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AGREEMENT ON DEFENCE COOPERATION
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF
THE FEDERAL REPUBLIC OF GERMANY

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The Government of the Republic of Lithuania (“Lithuania”) and the Government of the Federal Republic of Germany (“Germany”), hereinafter referred to collectively as “the Parties” and individually as a “Party”;

Cognizant of the rights and obligations deriving from the North Atlantic Treaty;

Considering that German forces, their dependents, and German contractors shall be present in the territory of the Republic of Lithuania and that the purpose of such presence of German forces is to further the efforts of the Parties to promote peace and security in the areas of mutual interest and benefit, including to take part in common defence efforts;

Acknowledging that the presence of German forces contributes to strengthening the security and stability of the Republic of Lithuania and the region;

Desiring to share in the responsibility of supporting those German forces that are present in the territory of the Republic of Lithuania;

Recognizing the applicability of the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces, done at London on 19 June 1951 and entered into force 23 August 1953 (the “NATO SOFA”), including its provision regarding separate arrangements supplementary to that Agreement;

Recognizing the applicability of Agreement between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany concerning Temporary Stays of Members of the Armed Forces of the Republic of Lithuania and the Armed Forces of the Federal Republic of Germany in the Territory of the Other State, signed in Vilnius on 30 June 2020, and entered into force on 13 September 2021 (Lithuanian-German Visiting Forces Agreement). Lithuanian-German Visiting Forces Agreement will be applied in the territory of the Republic of Lithuania for a temporary visits not exceeding 3 month stay.

Recognizing the applicability of the Agreement between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany on the Exchange and Mutual Protection of Classified Information, signed in Vilnius on 25 June 2020, and entered into force 15 October 2021 (the “Information Security Agreement”);

Recognizing the need to enhance their common security, to contribute to international peace and stability, and to deepen cooperation in the areas of defence und security and

Desiring to conclude an agreement on the enhanced cooperation between the Germany and Lithuania:

Have agreed as follows:

ARTICLE 1
SCOPE AND PURPOSE

1. This Agreement sets forth the framework for enhanced partnership and defence and security cooperation between Lithuania and Germany and supplements the terms and conditions set forth in the NATO SOFA that govern the presence of German forces and their dependents in the territory of the Republic of Lithuania and, in specific situations indicated herein, the status of and terms and conditions governing the presence and activities of German contractors in the territory of the Republic of Lithuania.
2. For matters not covered by this Agreement, the relevant provisions of the NATO SOFA shall apply.

ARTICLE 2
DEFINITIONS

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

1. “German forces” means the entity comprising the members of the force and the civilian component and all property, equipment, and materiel of the German Armed Forces (including vehicles, vessels, and aircraft operated by or for Germany) present in the territory of the Republic of Lithuania.
2. “Force” has the meaning set forth in Article I, paragraph 1 (a) of the NATO SOFA.
3. Except as otherwise provided in Articles 12 and 15 of this Agreement, “civilian component” has the meaning set forth in Article I, paragraph 1(b) of the NATO SOFA, and also includes:
 - a) employees of non-Lithuanian, non-commercial organizations who are nationals of or permanent resident in Germany and who are not permanent resident in the Republic of Lithuania, and who, solely for the purpose of contributing to the welfare, morale, or education of the German forces, are accompanying those forces in the territory of the Republic of Lithuania; and
 - b) dependents employed by the German forces, including for the purposes of the military service activities contemplated in Articles 21 and 22 of this Agreement, and by the non-commercial organisations referred to in this paragraph.
4. “German contractors” means natural persons who are not citizens of nor ordinarily residents in the Republic of Lithuania, or legal entities, and their employees who are not citizens of nor ordinarily residents in the Republic of Lithuania, that are under contract or subcontract to the German Federal Ministry of Defence in connection with activities under this agreement.
5. “Dependent” has the meaning set forth in Article I, paragraph 1 (c) of the NATO SOFA, it includes any person having a legal family bond to the member of the force or the civilian component recognized by the law of the sending state, “dependent” also includes a family member of a member of the force or the civilian component who

- a) is financially, legally, or for reasons of health dependent upon and supported by such member;
 - b) and shares the quarters occupied by such member;
 - c) and is present in the territory of the of the Republic of Lithuania with the consent of the authorities of the force.
- 6. "German sent personnel" comprises all members of the force, members of the civilian component, dependents and personnel of German contractors;
 - 7. "Agreed Facilities and Areas" means such facilities and areas listed in Annex A of this Agreement, including buildings and structures, in the territory of the Republic of Lithuania owned by the Republic of Lithuania and used by German forces, German contractors, dependents, and others as mutually agreed, with the consent of the Republic of Lithuania.
 - 8. "Executive Agent" means the Ministries of Defence of either side, or their respective designees.
 - 9. "Official German Information" means information that is owned by, produced for or by, or is subject to the control of the German Government.
 - 10. "Official duty" means any duty, service, or act required, or authorized to be done by statute, regulation, or order of a military superior or of the 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.

ARTICLE 3

ACCESS TO AND USE OF AGREED FACILITIES AND AREAS

- 1. German sent personnel, and others, as mutually agreed, shall use the Agreed Facilities and Areas in accordance with this Agreement and with full respect for the sovereignty and laws of the Republic of Lithuania.
- 2. German sent personnel, as mutually agreed, are granted operational control of Agreed Facilities and Areas for visits; training; exercises; manoeuvres; transit; support and related activities; refuelling of aircraft; bunkering of vessels; landing and recovery of aircraft; temporary maintenance of vehicles, vessels, and aircraft; accommodation of personnel; communications; staging and deploying of forces and materiel; pre-positioning of equipment, supplies, and materiel; security assistance and cooperation activities; joint and combined training activities; humanitarian and disaster relief activities; contingency operations; construction in support of mutually agreed activities; and such other purposes as the Parties or their Executive Agents may agree, including those undertaken in the framework of the North Atlantic Treaty.
- 3. Such Agreed Facilities and Areas provided by Lithuania may be designated as for exclusive

use by German forces, for joint use by German forces and Lithuanian Armed Forces and/or other NATO, EU or Partners forces.

4. In furtherance of such activities and purposes, Lithuania may authorise German forces to control entry to Agreed Facilities and Areas that have been provided for exclusive use by German forces, and to coordinate entry with Lithuanian authorities at Agreed Facilities and Areas jointly used by German forces and Lithuanian Armed Forces, for purposes of safety and security.
5. When requested, the Lithuanian Executive Agent shall facilitate, as far as possible, temporary access by German forces and German contractors to public land and facilities (including roads, railroads, ports, and airfields) that are not a part of an Agreed Facility and Area, including those owned or controlled by Lithuania or by municipalities, and to private land and facilities (including roads, ports, and airfields) for use in support of German forces. Activities of German forces in the areas mentioned in this paragraph may be conducted only with the consent of competent authorities of Lithuania.
6. In making Agreed Facilities and Areas available and in the use of such facilities and areas, the Parties shall give due regard to operational and security concerns.
7. Lithuania shall provide, without rental or similar costs to German forces, all Agreed Facilities and Areas, including those jointly used by German forces and Lithuanian Armed Forces.
8. German forces and German contractors may undertake, as mutually agreed between the Executive Agents, construction activities on, and make alterations and improvements to, Agreed Facilities and Areas in furtherance of the activities and purposes set forth in Article 3, paragraph 1 of this Agreement. German forces shall coordinate according to mutually agreed procedures, with the competent authorities of Lithuania on issues regarding such construction, alterations, and improvements based on the Parties shared intent that the technical requirements and construction standards of any such projects undertaken by or on behalf of German forces should be consistent with the requirements and standards of both Parties. German forces may carry out such construction, alterations, and improvements with members of the force or contractors.
9. Lithuania shall be responsible for the construction and development costs for Agreed Facilities and Areas provided for the exclusive use by German forces or joint use by German forces and Lithuanian Armed Forces, unless otherwise agreed by the Executive Agents.
10. The Parties shall be responsible on the basis of proportionate use for the operations and maintenance costs of Agreed Facilities and Areas, unless otherwise agreed by their Executive Agents.
11. Funding of construction projects undertaken by German forces shall be in accordance with German laws and regulations pertaining to the expenditure of funds.
12. The Lithuanian Executive Agent shall facilitate the efforts of German forces in these undertakings by obtaining the necessary Lithuanian authorizations und permits and completing any other internal Lithuanian requirements for such construction, alterations,

and improvements, performed by or on behalf of German forces. On request, the German forces or German contractors shall expeditiously provide information required to obtain these authorisations and permits.

13. The Parties shall cooperate on planning regarding the use and development around and adjacent to Agreed Facilities and Areas to ensure the implementation of this Agreement over the long term.

ARTICLE 4

PREPOSITIONING OF DEFENCE EQUIPMENT, SUPPLIES, AND MATERIEL

1. German forces shall transport, preposition and store defence equipment, supplies and materiel ("prepositioned materiel") at Agreed Facilities and Areas and at other locations as mutually agreed. German forces shall coordinate, in advance, with Lithuanian Armed Forces regarding the types, quantities, and delivery schedules of such prepositioned materiel that German forces intend to transport or preposition in the territory of the Republic of Lithuania, as well as regarding the German contractors who will make such deliveries.
2. The prepositioned materiel of German forces and the facilities designated for storage of such prepositioned materiel shall be for the exclusive use by German forces or joint use by German forces and Lithuanian Armed Forces, as agreed by the Executive agents. German forces shall have the access to, use of and disposition of prepositioned materiel and shall have the unencumbered right to remove such prepositioned materiel at any time from the territory of the Republic of Lithuania.
3. German forces and German contractors shall have unimpeded access to and use of storage facilities for all matters related to the prepositioning and storage of prepositioned materiel, including delivery, management, inspection, use, maintenance, and removal of such prepositioned materiel, regardless of whether these storage facilities are Agreed Facilities and Areas. Aircraft, vehicles, and vessels operated by or for German forces shall have access to aerial ports and seaports of the Republic of Lithuania and other locations, as agreed, for the delivery to, storage and maintenance in, and removal from the territory of the Republic of Lithuania of German forces prepositioned materiel.

ARTICLE 5

PROPERTY OWNERSHIP

1. All buildings, non-relocatable structures, and assemblies affixed to the land in Agreed Facilities and Areas, including those altered or improved by German forces, remain the property of Lithuania. All such buildings, structures, and assemblies constructed by the German forces become the property of Lithuania, once constructed, but shall be used by German forces until no longer needed by German forces. German forces shall notify Lithuanian Executive Agent when an Agreed Facility or Area, or any portion thereof, is no longer needed.

2. German forces shall return as the sole and unencumbered property of Lithuania any Agreed Facility or Area, or any portion thereof including buildings, non-relocatable structures, and assemblies constructed by German forces once no longer used by German forces. The Parties or their Executive Agents shall consult regarding the terms of return of any Agreed Facility or Area, including compensation for the residual value of improvements or construction made by Germany.
3. The German forces and German contractors shall retain title to all equipment, materiel, supplies, relocatable structures, and other movable property they have installed, imported into or acquired within the territory of the Republic of Lithuania in connection with this Agreement until such time as they surrender title.
4. The Parties or their designees may consult regarding the possible transfer or purchase of German forces' equipment determined to be excess to the needs of Germany, as may be authorized by German laws and regulations.

ARTICLE 6

SECURITY

1. The Parties mutually agree that Lithuania retains primary responsibility for security outside of Agreed Facilities and Areas.
2. Lithuania shall take such measures as are necessary to ensure the protection, safety, and security of German forces, German contractors, dependents, and prepositioned materiel, and the protection and security of official German information. In furtherance of this responsibility, Lithuanian and German military authorities shall cooperate closely to ensure that security and protection is provided.
3. Lithuania hereby authorises German forces to exercise all rights and authorities necessary for German forces' use, operation, defence, or control of Agreed Facilities and Areas, including taking appropriate measures to maintain or restore order and to protect German forces, German contractors, and dependents. Germany intends to coordinate such measures and shall coordinate force protection plans with the appropriate authorities of Lithuania.
4. Military and civilian personnel who have been security-cleared according to the standards of the Information Security Agreement shall be granted access to all barracks, training areas, storage areas and other installations under the supervision or the operational control of the Executive Agent of either Party. The Executive Agent of either Party may restrict access to selected installations which are deemed to be especially security sensitive. The German Executive Agent shall give sympathetic consideration to requests by the Lithuanian Executive Agent for access, inspections or visits to especially security sensitive areas, if such access is necessary to fulfil cogent obligations under the laws and regulations of the Republic of Lithuania.
5. An attestation of personal security clearance certification (*Konferenzbescheinigung*) shall be recognised as proof of security clearance.

ARTICLE 7
ENTRY AND EXIT

1. Unless otherwise mutually agreed by Executive Agents, the Republic of Lithuania waives its authority under Article III, paragraph 2(b) of the NATO SOFA to require countersignature of movement orders.
2. In accordance with the NATO SOFA, Lithuania shall not require passports or visas for entry into and departures from the Republic of Lithuania for members of the force holding the required personal identity card and a valid movement order. For entry into and departure from the territory of the Republic of Lithuania, it shall be sufficient for members of the civilian component, dependents, and German contractors to be in possession of a valid German Ministry of Defence identification card, movement order, or certificate issued by the competent authority of Germany indicating their status as members of the civilian component, dependents, or German contractors, and a valid passport.

The competent authorities of Lithuania shall make any annotations required by Lithuanian law in the passports of members of the civilian component, German contractors, and dependents.

3. German forces, members of the civilian component, German contractors, and their dependents shall be exempt from regulations governing the registration and control of aliens.

ARTICLE 8
LOGISTICS SUPPORT

1. Lithuania shall use best efforts, considering its internal national requirements and available capabilities, to provide to German forces, upon request, logistics support to conduct activities under this Agreement.
2. As appropriate, such logistics support shall be provided against reimbursement.
3. For any logistic support German forces and German contractors shall pay reasonable costs for logistics support requested and received. In this regard, Lithuania shall accord to the German forces treatment no less favourable than is accorded to the Lithuanian Armed Forces, including charging the German forces and German contractors rates no less favourable than those paid by the Lithuanian Armed Forces for similar logistics support, less taxes, fees, or similar charges.

[DE proposal] ARTICLE 8 BIS
PARTICIPATION IN THE LITHUANIAN ADMINISTRATIVE SYSTEM

1. German sent personnel shall be eligible to be issued personal identification numbers within the Lithuanian administrative system (*Asmens Kodas*).

2. Members of the civilian component, dependents of members of the force or of the civilian components and German contractors shall be eligible to participate in the Lithuanian Health Care and Social Security Systems on the same conditions as the citizen of the Republic of Lithuania (except the auto enrollment into the funded pension scheme; with a possibility join the scheme on the voluntary basis), if their planned stay exceeds three months.

[LT proposal] ARTICLE 8 BIS STATUS CERTIFICATE

1. German sent personnel shall receive Status certificate if their planned stay in the Republic of Lithuania exceeds three months.
2. Status certificate is considered to be a document confirming personal identity, which will also confirm the person's right to temporary residence in the Republic of Lithuania for the period specified on the document and its status according to this Agreement. Personal identification number is granted on issuing status certificate.
3. Status certificate will be issued in accordance to the procedure described in laws and regulations in force in the Republic of Lithuania.
4. Should a member of the German forces die or leave the territory of the Republic of Lithuania on transfer, the dependents of such member, while such dependents are present in the territory of the Republic of Lithuania, shall continue to be accorded the status of dependents under this Agreement for a period of three months after such death or transfer. In cases where dependent children are enrolled in education facilities in the territory of the Republic of Lithuania prior to the member's death or transfer the dependents shall continue to be accorded the status of dependents for a period of not less than 30 calendar days after the end of the school year or termination of enrolment.

ARTICLE 9 MOTOR VEHICLES

1. Lithuanian authorities shall honour the registration and licensing by German military and civilian authorities of motor vehicles and trailers of the German forces, German contractors and dependents. Upon the request of German military authorities, Lithuanian authorities shall issue without charge military license plates for German forces official, non-tactical vehicles in accordance with procedures established for the Lithuanian Armed Forces. For private motor vehicles of the members of the German forces, German contractors and dependents Lithuanian authorities shall issue license plates that are indistinguishable from those issued to the Lithuanian population at large, subject to usual fees and charges. The requirements for the registration of motor vehicles set in the national laws and regulations of the Republic of Lithuania shall not apply if a vehicle is registered by German authorities.
2. German military authorities shall take adequate safety measures with respect to motor vehicles and trailers registered and licensed by them or used by German forces in the

territory of the Republic of Lithuania.

ARTICLE 10

LICENSES AND PROFESSIONAL QUALIFICATION

1. A license or other permit issued by German authorities to a member of the German forces or a German contractor, empowering the holder to operate vehicles, vessels, or aircraft of the force shall be valid for such operation within the territory of the Republic of Lithuania.
2. Lithuanian authorities shall accept as valid, without a driving test or fee, and for the duration of their stay with activities under this Agreement, driving licenses of members of the German forces, civilian components and their dependents, and German contractors, issued by German authorities for the operation of private motor vehicles, provided the holder of the license is 18 years or older. International drivers' licenses shall not be required.
3. Lithuania shall not require members of the German forces or German contractors to obtain professional licenses or professional qualifications issued by Lithuania in relation to the provision of services provided as part of their official or contractual duties to German forces and their dependents, or German contractors, as well as to other persons as mutually agreed
4. Lithuania shall recognise the professional qualification and licences obtained by the Dependents, described in Article 2 paragraph 5, in accordance to the procedure set in laws and regulations of the Republic of Lithuania, if they wish to pursue a regulated profession in the Republic of Lithuania.

ARTICLE 11

MOVEMENT OF AIRCRAFT, VESSELS, AND VEHICLES

1. Vehicles and vessels operated by or exclusively for German forces may enter, exit, and move within the territory of the Republic of Lithuania with respect for the relevant rules of land and maritime safety and movement, including respect for private property and identified restricted area and on approval of the authorities of the Republic of Lithuania granted in accordance with established procedures. German Government aircraft and civil aircraft that are at the time operating exclusively under contract to the German Ministry of Defence are authorized to overfly, conduct aerial refuelling, land, and take off within the territory of the Republic of Lithuania, with respect for the relevant rules of air safety and navigation on approval of the authorities of the Republic of Lithuania granted in accordance with established procedures. German Government aircraft, vessels, and vehicles shall be free from boarding and inspection without the consent of German authorities.
2. The competent authorities of the Parties shall cooperate regarding procedures for German transportation of arms, heavy equipment and hazardous materials within the territory of the Republic of Lithuania.

3. German Government aircraft and civil aircraft that are at the time operating exclusively under contract to the German Ministry of Defence shall not be subject to payment of air navigation fees, dues, or other charges (such as air navigation fees for the services in the Republic of Lithuania (terminal and navigation fees) and fees for using the air ports), and such aircraft shall not be subject to payment of landing or parking fees at government-owned and operated airfields in the Republic of Lithuania. Vessels owned or operated by or exclusively for German forces shall not be subject to payment of pilotage or port fees, lighterage charges, harbour dues, or similar charges at government-owned and operated ports in the Republic of Lithuania. German forces and German contractors operating on behalf of German forces shall pay reasonable charges for services requested and received, at rates no less favourable than those paid by the Lithuanian Armed Forces less taxes and similar charges.

ARTICLE 12

CRIMINAL JURISDICTION AND COERCIVE MEASURES

1. Insofar as, in accordance with Article VII of the NATO SOFA, the authorities of the Republic of Lithuania shall have the primary right to exercise criminal jurisdiction over members of the German Forces, the competent authorities of Lithuania shall waive it, unless essential interests of administration of justice of the Republic of Lithuania make such exercise of criminal jurisdiction imperative.
2. Essential interests of administration of justice of the Republic of Lithuania may make the exercise of criminal jurisdiction imperative in particular in the following cases:
 - a) criminal offences referred to in Article VII paragraph 2 sub-paragraph c of the NATO SOFA as well as comparable criminal offences of significant importance detrimental to the security of the Republic of Lithuania,
 - b) offences causing the death of a human being, as well as serious offences against physical integrity and sexual autonomy, except where such offences are directed against a member of the Sending State's Armed Forces, and
 - c) the attempt to commit and participation in such offences.
3. If the competent authorities of Lithuania shall waive the exercise of criminal jurisdiction, the competent agencies of the Sending State shall remove the suspect from the territory of the Republic of Lithuania without delay and submit the case to their competent authorities for a decision on the institution of criminal proceedings.
4. The competent courts and authorities of the two States shall, within the limits imposed by their national legislation and obligations under international agreements, render each other legal assistance in criminal proceedings. If the authorities of the Republic of Lithuania do not waive the exercise of criminal jurisdiction, the competent agencies of the Sending State shall use their influence, to the extent that the legal system applicable to them permits, to induce members of the German Forces suspected of having committed a criminal offence while staying in the Republic of Lithuania, to turn themselves in to the courts and authorities

of the Republic of Lithuania, insofar as the law of the Republic of Lithuania obliges them to do so.

5. The competent courts and authorities of the Republic of Lithuania shall have the right, within the limits of their jurisdiction and competence, to order and carry out coercive measures against members of the German Forces during their stay in the Republic of Lithuania.
6. When a member of the German Forces has been arrested by the authorities of the Republic of Lithuania or other coercive measures are taken resulting in detention, the competent authority of Lithuania shall notify the Sending State's diplomatic mission in the Republic of Lithuania without delay. This notification shall state which court or authority has competence over the further proceedings.
7. The courts and authorities of the Sending State shall not exercise their criminal jurisdiction in the Receiving State.

ARTICLE 13

CUSTODY AND ACCESS

1. Lithuanian authorities shall notify German military authorities immediately when a member of the German forces, or a dependent, is arrested or detained by Lithuanian authorities. German military authorities shall have prompt access to any such individual whenever requested, and shall be permitted, with the consent of the prosecutor, responsible for organising and controlling the activities of pre-trial investigation, to be present during all proceedings, including interrogations of such member or dependent by Lithuanian authorities.
2. A member of the German forces, or a dependent, under investigation or pending trial by Lithuanian authorities shall remain under the control of German military authorities, if such military authorities so request, until the conclusion of all related judicial proceedings (including appellate proceedings). In such cases, a request shall be made only if German military authorities certify that they are able to assure the appearance of the member of the German forces, or dependent before Lithuanian authorities in any proceedings that may require the presence of such person. In the event Lithuanian judicial proceedings are not completed within one year of their commencement, German military authorities shall be relieved of any obligations under this paragraph. This period of time may be extended in exceptional circumstances as agreed to by German military authorities and appropriate Lithuanian authorities.
3. Any period of time spent in restraint exercised by Lithuanian authorities or custody exercised by German military authorities shall be credited against any sentence to confinement eventually adjudged in the same case.
4. Except as otherwise agreed by the Parties, confinement imposed by a Lithuanian court upon a member of the German forces, or a dependent shall be served in one or more Lithuanian penal institutions designated for such purposes by the Parties. Lithuanian authorities shall

permit German military authorities to visit such persons outside of regular visiting hours and to provide such persons with assistance, including for their health, welfare, and morale, such as clothing, food, bedding, medical and dental care, and religious counselling upon coordination with appropriate Lithuanian officials. Lithuanian authorities shall permit family members to visit such persons in accordance with regular visiting hours and as also may be agreed by special arrangement, and to provide such persons with assistance, including for their health, welfare, and morale, such as clothing, food, bedding, medical and dental care, and religious counselling upon coordination with appropriate Lithuanian officials.

ARTICLE 14 DISCIPLINE

German military authorities shall be responsible for the maintenance of discipline over German forces and may establish military police units in the Agreed Facilities and Areas where German forces are located. German military authorities may also authorise the use of such units in communities near military facilities and areas where German forces are located, in coordination with Lithuanian officials.

ARTICLE 15 CLAIMS

1. Members of the force and the civilian component shall not be subject to any proceedings for civil claims or administrative penalties 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 Lithuanian authorities and processed according to the provisions contained in NATO SOFA, Article VIII.
2. For purposes of this Article, the term "civilian component" shall include all persons, regardless of their nationality or place of residence, who are German Government employees acting in the performance of official duty as assigned by the German forces, but shall not include German contractors, other contractors and employees of contractors, or non-commercial organisations, regardless of their nationality or place of residence.
3. Members of the force and the civilian component shall not suffer default judgements or actions prejudicial to their interests when official duties or duly authorised absences temporarily prevent their attendance at non-criminal proceedings.
4. For purposes of determining whether potential civil liability has arisen out of any act or omission done in the performance of official duty by a member of the force or the civilian component, certification by the highest appropriate German military authority in the Republic of Lithuania that such act or omission was done in the performance of official duty shall constitute a conclusive determination of the fact.

ARTICLE 16
OFFICIAL TAX EXEMPTIONS

1. With respect to value added taxes (“VAT”), use taxes, excise taxes, or similar or successor taxes, an exemption shall apply to purchases by German forces of materiel, supplies, services, equipment and other property.
2. The exemption shall be applied according to the conditions and procedures established by the Republic of Lithuania at the point of purchase, if the transaction is accompanied by the certification that such materiel, supplies, services, equipment, and other property are for German forces. In the case of goods subject to excise tax, the excise exemption shall be applied at the point of purchase only if the goods are acquired from a tax warehouse and the transaction is accompanied by the certification referenced above. In all other cases, the exemption shall be granted by reimbursement or as mutually agreed otherwise.
3. German forces may establish and operate, either directly or through a concessionaire:
 - a) Cafeterias, understood as dining facilities serving the members of German forces;
 - b) Canteens, understood as shops or exchanges, facilitating the provision of and reselling of tax - and duty-free goods, including tobacco products and alcohol, and services to the members of German forces.
 - c) Messes, understood as facilities serving light meals, beverages, and promoting socialization among the members of German forces.
4. German forces shall be exempt from taxes on income deriving from sales and services rendered in their cafeterias, or the canteens, messes, or from other morale and welfare activities, whether operated directly or through a concessionaire in their name. The tax exemption enjoyed by the German forces does not extend to income or profit earned by a concessionaire and which the concessionaire under the laws and regulations in force in the Republic of Lithuania may be responsible to report for tax purposes.

ARTICLE 17
PERSONAL TAX EXEMPTIONS

1. Members of the German forces and dependents shall not be liable to pay tax, fee, license charge, or similar charges, in the territory of the Republic of Lithuania on the ownership, possession, use, transfer between themselves, or transfer in connection with death of their tangible movable property imported into the Republic of Lithuania or acquired there for their own personal use.
2. Motor vehicles owned by members of the German forces and dependents shall be exempt from Lithuanian road taxes, 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 or covering the expenses of services rendered.
3. With regard to taxation of income, provisions of the NATO SOFA and the Agreement between the Republic of Lithuania and the Federal Republic of Germany for the Avoidance

of Double Taxation With Respect to Taxes on Income and on Capital, done at Vilnius on 22 July 1997, as amended by the Protocol, done at Vilnius on 30 September 2022, shall apply according to their terms, as shall applicable domestic law in force in both States, unless this agreement provides otherwise.

4. The exemption from taxes on income provided by NATO SOFA Article X shall also apply to income received by members of the German forces, dependents, and German contractors from employment with the organizations referred to in Article 2 paragraph 3, and activities addressed in Articles 21 and 22 of this Agreement, and from sources outside the Republic of Lithuania.
5. Except as provided in Article 24 of this Agreement the provisions of Lithuanian 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 Republic of Lithuania.
6. Reimbursement upon exportation is not precluded under this Article.

ARTICLE 18

OFFICIAL IMPORTATION AND EXPORTATION

1. With reference to NATO SOFA Article XI, materiel, supplies, equipment, and other property imported by the German forces and contractors, enlisted in Annex B, shall be permitted entry into the Republic of Lithuania. Such entry shall be free from duties, import or registration fees, and other similar charges, including but not limited to use taxes, excise taxes, and VAT.
2. The Parties shall cooperate as necessary to ensure that the quantities of materiel, supplies, equipment, and other property imported are reasonable.
3. German forces shall provide authorities of Lithuania an appropriate certificate that such materiel, supplies, equipment, and other property qualify for the exception under the terms of this paragraph. Deposit of the certificate (as provided for in NATO SOFA Article XI, paragraph 4) shall be accepted by customs authorities of Lithuania instead of a customs declaration of the items. When materiel, supplies, equipment, and other property are imported by contractors under the terms of this paragraph, German forces shall require the contractors to use the items exclusively for the execution of German forces' contracts.
4. The materiel, supplies, equipment, and other property referred to in paragraph 1 of this Article shall be exempt from any tax or other charge that would otherwise be assessed upon such property after its importation or acquisition.
5. The exportation from the Republic of Lithuania of the materiel, supplies, equipment, and other property referred to in paragraph 1 of this Article shall be exempt from Lithuanian export duties.

ARTICLE 19
PERSONAL IMPORTATION AND EXPORTATION

1. German forces, dependents and German contractors can bring their personal property into the territory of the Republic of Lithuania without paying import duties and VAT in accordance to the EU regulation 1186/2009 of 16 November 2009 establishing a Community system of relief from customs duties Council Directive 2009/132/EC determining the scope of Article 143(b) and (c) of Directive 2006/112/EC as regards the exemption from value added tax on the final importation of certain goods and the conditions laid down by other legislation implementing aforementioned Regulation and The Directive.
2. German sent personnel may re-export (or export) free of export duties or charges, any goods imported (or acquired) by them into the Republic of Lithuania during their period of duty.

ARTICLE 20
CUSTOMS PROCEDURES

1. Lithuania shall take all appropriate measures to ensure the smooth and rapid clearance of imports and exports contemplated under this Agreement for German Forces and German Contractors. Any customs inspection shall take place expeditiously.
2. Customs inspections under this Agreement shall be carried out in accordance with procedures mutually agreed between the appropriate Lithuanian authorities and German forces.
3. German forces' classified information may be imported into and exported from the Republic of Lithuania without being subjected to a custom inspection. Classified information has the meaning set forth in Article 3 of the Information Security Agreement and shall be handled in accordance with the terms of said Agreement, or successor agreements.
4. German military authorities shall establish the necessary measures at facilities where German forces are located to prevent abuses of the rights granted under the customs provisions of the NATO SOFA and this Agreement. German authorities and Lithuanian authorities shall cooperate in the investigation of any alleged customs violations.

ARTICLE 21
MILITARY SERVICE ACTIVITIES

1. German forces may establish military service exchanges, commissaries, other sales outlets, open messes, social and educational centres, and recreational service areas in the Republic of Lithuania at mutually agreed locations for use by members of the German forces, dependents, and other authorised personnel as mutually agreed. German military authorities may operate and maintain the foregoing military service activities directly or through contract with other organizations. No license, permit, inspection, or other regulatory control

shall be required by Lithuania for these military service activities.

2. German forces may enter into contracts with financial institutions to operate banking and other financial activities in the Republic of Lithuania for the exclusive use of German forces, German contractors, and dependents.
3. The activities and organizations referred to in this Article shall be accorded the same fiscal and customs exemptions granted to the German forces. Such activities and organisations shall be maintained and operated in accordance with applicable German regulations. Such activities and organizations shall not be required to collect or pay taxes or other fees for activities related to their operations.
4. German forces shall adopt appropriate measures to prevent the sale of goods and property imported into or acquired in the territory of the Republic of Lithuania by the activities and organisations referred to in paragraphs 1 and 2 of this Article to persons who are not authorised to patronize such activities or organizations.

ARTICLE 22

MILITARY POST OFFICES

1. The German Armed Forces may establish, maintain, and operate military post offices for use by them, dependents, and contractors. Mail posted at such post offices may bear German stamps.
2. German Forces official mail shall be exempt from inspection, search, or seizure

ARTICLE 23

CURRENCY AND EXCHANGE

1. German forces shall have the right to import, export, and use European currency or instruments expressed in the currency of the Euro in any amount.
2. German military authorities may distribute to or exchange for members of the German forces and dependents currency of and instruments denominated in the currency valid in:
 - a) the Republic of Lithuania,
 - b) any other country, to the extent required for the purpose of authorised travel, including travel on leave.
3. Members of the German forces and dependents may:
 - a) Import and export Euro currency and instruments denominated in Euro, and
 - b) Export from the Republic of Lithuania any currency. and instruments denominated in any such currency, provided that such German personnel or dependents have either imported such currency or instruments into the Republic of Lithuania, or received such currency or instruments from German forces.

ARTICLE 24

LABOUR

1. German forces and organizations conducting those military service activities described in Articles 21 and 22 of this Agreement may recruit and employ dependents, as well as persons authorized to be employed in the territory of the Republic of Lithuania, and may administer those employees in accordance with this Article.
2. Dependents described in Article 2 paragraph 5 of this Agreement can be employed or self-employed in the Republic of Lithuania without obtaining a work permit. Status certificate issued in accordance with Article 8bis of this Agreement shall be the confirmation of right to work in the Republic of Lithuania.
3. Terms and conditions of employment of the German forces, including wages and salaries, supplementary payments, and increases in such payments, shall be set by the German forces and organizations in accordance with applicable German laws and regulations, taking into consideration mandatory labour law provisions of the Republic of Lithuania and prevailing wages. Such terms and conditions shall be made available to prospective employees as part of the application for employment process. The lawfulness of collective actions in collective labour disputes shall be established and collective labour disputes shall be investigated according to Lithuanian law.
4. State social insurance contributions for local civilian employees and dependents described in Article 2 paragraph 5 of this Agreement, employed or self-employed in the Republic of Lithuania, except employed by the German Forces and organizations according to paragraph 1 of this Article shall be paid in accordance with the legislation of the Republic of Lithuania and European Union regulations.

ARTICLE 25

MEDICAL SERVICES

1. Pursuant to the Agreement, Article IX, paragraph 5 (NATO SOFA), the Republic of Lithuania shall permit German sent personnel to receive medical and dental care, including hospitalization, on terms established or to be agreed between competent national authorities
2. German forces may establish, contract, maintain and operate medical and dental facilities in the Republic of Lithuania on terms established or to be agreed between competent national authorities. German forces may import and supply those medical and dental facilities with pharmaceutical products without separate decision or permission of Lithuanian Authorities.

ARTICLE 26

CONTRACTING PROCEDURES

1. German forces may contract for any materiel, supplies, equipment and services (including construction) to be furnished or undertaken in the Republic of Lithuania without restriction as to choice of contractor, supplier, or person who provides such materiel, supplies, equipment, or services. Such contracts shall be solicited, awarded, and administered in accordance with applicable European Union or German laws and regulations.
2. Lithuania shall accord to German forces treatment in the matter or procurement of goods, services, and utilities no less favourable than is accorded to the Lithuanian Armed Forces.
3. In accordance with the conditions and criteria set out in the request submitted by German forces, Lithuania shall procure goods, services and works that are necessary for fulfilment of this Agreement in accordance with Article 12 (b) of Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC and Article 17 (b) of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC. The Parties agree that all procurements that are necessary for fulfilment of this Agreement are considered related to defence and security. Lithuania shall assign competent authorities that will establish the specific procedural rules on awarding such contracts including but not limited to rules on transparency, criteria on invitation to negotiate, negotiated procedure rules and requirements, verification of the suitability and choice of suppliers and award of contracts, and review procedures.

ARTICLE 27

STATUS OF CONTRACTORS

German contractors shall be exempt from Lithuanian laws and regulations with respect to the terms and conditions of their employment to perform work under contracts with German forces, and with respect to the licensing and registration of businesses and corporations solely with regard to the provision of goods and services to German forces in the Republic of Lithuania. Such contractors also shall be exempt from all corporate taxes arising solely from the delivery to German forces of goods or services, or from construction or facilities for German forces. Such contractors also shall not be subject to any form of income or profits tax by Lithuania or its political subdivisions on that portion of its income or profits derived from a contract or subcontract with German forces. Annex B lists German contractors for which aforementioned provisions are to be applicable.

ARTICLE 28

ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH

1. The Parties intend to implement this Agreement in a manner consistent with the protection

of the natural environment and human health and safety. Germany confirms its intent to respect relevant Lithuanian environmental health, and safety laws in the execution of its policies. Lithuania confirms its policy to implement environmental, health, and safety laws, regulations, and standards with due regard for the health and safety of German forces, dependents, and German contractors. The competent authorities of the Parties intend to consult in matters relating to the environment, human health, and safety.

2. To seek the environmentally sound management of hazardous wastes, Lithuania shall designate an entity as the competent authority for the purpose of required notifications under the Basel Convention on the Control of Transboundary Movements of hazardous Wastes and their Disposal done at Basel on March 22, 1989, and Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste as amended by Commission Delegated Regulation (EU) 2020/2174 of 19 October 2020 amending Annexes IC, III, IIIA, IV, V, VII and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste. . German forces shall provide the information required for Lithuania to comply with its obligations.

ARTICLE 29

UTILITIES AND COMMUNICATIONS

1. German forces and German contractors shall be allowed to use water, electricity, and other public utilities on terms and conditions, including rates or charges, no less favourable than those available to Lithuanian Armed Forces or the Government of the Republic of Lithuania in like circumstances, free from taxes or other government fees or charges. German forces costs shall be equal to their pro rata share of the use of such utilities.
2. The Parties recognize that it may be necessary for German forces to use the radio spectrum. Germany shall be allowed to operate its own telecommunication systems (as "telecommunication" is defined in the 1992 Constitution and Convention of the International Telecommunication Union). This shall include the right to utilize such means and services as required to ensure full ability to operate telecommunication systems, and the right to use all necessary radio spectrum for this purpose. German forces, in the interest of avoiding mutually disruptive interference, shall coordinate with Lithuanian Executive Agent concerning the use of frequencies. Use of the radio spectrum shall be free of cost to German forces.

ARTICLE 30

EDUCATIONAL SERVICES

1. German sent personnel and their dependents shall be given the opportunity to attend pre-school education establishments and to study at general education schools, vocational training schools or higher education institutions (universities and colleges), including Lithuanian language instruction, provided by the authorities of the Republic of Lithuania,

under the same conditions and subject to the same rate of tuition fees as applicable to the respective nationals of the Republic of Lithuania.

2. German forces are authorised to set up pre-schools and general education schools teaching in German language and following German education curriculum in the Republic of Lithuania. Educational funds for these schools may be allocated from target allocations in the State budget of the Republic of Lithuania for respective year to implement pre-primary, primary, basic and secondary education programmes. Financial and other assistance shall be provided under the same conditions as accorded to non-state schools in the Republic of Lithuania.
3. The Republic of Lithuania shall recognize the education provided by schools referred to in paragraph 2 and the documents validating academic achievement and/or higher education diplomas issued by the said schools, in accordance with the procedure established by the laws and regulations of the Republic of Lithuania. Students of the schools referred to in paragraph 2 undergoing general education, vocational training and higher education programmes shall have the right to begin schooling, transfer or transition to other school anywhere within the educational system of the Republic of Lithuania, in accordance with the procedure established by the laws and regulations in force in the Republic of Lithuania.

ARTICLE 31

IMPLEMENTATION AND DISPUTES

1. All obligations under this Agreement are subject to the availability of appropriated funds authorized for these purposes.
2. As appropriate, the Parties or their Executive Agents may enter into implementing arrangements to carry out the provisions of this Agreement.
3. The Parties or their Executive Agents shall meet at least annually at a mutually determined location to consult on the defence relationship, activities undertaken pursuant to this Agreement, and other matters of mutual interest.
4. The Executive Agents shall consult as necessary, but not less often than annually, to ensure the proper implementation of this Agreement. The Executive Agents shall develop procedures for consultation between their respective staffs on all matters concerning the effective implementation of this Agreement.
5. Disputes shall be resolved at the lowest level possible and, as necessary, elevated to the Executive Agents for consideration and resolution. Those disputes that cannot be resolved by the Executive Agents shall be referred to the Parties for consultation and resolution, as appropriate.
6. Disputes and other matters subject to consultation under this Agreement shall not be referred to any national court or to any international court, tribunal or similar body or to any other third party for settlement.

ARTICLE 32
ENTRY INTO FORCE, AMENDMENT, AND DURATION

1. This Agreement shall enter into force on the date of the receipt of the later diplomatic note in an exchange of notes between the Parties indicating that each Party has completed its internal procedures necessary for entry into force of this Agreement.
2. This Agreement shall have an initial term of ten years. After the initial term, it shall continue in force, but may be terminated by either Party upon one year's written notice to the other Party through diplomatic channels.
3. This Agreement, including its duration, may be amended by written agreement of the Parties. Any amendments shall enter into force according to procedure defined in paragraph 1 of this Article.
4. Annexes A and B appended to this Agreement shall form an integral part of this Agreement and may be amended by written agreement of the Executive Agents.

In WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Vilnius, this DD day of MMMM, 20XX, in duplicate in the Lithuanian, German and English languages, all texts being equally authentic. In case of divergence in interpretation of the provisions of this Agreement, the English text shall prevail.

FOR THE GOVERNMENT OF THE
REPUBLIC OF LITHUANIA

FOR THE GOVERNMENT OF THE
FEDERAL REPUBLIC OF GERMANY

ANNEX A

Agreed Facilities and Areas

(To be determined and amended, e.g.:)

- 1. Rukla Military Garrison*
- 2. Rudninkai*
- 3. Ukmerge Storage Area A*
- 4. Zapalskiai Storage Area B*
- 5. Etc.....*

ANNEX B

List of German Contractors operating under this Agreement

1. HIL GmbH
2. BWI GmbH
3. Fuhrparkservice GmbH
4. Bw-Bekleidungs GmbH
5. *Others tbd*