

TREATY

Between the Kingdom of Spain, the French Republic, the Italian Republic, the Kingdom of The Netherlands and the Portuguese Republic,

establishing the

European Gendarmerie Force

EUROGENDFOR

The Kingdom of Spain,
The French Republic,
The Italian Republic,
The Kingdom of The Netherlands
and
The Portuguese Republic,

Hereinafter referred to as the “Parties”,

Considering the Declaration of Intent on EUROGENDFOR as signed in Noordwijk on 17 September 2004;

Considering the North Atlantic Treaty signed in Washington on 4 April 1949;

Considering the Charter of the United Nations signed at San Francisco on 26 June 1945;

Considering the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on 19 June 1951;

Considering the Treaty on the European Union as amended by the Treaty of Nice, signed on 26 February 2001;

Considering the Final Act of the Conference on Security and Co-operation in Europe, signed in Helsinki on 1 August 1975;

Considering the Agreement between the Member States of the European Union concerning the status of military and civilian staff seconded to the institutions of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Member States put at the disposal of the European Union to act in this context, signed in Brussels on 17 November 2003;

Contributing to the development of the European Security and Defence Identity and strengthening the common European Security and Defence Policy;

Have agreed as follows:

Chapter I

General terms

Article 1 *Object*

1. The object of this Treaty is to establish a European Gendarmerie Force, which shall be operational, pre-organised, robust, and rapidly deployable, exclusively comprising elements of police forces with military status of the Parties, in order to perform all police tasks within the scope of crisis management operations.
2. This Treaty defines the fundamental principles in respect of the objectives, the status, the modalities of organisation and the operation of the European Gendarmerie Force, hereinafter referred to as EUROGENDFOR or EGF.

Article 2 *Principles*

The terms of this Treaty are based on the application of principles of reciprocity and cost sharing.

Article 3 *Definitions*

For the purposes of this Treaty the expression:

- a. EUROGENDFOR means the multinational police force with military status composed of:
 - i) the Permanent HQ;
 - ii) the EGF Forces designated by the Parties following the transfer of authority.
- b. PERMANENT HQ means the multinational, modular and projectable Permanent Headquarters, located in Vicenza (Italy). The role and structure of the Permanent HQ and its involvement in an operation shall be approved by CIMIN;
- c. PERMANENT HQ PERSONNEL means the members of a police force with military status assigned by the Parties to the Permanent HQ as well as a limited number of civilian personnel designated by the Parties, permanently supporting the functioning of the Permanent HQ in an advisory or assisting role;
- d. EGF FORCES means the personnel of the police forces with military status assigned by the Parties to EUROGENDFOR to fulfil a mission or an exercise, following the transfer of authority and a limited number of other personnel designated by the Parties in an advisory or supporting role;
- e. FORCE HQ means the multinational headquarters activated in an area of operation to support the EGF Force Commander in exercising command and control for the mission;
- f. EUROGENDFOR PERSONNEL means the Permanent HQ Personnel and the members of the EGF Forces;
- g. CIMIN means the High Level Interdepartmental Committee. It is the decision-making body governing EUROGENDFOR;
- h. EGF COMMANDER means the officer appointed by CIMIN in command of the Permanent HQ and where appropriate EGF Forces;
- i. EGF FORCE COMMANDER means the officer appointed by CIMIN to command an EGF mission;
- j. SENDING STATE means the Party that supplies EUROGENDFOR with forces and/or personnel;
- k. HOST STATE means the Party on whose territory the Permanent HQ is located;

- l. RECEIVING STATE means the Party on whose territory EGF Forces are stationed or in transit;
- m. CONTRIBUTING STATE means a State that is not a Party to this Treaty but participates in EUROGENDFOR missions and tasks;
- n. FAMILY MEMBER(S) means:
 - i) the spouse of a member of the Permanent HQ Personnel;
 - ii) any other person who has contracted a registered partnership with a member of the Permanent HQ Personnel, on the basis of the legislation of the Sending State, provided that the legislation of the Host State considers registered partnerships as equivalent to marriage and in accordance with the conditions laid down in the relevant legislation of the Host State;
 - iii) direct descendants who are under the age of 21 or are dependents and those of the spouse or partner as defined in point ii);
 - iv) dependent direct relatives in the ascending line and those of the spouse or partner as defined in point ii).

Chapter II

Missions, Engagement and Deployment

Article 4

Missions and tasks

- 1. In accordance with the mandate of each operation and operating independently or jointly with other forces, EUROGENDFOR must be capable of covering the full spectrum of police missions, through substitution or strengthening, during all the phases of a crisis management operation.
- 2. EGF Forces can be placed either under civilian authority or under military command.
- 3. EUROGENDFOR may be used for:
 - a. performing security and public order missions;
 - b. monitoring, advising, mentoring and supervising local police in their day-to-day work, including criminal investigation work;
 - c. conducting public surveillance, traffic regulations, border policing and general intelligence work;
 - d. performing criminal investigation work, including detecting offences, tracing offenders and transferring them to the appropriate judicial authorities;
 - e. protecting people and property and keeping order in the event of public disturbances;
 - f. training police officers as regards international standards;
 - g. training instructors, particularly through co-operation programmes.

Article 5

Framework for the missions

EUROGENDFOR may be placed at disposal of the European Union (EU) and also of the United Nations (UN), the Organisation for Security and Co-operation in Europe (OSCE), the North Atlantic Treaty Organisation (NATO) and other international organisations or an ad hoc coalition.

Article 6
Conditions for engagement and deployment

1. Conditions for engagement and deployment of EUROGENDFOR, decided upon by CIMIN on a case by case basis, shall be covered by a specific mandate for each operation and shall be subject to the necessary agreements between the Parties and the requesting organisation.
2. To prepare the missions assigned to EUROGENDFOR, the Parties may, under the direction of CIMIN, station and deploy their own forces and personnel on the territory of the other Parties.
3. Stationing and deployment on the territory of a third State shall be covered by an agreement between the Sending States and the third State specifying the conditions of such stationing and deployment, bearing in mind the fundamental principles of this Treaty.

Chapter III
Institutional and legal aspects

Article 7
CIMIN

1. CIMIN consists of representatives of the appropriate ministries of each Party. The choice of the representatives is a national responsibility. Specific details with respect to the membership, structure, organisation and functioning of CIMIN shall be defined by the rules to be adopted by CIMIN.
2. Decisions and guidelines shall be adopted unanimously by CIMIN.
3. The general tasks of CIMIN include the following:
 - a. exercising political control over and giving strategic direction to EUROGENDFOR and assuring political-military co-ordination among the Parties and, where appropriate, with the Contributing States;
 - b. appointing the EGF Commander and providing him or her with directives;
 - c. approving the role and the structure of the Permanent HQ and also the rotation criteria for the key positions within the Permanent HQ;
 - d. appointing the Chairman of the Financial Board and deciding on the criteria for rotating the chairmanship.
 - e. monitoring the implementation of the objectives stated in this Treaty;
 - f. approving the annual training objectives and programme proposed by the EGF Commander;
 - g. deciding on:
 - i) participation of EUROGENDFOR in missions;
 - ii) participation of Contributing States in EUROGENDFOR missions;
 - iii) requests for co-operation by third States, international organisations or others.
 - h. elaborating the framework for actions led by EUROGENDFOR or at the request of the EU, the UN, the OSCE, NATO, other international organisations or an ad hoc coalition;
 - i. defining the framework for each mission, where appropriate in consultation with relevant international organisations, namely:
 - i) designation of the EGF Force Commander;
 - ii) involvement of the Permanent HQ in the chain of command.
 - j. approving the structure of the Force HQ;
 - k. guiding and assessing EUROGENDFOR activities in case of deployment;

- l. deciding on the need to conclude the security agreements referred to in Article 12, paragraph 3.
4. CIMIN approves main actions related to the administrative aspects of the Permanent HQ, and to EUROGENDFOR deployment issues, in particular the annual budget and the other financial matters in accordance with Chapter X.
5. CIMIN, following its specific guidelines:
 - a. evaluates the fulfilment of the conditions for accession to the Treaty, in accordance with Article 42, and forwards its proposal for approval to the Parties;
 - b. decides whether to grant Observer Status within EUROGENDFOR, in accordance with Article 43;
 - c. decides whether to grant Partner Status within EUROGENDFOR, in accordance with Article 44.
6. Meetings of CIMIN will be held in accordance with the rules of procedures as adopted by CIMIN.

Article 8 *EGF Commander*

The EGF Commander shall carry out the following main tasks:

- a. commanding the Permanent HQ and establishing regulations for its functioning as needed;
- b. implementing the directives received from CIMIN;
- c. being expressly mandated by the Parties through CIMIN, and on its behalf, negotiating and concluding technical agreements or arrangements necessary for the proper functioning of EUROGENDFOR and for conducting exercises or operations carried out on the territory of a third State;
- d. taking all measures necessary, in accordance with the laws of the Host State, to maintain order and security within its installations and, as necessary, outside its installations with the prior consent and assistance of the authorities of the Host State;
- e. drawing up the budget for common costs of EUROGENDFOR and, after the end of the financial year, the final report related to the expenses of EUROGENDFOR for that year;
- f. commanding EGF Forces, where appropriate.

Article 9 *Legal capacity*

1. To achieve its objectives and accomplish its missions and tasks set forth in this Treaty, EUROGENDFOR has legal capacity within each of the Parties to enter into contracts. EUROGENDFOR may consequently appear in court, where necessary.
2. For the purposes set forth in paragraph 1, EUROGENDFOR shall be represented by the EGF Commander or by any other person expressly designated by the EGF Commander to act on his or her behalf.
3. The EGF Commander and the Host State may agree that the Host State acts in subrogation in all actions to which EUROGENDFOR is a Party before the courts in that State. In that case, EUROGENDFOR must reimburse costs incurred.

Chapter IV Permanent HQ facilities

Article 10

Facilities granted by the Host State

1. The Host State undertakes to provide at no charge the Permanent HQ facilities required for EUROGENDFOR to carry out its tasks. Such facilities are identified in a specific document approved by CIMIN.
2. The Host State will take all reasonable measures required to ensure the availability of required services, in particular electricity, water, natural gas, postal services, telephone and telegraph services, waste collection and fire protection to the Permanent HQ. Conditions concerning the Host State support services will be further specified in implementing arrangements between the appropriate authorities of the Parties.

Article 11

Access permission

Upon receipt of a substantiated request, the EGF Commander must authorise agents of the competent service to inspect, repair, maintain, rebuild or move installations, electrical networks and pipes within the infrastructure of the Permanent HQ, provided that those activities present no obstacle to normal operations and security.

Chapter V Protection of information

Article 12

Protection of information

1. The basic principles and minimum standards for the protection of classified information or material shall be set out in a security agreement between the Parties.
2. The Parties shall take all appropriate measures in accordance with their international obligations and their national laws and regulations to protect any classified information or material which is produced by or released to EUROGENDFOR.
3. The exchange of classified information or material with third States or international organisations shall be covered by specific security agreements that shall be negotiated, signed and approved by the Parties.

Chapter VI Provisions concerning the personnel

Article 13

Respect for laws in force

EUROGENDFOR Personnel and their family members must respect the law in force in the Host State or the Receiving State. In addition, EUROGENDFOR Personnel must refrain from

carrying out any activities incompatible with the spirit of this Treaty while on the territory of the Host State or the Receiving State.

Article 14
Entry and residence

With respect to immigration regulations and the formalities of the law governing entry and residence, the Permanent HQ Personnel and their family members are not subject to regulations in force in the Host State applicable to foreigners.

Article 15
Legal and medical aspects in the event of death

1. In the event of death of military or civilian personnel, if the authorities of the Host State or the Receiving State request that an autopsy be performed in the context of a legal or administrative procedure, a representative of the Sending State is authorised to be present during the autopsy.
2. The authorities of the Host State or the Receiving State must authorise the transfer of the mortal remains to the Sending State in accordance with the transportation regulations in force on the territory of the Host State or the Receiving State that apply to mortal remains.

Article 16
Uniforms and arms

1. EUROGENDFOR Personnel shall wear their uniform in accordance with their respective national rules. The EGF Commander may establish specific procedures where appropriate.
2. EUROGENDFOR Personnel may possess, carry and transport arms, ammunitions, other weapon systems and explosives on the conditions that they are authorised to do so by their orders and that they do so in accordance with the laws of the Host State and the Receiving State.

Article 17
Driving licences

Military driving licences issued by each of the Parties are equally valid on the territory of all States that are Party to this Treaty and allow bearers to drive all EUROGENDFOR vehicles of the relevant category in the performance of official duty.

Article 18
Medical assistance

1. Medical assistance is guaranteed to EUROGENDFOR Personnel and their family members under the same conditions as it is provided to personnel of the same rank or equivalent category of the Host State or the Receiving State.
2. Medical care shall be provided in accordance with the terms agreed by the appropriate authorities of the Parties.

Chapter VII

Privileges and immunities

Article 19 *Tax and customs*

1. When used for official purposes, assets, income and other property, belonging to EUROGENDFOR, are exempt from all direct taxation.
2. The purchase for a substantial amount of goods or services by EUROGENDFOR for official use is exempt from turnover tax and other forms of indirect taxes.
3. The import of goods and merchandise necessary for official use by EUROGENDFOR is exempt from custom duties and other indirect taxes.
4. EUROGENDFOR vehicles intended for official use are exempt from road registration taxes.
5. The provisions of paragraphs 1, 2 and 3 shall not apply to EGF Forces.
6. Purchases and imports of fuel and lubricants needed for official use by EUROGENDFOR are exempt from custom duties and other indirect taxes. That exemption does not apply to purchases and imports by EGF Forces on their own territory.
7. Purchased or imported goods and merchandise that are exempt or that qualify for reimbursement in accordance with the terms of this Article may only be transferred or placed at the disposal of a third party, either free of charge or for a price, in accordance with the conditions set by the Party granting the exemptions or reimbursements.
8. In any event, EUROGENDFOR is not entitled to any exemption from taxes and duties that constitute payment for public utility services.
9. No exemption from duties or taxes, of whatever kind, may be granted for the procurement of military materials and equipment.

Article 20 *Individual privileges*

1. EUROGENDFOR Personnel mentioned in Article 3 paragraph c, who are not permanently resident in or nationals of the Host State, at the time of their first arrival to take up service in such State, may - within one year from the time of their first arrival and for two shipments maximum - import from the State of last residence or the State of citizenship their personal belongings and furniture, including one motor vehicle, free of customs duties and other indirect taxes, or buy free of turnover tax such items for a substantial amount in the Host State.
2. The provisions of paragraph 1 shall only apply if a member of the personnel is assigned for a minimum of one year.
3. For the provisions of this Article to apply, the member of the personnel concerned shall make a request to the authorities of the Host State within a year after his or her first arrival.
4. Goods which have been imported duty free referred to in paragraph 1 may be re-exported freely.
5. Motor vehicles referred to in paragraph 1 and those registered in another EU Member State, with the limit of one vehicle for each member of the above-mentioned personnel, are exempt from road registration taxes, for the term of service of such personnel in the Host State.

Article 21
Inviolability of the premises, buildings and archives

1. The premises and buildings of EUROGENDFOR shall be inviolable in the territory of the Parties.
2. The authorities of the Parties may not enter the premises and buildings, referred to in paragraph 1, without the prior consent of the EGF Commander, or where applicable, the EGF Force Commander. Such consent shall be assumed in the event of natural disaster, fire or any other event requiring immediate protective measures. In other cases, the EGF Commander, or where applicable, the EGF Force Commander, shall give serious consideration to a request for permission from the authorities of the Parties to enter the premises and buildings, without prejudice to interests of EUROGENDFOR.
3. The archives of EUROGENDFOR shall be inviolable. The inviolability of the archives shall be understood to apply to all records, correspondence, manuscripts, photographs, films, recordings, documents, computer data, computer files or any other data carrier belonging to or held by EUROGENDFOR, wherever they are located in the territory of the Parties.

Article 22
Immunity from execution

The property and funds of EUROGENDFOR and the goods which have been placed at its disposal for official purposes, wherever located and by whomsoever held, shall be immune from any executive measure in force in the territory of the Parties.

Article 23
Aspects of communications

1. The Parties will take all reasonable measures to ensure the smooth flow of official communications of EUROGENDFOR.
2. EUROGENDFOR has the right to receive and transmit encrypted messages, as well as to send and receive correspondence and official packages by courier or in sealed cases, which may not be opened or held.
3. Communications addressed to or received by EUROGENDFOR may not be intercepted or interfered with.

Article 24
Domicile for tax purposes

With respect to income taxes and property taxes, Permanent HQ Personnel who, solely on the basis of their function in the service of the Permanent HQ establish residence in the Host State, shall be considered as maintaining their domicile for tax purposes in the Sending State that pays the salary for the services carried out in regard to the Permanent HQ. This term shall also apply to family members who do not engage in professional or commercial activities within the Host State.

Chapter VIII

Jurisdictional and disciplinary terms

Article 25

Criminal and disciplinary jurisdiction

1. The authorities of the Sending State shall have the right to exercise all criminal and disciplinary jurisdiction conferred on them by the law of the Sending State over military and civilian personnel where such civilian personnel are subject to the law governing all or any of the police forces with military status of the Sending State, by reason of their deployment with those forces.
2. The authorities of the Host State or the Receiving State shall have the right to exercise jurisdiction over military and civilian personnel and their family members, with respect to offences committed within their respective territories and punishable by the laws of that State.
3. The authorities of the Sending State shall have the right to exercise exclusive jurisdiction over military and civilian personnel where such civilian personnel are subject to the law governing all or any of the police forces with military status of the Sending State, by reason of their deployment with those forces, with respect to offences, including offences relating to its security, punishable by the law of the Sending State, but not by the law of the Host State or the Receiving State.
4. The authorities of the Host State or the Receiving State shall have the right to exercise exclusive jurisdiction over military and civilian personnel and their family members with respect to offences, including offences relating to its security, punishable by its law but not by the law of the Sending State.
5. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
 - a. the competent authorities of the Sending State shall have the primary right to exercise jurisdiction over military and civilian personnel where such civilian personnel are subject to the law governing all or any of the police forces with military status of the Sending State, by reason of their deployment with those forces, in relation to:
 - i) offences solely against the property or security of that State, or offences solely against the person or property of military or civilian personnel of that State or of a family member;
 - ii) offences arising out of any act or omission done in the performance of official duty;
 - b. in the case of any other offence, the authorities of the Host State or the Receiving State shall have the primary right to exercise jurisdiction;
 - c. if the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.
6. For the purposes of paragraphs 3, 4 and 5, a security offence against a State shall include:
 - a. treason against the State;
 - b. sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.
7. The provisions of this Article shall not imply any right for the authorities of the Sending State to exercise jurisdiction over persons who are nationals of, or ordinarily resident in, the Host State or the Receiving State, unless they are members of the force of the Sending State.

Article 26
Mutual legal assistance

1. The Parties shall assist each other in the arrest of members of a force or civilian component or their family members in the territory of the Host State or the Receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.
2. The authorities of the Host State or the Receiving State shall promptly notify the military authorities of the Sending State of the arrest of any member of a force or civilian component or a family member.
3. The custody of an accused member of a force or civilian component over whom the Host State or the Receiving State is to exercise jurisdiction shall, if he or she is in the hands of the Sending State, remain with that State until he or she is charged by the Host State or the Receiving State.
4. The Parties shall assist each other in carrying out all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.
5. The Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.
6. The authorities of the Host State or the Receiving State shall give sympathetic consideration to a request from the authorities of the Sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the Sending State under the provision of this Article within the territory of the Host State or the Receiving State.

Article 27
Repatriation, absence and removal

1. When EUROGENDFOR Personnel are no longer in service of its forces and are not repatriated, the authorities of the Sending State shall immediately notify the authorities of the Host State or the Receiving State and provide all useful information.
2. The authorities of the Sending State shall equally notify the authorities of the Host State or the Receiving State of any illegal absence from duty exceeding twenty-one days.
3. If the Host State or the Receiving State requires the removal of EUROGENDFOR Personnel from its own territory or has issued an expulsion order for EUROGENDFOR Personnel or for their family members, the authorities of the Sending State shall either receive them on its own territory or allow them to leave the territory of the Host State or the Receiving State.

Chapter IX
Claims

Article 28
Waiver

1. Each Party shall waive all its claims against any other Party for damage to any of its property used in connection with the preparation and execution of the tasks referred to in this Treaty, including exercises, if such damage:

- a. was caused by EUROGENDFOR Personnel in the execution of their duties in the framework of this Treaty; or
 - b. arose from the use of any vehicle, vessel, aircraft, arms or other equipment owned by the other Party and used by its services, provided either that the vehicle, vessel, aircraft, arms or equipment causing the damage was being used in the framework of this Treaty; or that the damage was caused to property being so used.
2. Each Party waives all its claims against any other Party for injury or death suffered by EUROGENDFOR Personnel in the performance of their official duties.
 3. The waiver referred to in paragraphs 1 and 2 shall not apply if the damage, injury or death results from gross negligence or wilful misconduct of the personnel of one Party and consequently the costs of such damage, injury or death shall be paid by that Party.
 4. Notwithstanding the exception mentioned in paragraph 3, each Party waives its claims in any case where the damage is less than a minimum amount to be determined by CIMIN.

Article 29
Damage to third parties

1. In the event of damage caused to a third party or to the property of the third party by a member or property of one of the Parties in preparing and carrying out the tasks referred to in this Treaty, including exercises, the compensation of said damage shall be shared by the Parties as specified in implementing agreements or arrangements, referred to in Article 45 and in accordance with the following provisions:
 - a. claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the Host State or the Receiving State with respect to claims arising from the activities of EUROGENDFOR;
 - b. the Host State or the Receiving State may settle any such claims; the payment of the amount agreed upon or determined by adjudication shall be made by the Host State or the Receiving State in euros;
 - c. such payment, whether made pursuant to settlement or to adjudication of the case by a competent tribunal of the Host State or the Receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Parties concerned;
 - d. every claim paid by the Host State or the Receiving State shall be communicated to the Sending States concerned together with full particulars and a proposed distribution in conformity with this Article. In default of a reply within two months, the proposed distribution shall be regarded as accepted.
2. If, however, such damage results from gross negligence or wilful misconduct of the personnel of a Party, the costs of any damage shall be borne by that Party alone.
3. A member of EUROGENDFOR Personnel shall not be subject to any proceedings for the enforcement of any judgement given against him or her in the Host State or the Receiving State in a matter arising from the performance of his official duties.
4. Notwithstanding any individual liability in the event of damages caused to a third party or the property of a third party by a person or property of one of the Parties not done in the performance of official duty, claims in respect of these damages shall be dealt with in the following manner:
 - a. the authorities of the Host State or the Receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter;

- b. the report shall be delivered to the authorities of the Sending State, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount;
- c. if an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the Sending State shall make the payment itself and notify the authorities of the Host State or the Receiving State of its decision and of the sum paid;
- d. nothing in this paragraph shall affect the jurisdiction of the courts of the Host State or the Receiving State to entertain an action against EUROGENDFOR Personnel unless and until there has been payment in full satisfaction of the claim.

Article 30

Examination of circumstances

Without prejudice to Article 31, in case of doubts as to whether the damages were caused in the performance of official duty, CIMIN shall make a decision after examining a report of the circumstances from the EGF Commander.

Article 31

Exercises and operations

In the event of an exercise or operation on the territory of a third State, the method of distributing any compensation among the Parties and, where appropriate, Contributing States may be specified in an ad hoc arrangement governing the exercise or the operation.

Article 32

Technical or scientific experts

The provisions of Chapter VIII and Chapter IX shall also apply to a citizen of one of the Parties, who is neither part of the military or civilian personnel, but who is carrying out a specific mission of a technical or scientific nature within EUROGENDFOR and solely for the term of the mission.

Chapter X

Terms in respect of finances and property rights

Article 33

Financial Board

1. A Financial Board, comprising a financial expert designated by each Party, is created.
2. The Financial Board is responsible for the following duties:
 - a. advising CIMIN on financial and budgetary matters;
 - b. implementing the financial, contracting and budgetary procedures and proposing, if necessary, modifications to the cost-sharing formula to be approved by CIMIN;
 - c. examining the draft budget and the medium-term expenses planning proposed by the EGF Commander, to be approved by CIMIN;
 - d. examining the yearly report on the final balance of annual expenses prepared by the EGF Commander and advising CIMIN on its adoption;

- e. in an emergency, approving extra expenses which may not exceed 10% of the Chapter concerned, by proxy for CIMIN. The Financial Board shall report to the next meeting of CIMIN;
 - f. settling financial disputes. If the Financial Board fails to settle a dispute, it shall be referred to CIMIN for settlement;
 - g. proposing CIMIN to perform an audit of the common expenses of EUROGENDFOR. CIMIN shall determine how the audit is to be conducted.
3. The Financial Board operating procedures and the timetable for presenting, examining and approving the draft budget of EUROGENDFOR shall be defined in a set of financial rules to be approved by CIMIN.

Article 34 *Expenses*

- 1. There are three kinds of expenses relating to EUROGENDFOR activities:
 - a. common costs;
 - b. expenses of the Host State relating to the Permanent HQ;
 - c. national expenses.
- 2. The different kinds of expenses and how they are financed shall be defined in the financial rules of EUROGENDFOR to be approved by CIMIN.

Article 35 *Budget*

- 1. The annual budget of EUROGENDFOR for common costs, calculated in euros, shall comprise receipts and disbursements.
- 2. Disbursements consist of, on the one hand, investment costs and operational costs for the Permanent HQ and, on the other hand, expenses approved by the Parties incurred in the course of EUROGENDFOR activities.
- 3. Receipts arise from the contributions of the Parties in accordance with the criteria to be defined by them in the financial rules of EUROGENDFOR.
- 4. The financial year begins on January 1 and ends December 31.

Article 36 *Audits*

To discharge their audit functions with respect to their national governments and to report to their parliament as provided in their statutes, national auditors may obtain all information and examine all documents held by EUROGENDFOR Personnel.

Article 37 *Public tenders*

- 1. EUROGENDFOR may put out contracts to public tender in accordance with the principles in force in the EU.
- 2. EU regulations with respect to public tenders apply under the following conditions:
 - a. the person responsible for putting out contracts to public tender is the EGF Commander;
 - b. an appeal may be filed against the award of a public tender, at no charge, to CIMIN, who will issue a ruling within one month.
- 3. Without prejudice to the terms in paragraphs 1 and 2, competitors are excluded from participating in public tenders if they:

- a. provide goods or services originating in a State with which one of the Parties does not enjoy diplomatic relations;
- b. directly or indirectly pursue objectives that one of the Parties considers to be contrary to its essential security or foreign policy interests.

Chapter XI **Final provisions**

Article 38 *Languages*

The official languages of EUROGENDFOR will be those of the Parties. A common working language may be used.

Article 39 *Settlement of disputes*

Disputes among the Parties with respect to the interpretation or application of this Treaty will be resolved through negotiation.

Article 40 *Amendments*

1. At the proposal of a Party, this Treaty may be amended at any time with the agreement of all the Parties.
2. Any amendment shall enter into force in accordance with the terms of Article 46.

Article 41 *Withdrawal*

1. Each Party may, at any time, withdraw from this Treaty by giving prior written notice to the depositary.
2. Withdrawal shall take effect twelve months after the date of receipt of the notice of withdrawal by the depositary, or on such later date as may be specified in the notice of withdrawal.

Article 42 *Accession*

1. Any EU Member State possessing a police force with military status may apply to CIMIN for accession to this Treaty. After receiving the approval of the Parties, in accordance with Article 7, paragraph 5, subparagraph a., CIMIN shall notify the applicant State of the Parties' decision.
2. Accession shall be effected by depositing an instrument of accession with the depositary of the Treaty, which shall notify each Party and the acceding State of the date of deposit thereof.
3. In regard to any State on behalf of which an instrument of accession is deposited, this Treaty shall come into force on the first day of the second month after notification by the depositary to all Parties.

Article 43
Observer Status

1. EU candidate countries that have a police force with military status may apply for Observer Status. EU Member States that have a police force with military status may also apply for Observer Status as a first step to accession.
2. Observer Status entails the right to second a liaison officer to the Permanent HQ in accordance with the rules approved by CIMIN.

Article 44
Partner Status

1. EU Member States and EU candidate countries that have a force with military status and some police skills may apply for Partner Status.
2. CIMIN shall define the specific rights and obligations of the Partners.

Article 45
Implementing agreements or arrangements

This Treaty may be supplemented by one or more specific implementing agreements or arrangements.

Article 46
Entry into force

This Treaty shall enter into force on the first day of the second month after notification by the depositary to all Parties of the last instrument of ratification, acceptance or approval.

Article 47
Depositary

The Government of the Italian Republic shall act as depositary and shall notify all signatory and acceding States of the deposit of each instrument of ratification, acceptance, approval, accession or withdrawal.

Signed at Velsen, on 18 October 2007, in a single original in the Spanish, French, Italian, Dutch, Portuguese and English languages, each text being equally authoritative, which shall be deposited with the Government of the Italian Republic. The Government of the Italian Republic shall transmit certified copies thereof to all Parties.

For the Kingdom of Spain:

For the French Republic:

For the Italian Republic:

For the Kingdom of The Netherlands:

For the Portuguese Republic: