal proceedings by the Party that has waived its right of primary criminal jurisdiction. A temporary handover of the evidence to the Party that exercises its jurisdiction is not excluded.

### **Article XIX** **Cooperation Regarding Criminal Matters**

1. In accordance with Article VII, paragraph 6 of the NATO SOFA, the appropriate Czech authorities and United States military authorities shall assist each other in carrying out all necessary investigations into offenses. Such assistance shall be provided in a spirit of cooperation without undue delay. This assistance may be refused only to the extent that the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, public order or other essential interests of the State. If the assistance requested is seizure and handing over of objects connected to an offense, the handing over of such objects may be made subject to their return within the time specified by the Party delivering them. If the authorities of both Parties have requirements to use particular evidence for evidentiary purposes in judicial or related proceedings, the Parties shall consult regarding their respective needs for the evidence. If the property of United States forces is seized within criminal proceedings in the Czech Republic, such property shall be returned to the United States forces promptly following its processing as evidence. Should such property be required by Czech authorities within criminal proceedings, United States military authorities shall make such property temporarily available to Czech authorities promptly upon their request.

2. The United States military authorities, under the condition of respecting the constitutional order of the Czech Republic, are authorized to gather evidence on the premises of the radar site in carrying out all necessary investigations into offenses under their jurisdiction.

3. The gathering of evidence by United States military authorities on the territory of the Czech Republic, other than as described in paragraph 2 of this Article, may be performed by United States military authorities only under the condition of respecting the constitutional order of the Czech Republic and on the basis of cooperation with the competent Czech authority and, unless waived, in their presence. The gathering of evidence that under Czech law requires consent or order of a prosecutor or a court may be performed only by Czech authorities on the request of United States military authorities for such assistance; the competent Czech authority may permit participation of United States military authorities in the gathering of evidence. Limitations on the use of evidence gathered by Czech authorities under this paragraph for criminal proceedings regarding an offense that is different from the offense mentioned in the United States military authorities' request for assistance, may be imposed by the competent Czech authorities at the time that such evidence is transferred.

4. Requests for such assistance shall be processed in accordance with the legal procedure of the requested Party. If the legal procedure of the requested Party makes a certain type of assistance conditional on the existence of a treaty on mutual legal assistance in criminal matters, the NATO SOFA or this Agreement shall be considered the legal basis for the assistance.

5. Representatives of United States military authorities may be permitted to accompany Czech authorities in gathering of evidence in the Czech Republic upon request. If it is necessary for Czech authorities to gather evidence at the radar site, such gathering of evidence shall be carried out in accordance with Czech law and in presence of a local representative of the United States forces.

#### **Article XX** **Determination of Criminal Jurisdiction in Official Duty Cases**

1. For purposes of determining whether an alleged criminal offense has arisen out of any act or omission done in the performance of official duty by a member of the force or of the civilian component under Article VII, paragraph 3(a)(ii) of the NATO SOFA, an official duty certificate shall be issued by an appropriate United States military authority and shall constitute sufficient proof of the fact.

2. In cases where Czech authorities believe the circumstances of the case require review of the official duty certificate, United States and Czech authorities shall consult immediately, but the Czech authority dealing with the case shall not bring the case to trial. During such consultation, Czech authorities may raise any objections concerning the official duty certificate. Czech authorities may require explanation and review of the certificate by senior United States military authorities.

3. Provisions of this Article shall also apply to determination of jurisdiction over minor offenses under Article XXIII committed in the performance of official duty.

#### **Article XXI** **Control, Detention, and Access**

1. United States military authorities and Czech police authorities shall mutually cooperate in detaining members of the force and of the civilian component, and dependents in the territory of the Czech Republic and in surrendering them to authorities of the Party exercising its jurisdiction over that case.

2. Czech authorities shall notify United States military authorities immediately when a member of the force or of the civilian component, or a dependent is arrested or detained by Czech authorities.

3. In cases where the Czech Republic is to exercise criminal jurisdiction, and a member of the force or of the civilian component, or a dependent is in the physical control of Czech authorities pursuant to Article VII of the NATO SOFA, the custody of such individual shall be exercised in custodial institutions of the Czech Republic designated for that purpose by the Parties.

4. United States military authorities may request in writing that Czech authorities release a member of the force or of the civilian component, or a dependent to United States military authorities' physical control and custody until the conclusion of all related judicial proceedings or as otherwise agreed between United States military and Czech authorities. Czech authorities shall agree to such request, except in cases where there is reason to believe that the accused will intimidate witnesses or obstruct justice, or, as to a member of the civilian component or dependent, that confinement

is necessary to ensure their presence for criminal proceedings or to prevent them from engaging in specific criminal activities.

5. In cases where there is reason to believe the accused will intimidate witnesses or obstruct justice, unless otherwise agreed, United States military authorities shall enforce the terms of confinement imposed by the competent Czech authorities on a member of the force to the extent permitted by United States laws and regulations. If at any time United States military authorities are unable to enforce the terms of confinement imposed by the competent Czech authorities on a member of the force, they shall promptly inform the competent Czech authorities of that fact and may propose alternative means for exercising control and custody. If the competent Czech authorities then so request, United States military authorities shall promptly return such person to the custody and control of Czech authorities.

6. In cases where a member of the force or of the civilian component, or a dependent accused by Czech authorities is in the control of United States military authorities, United States military authorities shall, to the extent of their authority, and upon request of the competent Czech authorities, ensure the timely attendance of the accused before the competent Czech authorities for the purposes of criminal proceedings and take, within the time limit stipulated in applicable laws of the Parties, appropriate measures so that the administration of justice is not interfered with. In the event that the judicial proceedings are not completed within one year of their commencement, United States military authorities shall be relieved of the obligation to ensure the attendance of the accused. If the competent Czech authorities inform United States military authorities before expiration of the one year time limit that it would not be possible to conclude the criminal proceedings within the time limit, including the reasons for which it would be impossible, the time limit shall be extended by six months. Such an extension shall be renewable for an additional six months. Thereafter extension of the obligation shall be by mutual agreement of the Parties. The United States shall give sympathetic consideration to such requests of the Czech Republic. Recognizing the obligation under the NATO SOFA to provide a prompt and speedy trial, Czech authorities agree to give these cases a high priority and to process them expeditiously.

7. Until the termination of criminal proceedings in the Czech Republic, United States military authorities shall inform Czech authorities about the accused losing the status of a member of the force or of the civilian component, or a dependent.

8. During custody of a member of the force or of the civilian component, or a dependent exercised in the Czech Republic, United States authorities, upon a request submitted in advance, shall be permitted to have the timely access to any such individual. United States military authorities shall be permitted to be present during interrogations of such persons.

9. Any period of time spent in restraint or custody exercised in the Czech Republic or custody exercised by United States military authorities shall be credited against any sentence to confinement eventually adjudged.

## **Article XXII** **Confinement and Visitation**

1. Confinement imposed by a Czech court, upon conclusion of all related judicial proceedings, upon a member of the force or the civilian component, or a dependent shall be served in the Czech Republic in institutions designated for such purposes by the Parties. In cases where a member of the force or the civilian component, or a dependent sentenced by Czech authorities is in the control of United States military authorities, the United States authorities shall turn over such person to Czech authorities to serve the adjudged sentence of confinement in the Czech Republic.

2. In justified cases, upon a request submitted in advance, competent Czech authorities may exercise their discretion to permit exceptional visits of such persons by their family members. Czech authorities shall permit United States authorities to visit such persons upon request. Czech authorities shall, to the extent permitted by Czech laws and regulations, allow United States authorities to provide such persons with assistance that does not interfere with the enforcement of the sentence.

3. The Parties may transfer a convicted member of the force or of the civilian component, or a dependent to serve a sentence to confinement or its remainder in the United States, in accordance with the Strasbourg Convention on the Transfer of Sentenced Persons of March 21, 1983.

**Article XXIII**  
**Minor Offenses and Disciplinary Jurisdiction**

1. Jurisdiction of the Parties over minor offenses shall be determined as follows:

- a. Czech authorities shall have the primary right to exercise jurisdiction over minor offenses in accordance with the NATO SOFA, except as provided in subparagraphs b and c of this paragraph. With respect to these offenses, Czech authorities may request United States military authorities to exercise jurisdiction over such minor offenses committed by a member of the force or of the civilian component, or a dependent. Such request shall be made in a written statement no later than 15 days after the minor offense was detected. United States military authorities may refuse such request by a written statement no later than 15 days after its receipt.
- b. For minor offenses arising out of any act or omission done in the performance of official duty, United States military authorities shall have the right to exercise primary jurisdiction. With respect to these offenses, United States military authorities may request Czech authorities to exercise jurisdiction over such minor offenses committed by a member of the force or of the civilian component. Such request shall be made in a written statement no later than 15 days after the minor offense was detected. Czech authorities may refuse such request by a written statement no later than 15 days after its receipt.
- c. The Czech Republic waives, as provided by Article VII, paragraph 3(c) of the NATO SOFA, its primary right to exercise jurisdiction over minor offenses committed by a member of the force or of the civilian component, or a dependent within the radar site. Czech authorities may in specific cases recall the waiver by written statement to United States military authorities no later than 15 working days after the minor offense was detected.

2. United States military authorities shall promptly notify appropriate Czech authorities of any serious case falling under the subparagraph 1(c) of this Article.

3. United States military authorities shall accept written complaints pertaining to offenses falling under jurisdiction of United States military authorities under this Article and shall inform the complainant on the outcome of the case.

4. Czech authorities may request the assistance of United States military authorities in carrying out sanctions imposed by Czech authorities for minor offenses. United States authorities shall give maximum sympathetic consideration to such requests.

5. In accordance with Article VII, paragraph 6 of the NATO SOFA, the appropriate Czech authorities and United States military authorities shall cooperate with each other in administrative matters. If the authorities of both Parties have requirements to use particular evidence for evidentiary purposes in administrative or disciplinary proceedings, the Parties shall consult regarding their respective needs for the evidence. If the property of United States forces is seized within administrative proceedings in the Czech Republic, such property shall be returned to United States forces promptly following its processing as evidence. Should such property be required by Czech authorities within administrative proceedings, United States military authorities shall make such property temporarily available to Czech authorities promptly upon their request.

## **Article XXIV**

### **Claims**

1. In case of civil claims against a member of the force or of the civilian component, the provisions of Article VIII of the NATO SOFA, as supplemented by this Article, shall be used. Members of the force and of the civilian component shall not be subject to any proceedings for civil claims arising out of acts or omissions attributable to such persons done in the performance of their official duties. Such claims may be presented to the appropriate Czech authorities and processed according to the provisions contained in Article VIII of the NATO SOFA. This provision is without prejudice to the right to compel the testimony or production of evidence in accordance with Article VIII, paragraph 10 of NATO SOFA and Czech civil procedural law.

2. As used in this Article and Article VIII of the NATO SOFA, the term “civilian component” shall include all persons, regardless of their nationality or place of residence, who are United States employees acting in the performance of official duty as assigned by the United States forces, but shall not include United States contractors, United States contractor employees, other contractors and their employees, or non-commercial organizations and their employees, regardless of their nationality or place of residence.

3. Members of the force and of the civilian component, and dependents shall not suffer default judgments or actions prejudicial to their interests when official duties or duly authorized absence temporarily prevents their attendance at non-criminal proceedings to which they are parties. United States forces shall promptly inform the court where the proceedings are held as to the reason that prevents their attendance. United States forces shall ensure, to the extent of its authority, the attendance of such persons at these proceedings as soon as official duties permit, or upon return from authorized absences. If a member of the force or of the civilian component is attached to an operational unit that is temporarily deployed outside of the Czech Republic, United States forces shall inform the court where the proceedings are held of the expected date of completion of the deployment, with the understanding that United States forces shall ensure, to the extent of its authority, the return of the member of the force or of the civilian component within 60 days upon completion of the deployment. United States forces shall promptly inform the court if the expected date of completion of the deployment changes. United States forces shall ensure, to the extent of its authority, the service of judicial documents to these persons, or taking of evidence, during their deployment outside of the Czech Republic. If the member of the force or of the civilian component does not return and attend proceedings within 60 days upon completion of the deployment, then the first sentence of this paragraph

shall not apply. For all other members of the force or of the civilian component, and dependents, if they do not attend proceedings for a period of time longer than six months, then the first sentence of this paragraph shall not apply.

4. For purposes of determining whether potential liability under Article VIII of the NATO SOFA has arisen out of any act or omission done in the performance of official duty by a member of the force or of the civilian component, an official duty certificate shall be issued by the United States forces claims office having cognizance of the claim and shall constitute sufficient proof of the fact. In cases where Czech authorities believe the circumstances of the case require review of the official duty certificate, United States and Czech authorities shall consult immediately. During such consultation, Czech authorities may raise any objections concerning grounds for issuance of the official duty certificate. Czech authorities may require explanation and review of the certificate by senior United States military authorities. This paragraph is without prejudice to application of procedures under Article VIII of the NATO SOFA.

5. United States forces shall inform United States contractors and non-commercial organizations accompanying United States forces of their obligation under Czech law to be insured by commercial entities conducting insurance business in the territory of the Czech Republic in the case of liability for damage caused by their employees in connection with the distribution of goods or provision of services to United States forces.

#### **Article XXV** **Service Support Activities**

1. United States military authorities may establish service support activities such as military service exchanges, commissaries, open messes, social and educational centers, and recreational service areas at the radar site exclusively for use by members of the force and of the civilian component, dependents, and other personnel as mutually agreed, and may operate them directly or through contract. United States military authorities shall inform the Czech Executive Agent about establishment of any such activity before commencement of its operation. No license, permit or inspection shall be required by the Czech Republic for activities connected with such facilities, unless otherwise mutually agreed. Such organizations and activities shall be maintained and operated in accordance with applicable United States regulations. The Parties agree to address, through their respective Executive Agents, any concerns that may arise in connection with these activities.

2. United States military authorities shall adopt appropriate measures to prevent the sale of goods and property imported into or acquired in the territory of the Czech Republic by the organizations referred to in paragraph 1 of this Article to persons who are not authorized to patronize such organizations.

3. Taxation of service support activities shall be in accordance with Article XV of this Agreement.

#### **Article XXVI** **Military Postal System**

1. The United States may establish, maintain and operate a Military Postal Transportation System for use by United States forces, United States contractors, United States contractor employees, and dependents.

2. Military mail of the United States shall not be subject to regular postal services provided by operators in the territory of the Czech Republic and its transport shall be provided separately.

3. Mail routed through the United States Military Postal Transportation System may bear stamps of the United States.

4. Private mail and private parcel post items entering or leaving the Czech Republic through the United States Military Postal Transportation System are subject to customs inspections by the Czech authorities at the time of delivery to the addressee or at the time of mailing. Any such inspection will be accomplished with due regard to ensuring the preservation of the content of such mail and its prompt delivery.

### **Article XXVII** **Currency, Exchange, and Banking Services**

1. United States forces shall have the right to import, export, and use United States currency or instruments expressed in the currency of the United States in any amount.

2. United States military authorities may distribute to or exchange for members of the force and of the civilian component, and dependents currency and instruments denominated in any currency, to the extent required for the purpose of authorized travel, including travel on leave.

3. Members of the force and of the civilian component, and dependents may import United States currency and instruments denominated in currency of the United States as well as currency otherwise permitted to be imported by Czech law, and export any currency and instruments denominated in any such currency, provided that such member or dependent has either imported such currency or instruments or received such currency or instruments from United States military authorities.

4. United States military authorities shall, in cooperation with Czech authorities, take appropriate measures in order to prevent any abuse of the rights granted under this Article and to safeguard the system of Czech foreign exchange regulations insofar as they apply to personnel covered by this Article.

5. United States forces may enter into contracts with financial institutions to maintain and operate banking activities and other financial activities in the Czech Republic for the exclusive use of United States forces, United States contractors, United States contractor employees, and dependents. Such entities shall be treated as service support activities under Article XXV of this Agreement.

### **Article XXVIII** **Logistics Support**

1. Upon the request of United States forces, the Czech Executive Agent shall provide, considering its internal requirements and subject to availability, to the United States logistics support including, but not limited to:

- a. temporary accommodation;
- b. repairing and maintenance of equipment, including military materiel;
- c. supply of water, gas, electricity, waste management and waste water management;
- d. supply of fuels and lubricants;
- e. supply of food; and
- f. medical services.

2. United States forces shall pay the costs for logistics support requested and received. Such logistics support shall be provided and reimbursement made in accordance with the Acquisition and Cross-Servicing Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the Czech Republic, done in Prague on November 19, 1996, or successor agreements, when applicable, or as otherwise mutually agreed.

3. Urgent medical care shall be provided upon request to members of the force and of the civilian component, and dependents within the scope of provisions of Article IX, paragraph 5 of the NATO SOFA in Czech military medical facilities. Charges for medical care and treatment, except urgent medical care, shall be covered by the person to whom it was provided.

### **Article XXIX** **Utilities and Communications**

1. United States forces and their contractors may use water, electricity, and other public utilities on the radar site on terms and conditions similar to those applicable to the Czech Armed Forces.

2. United States forces shall be allowed to operate their own telecommunication systems (as the term “telecommunication” is defined in the 1992 Constitution of the International Telecommunication Union). This shall include the right to utilize such means and services as are required to ensure full ability to operate telecommunication systems, and the right to use, free of charge, all necessary frequencies allocated for use by Czech authorities. United States forces shall respect Czech laws and regulations and shall consult with the appropriate Czech authorities on the operation of their own telecommunication systems.

### **Article XXX** **Environment, Health, and Safety**

1. The Parties agree to implement this Agreement in a manner consistent with the protection of the natural environment and human health and safety. The United States shall respect relevant environmental, health, and safety law of the Czech Republic as well as applicable NATO Standardization Agreements. The Czech Republic shall implement its environmental, health, and safety law with due regard for the health and safety of United States forces, United States contractors, United States contractor employees, and dependents.

2. The Parties agree to pursue a preventive rather than reactive approach to environmental protection. This is particularly appropriate for locations with no record of prior uses or activities indicating pre-existing contamination caused by previously acceptable practices and where the construction of a new facility built to current environmental and construction standards will prevent future contamination. To this end, the Parties shall cooperate to ensure problems that may arise are dealt with immediately in order to prevent any lasting damage to the environment or endangerment of human health and safety. The Parties recognize that the policies and practices of the United States are designed to avoid such damage and endangerment and to apply the more protective of either Czech or United States standards.

3. Additional environmental provisions for the radar site are contained in the Agreement Between the United States of America and the Czech Republic on Establishing a United States Ballistic Missile Defense Radar Site in the Czech Republic.

## **Article XXXI**

### **Labor**

1. Local civilian labor requirements of United States forces shall be satisfied under a direct-hire employment system. Such employment shall be based on a written employment contract. This contract shall include a description of the employee's duties, compensation for work, rights of the employee, and other conditions of the employment.

2. United States forces shall determine the numbers, duties, qualifications, and suitability of persons to be hired to perform its mission in the Czech Republic. United States forces may recruit and employ dependents and other persons authorized to be employed in the Czech Republic. United States forces shall establish administrative policies and procedures necessary for effective management, utilization, and supervision of United States forces' locally hired employees in the Czech Republic. As a general rule, conditions of employment and work for locally hired employees in the Czech Republic shall be patterned on Czech labor law. Conditions of employment that may be subject to collective bargaining shall be similar to those elements subject to collective bargaining for civilian employees in the public sector system of the Czech Republic, and shall not include matters of compensation or increases thereto. Czech laws and governing United States-Czech Republic agreements -- concerning rights and duties that result from the employment of locally-hired persons in the Czech Republic by United States forces, social security and medical insurance payments, accident insurance coverage, conditions for the occupational safety and health protection of workers, and legal rights -- shall apply to persons hired by United States forces in the Czech Republic. Such laws and agreements shall apply to the extent not inconsistent with this Article and United States laws and regulations, taking into consideration the military requirements of United States forces. United States forces shall inform the employees of the terms and conditions of their employment.

3. Establishment and modification of the job grading system, wages and salaries, as well as benefits and supplementary payments paid to locally hired employees in the Czech Republic shall be within the sole authority of United States forces, taking into consideration prevailing practices for public sector employees of the Czech Republic. Levels of compensation, as well as increases thereto, shall be in conformance with limitations provided for under Czech and United States laws and regulations and shall be exempt from collective bargaining, third party review, and binding arbitration.

4. United States forces recognize the right of local civilian employees to strike. However, the right to strike of personnel hired in the Czech Republic by United States forces may be restricted by the decision of the designated responsible authority of United States forces that such strike activity would have a negative impact on the military mission and readiness or would otherwise be incompatible with operational requirements. Upon request by the appointed representative of the Czech Republic, the specific reasons or conditions prohibiting a strike shall be brought to the attention of the Joint Commission.

5. United States forces may terminate the employment of locally hired employees in the Czech Republic for disciplinary, performance, security, or organizational reasons. United States forces shall not be required to reemploy or reinstate any individual terminated for the reasons stated herein, if such reemployment or reinstatement is determined by United States forces to be inconsistent with United States forces interests or requirements.

6. Persons hired in the Czech Republic by United States forces whose presence at a facility to which access is controlled by Czech authorities is required for the performance of employment shall be granted access to such facility within five

working days and, in exceptional circumstances, within no more than two working days, of a request by United States military authorities. Such access may be denied, suspended, or withdrawn by United States military or Czech authorities for reasons of security or due to the employee's misconduct. If Czech authorities deny or withdraw such access, they shall state the reasons for their decision, in writing, to the appropriate United States military authorities.

7. As the employer of local civilian personnel, United States forces or elements thereof, and members of the force or of the civilian component when acting for United States forces, shall not be subject to the payment of administrative penalties or fines that may arise from the employment of locally-hired employees in the Czech Republic by United States forces. Issues relating to employment matters of locally hired civilian personnel, including labor management relations, may be discussed within the Joint Commission and its Labor Subcommittee, both to be established under Article XXXII of this Agreement. Employee complaints or grievances regarding administrative and disciplinary actions, including separations, shall be reviewed and resolved at the lowest competent level through consultation between the Parties. Specific procedures for the resolution of employment disputes and employee complaints through Labor Subcommittee and Joint Commission intervention, as well as procedures for the operation of such bodies, shall be set out in an implementing arrangement. In the event that all measures of mediation mentioned above are exhausted, employees shall have the right to pursue their claims through the jurisdiction of the Czech Republic. Final rulings by the Czech Republic courts regarding employee claims shall be respected to the extent not inconsistent with this Article.

#### **Article XXXII** **Implementation and Disputes**

1. As appropriate, the Parties, or their Executive Agents or designees, may enter into implementing arrangements to carry out provisions of this Agreement. Such implementing arrangements shall be made in writing, and their provisions shall be consistent with the provisions of this Agreement.

2. The Parties hereby establish a Joint Commission to implement this Agreement to be co-chaired by representatives of their Executive Agents. The Joint Commission shall consist of governmental representatives appointed by the Parties on the basis of equal representation. The Joint Commission shall determine its own procedures and arrange for such auxiliary organs and administrative services as may be considered appropriate in the implementation of this Agreement. Each Party shall bear the costs of its participation in the Joint Commission.

3. Any disputes between the Parties regarding the interpretation or application of this Agreement shall be settled by negotiation through the Joint Commission without recourse to any outside jurisdiction, unless otherwise expressly agreed between the Parties.

**Article XXXIII**  
**General Provisions**

1. A Party shall address notifications, documents, and requests under this Agreement, including their supplements and corrections to the competent authorities of the other Party together with a translation into the official language of the other Party.
2. The Parties shall inform each other about their authorities competent to send and receive notifications, documents, and requests. Eventual changes in designation of such competent authorities shall be communicated through diplomatic channels.
3. United States military authorities shall establish and implement necessary measures aimed at prevention of abuses of the rights granted under the NATO SOFA, this Agreement, and United States and Czech laws. United States military authorities and Czech authorities shall, in accordance with the NATO SOFA and this Agreement, cooperate in the investigation of any offenses.
4. Respectful of the sovereignty of the Czech Republic and the United States, the Parties may, by mutual agreement, apply this Agreement, *mutatis mutandis*, to other agreed activities of the United States forces in the territory of the Czech Republic that have been duly approved by competent Czech authorities in accordance with the Constitution and law of the Czech Republic.

**Article XXXIV**  
**Entry into Force, Amendment, and Duration**

1. This Agreement is concluded for an indefinite period and shall enter into force 30 days following the date of the later of the written notifications by which the Parties inform each other that all their internal procedures necessary for the entry into force of this Agreement have been fulfilled.
2. This Agreement may be amended by written agreement of the Parties.
3. This Agreement may be terminated by either Party upon one year's written notice to the other Party through diplomatic channels.
4. Notwithstanding paragraph 3 of this Article, this Agreement shall remain in force while the Agreement Between the United States of America and the Czech Republic on Establishing a United States Ballistic Missile Defense Radar Site in the Czech Republic remains in force, and shall continue to apply as provided in Article XVIII, paragraph 3 of that Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Agreement.

DONE at London, this      day of September 2008, in duplicate, in the English and Czech languages, both texts being equally authentic.

For the United States of America

For the Czech Republic