

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

(Lithuanian- German Visiting Forces Agreement)

The Government of the Republic of Lithuania  
and  
the Government of the Federal Republic of Germany  
(hereinafter referred to as the “Parties“),

considering the Agreement of 19 June 1951 between the Parties to the North Atlantic Treaty regarding the Status of their Forces (hereinafter referred to as the “NATO SOFA”),

desiring to establish supplementary rules for temporary stays of members of the Lithuanian Armed Forces in the Federal Republic of Germany and members of the German Armed Forces in the Republic of Lithuania,

considering that under the provisions of the present Agreement, the rights and obligations of the Parties under international agreements establishing international tribunals, including the Rome Statute of the International Criminal Court, will remain unaffected,

have agreed as follows:

#### Article 1 Definition

The term “members of the Armed Forces” shall mean the members of the force and the civilian component as defined in Article I of the NATO SOFA.

## Article 2

### Purpose of the Agreement

(1) This Agreement regulates the entry into, exit from and temporary stay in the territory of the other State of members of the Armed Forces of the Federal Republic of Germany (*Bundeswehr*) and of the Armed Forces of the Republic of Lithuania.

(2) This Agreement shall not apply to temporary activities under military cooperation that are directly related to non-temporary stays of members of the Armed Forces of the Parties' States in the territory of the other State.

(3) The provisions of the NATO SOFA shall apply to any matters not regulated by the present Agreement.

## Article 3

### Type, Scope and Duration of Stays

(1) Temporary stays of members of the Armed Forces under this Agreement shall serve the purpose of exercises, training of units, and transit by land, humanitarian relief actions, search and rescue operations as well as other temporary activities under military cooperation, if so agreed by the Parties. The stays shall take place under the responsibility of the competent agencies of the Receiving State with up to 3,000 members of the Armed Forces of the Sending State and shall as a rule not last longer than 3 months. The duration of exercises in the territory of the Federal Republic of Germany conducted outside the facilities mentioned in Article 12 paragraph 2 shall as a rule not exceed 30 days.

(2) For members of the Armed Forces performing liaison and advisory functions and for training purposes, stays of up to two years' duration with an option for extension shall be agreed.

(3) Details concerning these stays (type, scope, duration and other details) shall be coordinated between the competent agencies of the two States.

#### Article 4

##### Terms of Entry, Exit and Stay

(1) The entry into, exit from and temporary stay in the Receiving State by members of the Armed Forces of the Sending State shall be governed by the NATO SOFA.

(2) Regarding the weapons imported into, carried on or – following deployment – re-exported from the territory of the Receiving State by the Armed Forces of the Sending State, the following provisions shall apply:

- a) The competent agencies of the Federal Republic of Germany shall specify, in consultation with the competent agencies of the Republic of Lithuania, the number and type of war weapons and weapons as defined by the German Weapons Act (including ammunition and military equipment pursuant to the German Foreign Trade and Payments Ordinance) that are indispensable for the official purpose of the stay of the Armed Forces of the Sending State and may be imported into, carried in or re-exported from the Federal Republic of Germany, as well as the registration and/or reporting requirements for such weapons. Licences required under the war weapons control legislation of the Federal Republic of Germany shall be deemed to have been granted for any war weapons (pursuant to Part B of the War Weapons List – Annex to section 1 paragraph 1 of the German War Weapons Control Act – unless the war weapons in question are antipersonnel mines or cluster munitions) that members of the Armed Forces of the Republic of Lithuania will import, carry with them or export. Where the members of the Armed Forces of the Republic of Lithuania are acting on the basis of this Agreement and have been authorised by official instruction to possess and carry weapons, the provisions of

the German Weapons Act shall not apply. Licences required under the foreign trade legislation shall be deemed to have been granted for the above-mentioned war weapons and for other weapons imported, carried or exported (including ammunition and military equipment). Prohibition of carrying weapons on civilian aircraft and in airside areas of airports in accordance with the provisions of the German Aviation Security Act shall remain unaffected. Nuclear, biological and chemical weapons (Part A of the War Weapons List) as well as antipersonnel mines and cluster munitions, must not be imported by the Armed Forces of the Republic of Lithuania into the Federal Republic of Germany, carried on the territory of the Federal Republic of Germany or exported from the territory of the Federal Republic of Germany.

Upon entry into and during their stay in the Federal Republic of Germany as well as upon their exit, the Armed Forces of the Republic of Lithuania shall carry a copy of this Agreement as proof that the licences under the war weapons control and foreign trade legislation are deemed to have been granted.

- b) The competent agencies of the Republic of Lithuania shall inform the competent agencies of the Federal Republic of Germany about the reporting and/or registration requirements for war weapons and other weapons. Members of the Armed Forces of the Federal Republic of Germany, who in accordance with Lithuanian law are granted a permit to enter the territory of the Republic of Lithuania, shall have the right to bring their war weapons and munitions into the territory of the Republic of Lithuania. Nuclear, biological and chemical weapons, weapons falling under the Convention of 10 October 1980 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, as well as antipersonnel mines and cluster munitions must not be imported into or carried on the territory of the Republic of Lithuania. The competent agencies of the Republic of Lithuania shall inform the competent agencies of the Federal Republic of Germany about other types of

weapons and munitions which in accordance with Lithuanian law or Lithuanian international commitments must not be imported into or carried on the territory of the Republic of Lithuania.

(3) During all activities conducted under this Agreement national commanders retain full command over their national forces.

#### Article 5

##### Public Security and Public Order

Should public security or public order of the Receiving State be threatened by a member of the Sending State's Armed Forces, the competent agencies of the Receiving State may demand the immediate removal of that member from the territory of the Receiving State. The competent agencies of the Sending State shall comply with such demands for removal.

#### Article 6

##### Public Health

(1) The members of the Armed Forces of the Sending State undertake to observe international and the Receiving State's national health regulations.

(2) As regards the prevention and control of communicable diseases in humans, animals and plants as well as the control of organisms harmful to plants and plant products in the Receiving State, European Union legislation (EU law) or, where the law of the European Union has not or not fully been harmonised, that of the Receiving State shall apply. The competent agencies of the Receiving State shall take measures pertaining to laws on infection protection, epizootic disease control and food; phytosanitary measures with regard to plants, plant products and other articles; and measures pursuant to medicines,

medical devices and sanitary control laws, insofar as this does not conflict with EU law or intergovernmental agreements.

## Article 7

### Criminal Jurisdiction and Coercive Measures

(1) Insofar as, in accordance with Article VII of the NATO SOFA, the authorities of the Receiving State have the right to exercise criminal jurisdiction over members of the Armed Forces of the Sending State, the competent authority of the Receiving State shall waive it, unless essential interests of the Receiving State's administration of justice make such exercise of criminal jurisdiction imperative.

(2) Essential interests of administration of justice of the Receiving State 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 Receiving State,
- 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 authorities of the Receiving State waive the exercise of criminal jurisdiction, the competent agencies of the Sending State shall remove the suspect from the territory of the Receiving State 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 Receiving State 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 Sending State's Armed Forces suspected of having committed a criminal offence while staying in the Receiving State, to turn themselves in to the courts and authorities of the Receiving State, insofar as the law of the Receiving State obliges them to do so.

(5) The competent courts and authorities of the Receiving State shall have the right, within the limits of their jurisdiction and competence, to order and carry out coercive measures against members of the Armed Forces of the Sending State during their stay in the Receiving State.

(6) When a member of the Armed Forces of the Sending State has been arrested by the authorities of the Receiving State or other coercive measures are taken resulting in detention, the competent authority of the Receiving State shall notify the Sending State's diplomatic mission in the Receiving State 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 8

### Telecommunications



(1) The use of publicly offered telecommunications services in the Receiving State shall be subject both to the general regulations of the Receiving State and the respective terms of business of the provider of the services; this applies in particular to the way in which charges are calculated and accounts rendered and settled.

(2) Subject to the approval of the competent agencies of the Receiving State, members of the Armed Forces of the Sending State may, insofar as this is necessary to achieve the purpose of their stay, set up and operate telecommunications facilities, including radio systems, on a temporary basis. The use of radio frequencies must be coordinated with the competent agencies of the Receiving State.

(3) Radio systems and telecommunications terminal equipment of the Sending State's Armed Forces that are to be operated in the territory of the Receiving State or hooked up to connections or transmission lines of the public telecommunications networks shall meet the basic technical requirements generally applicable to radio systems and telecommunications terminal equipment under the law of the Receiving State. Compliance with these requirements shall be proven in a conformity assessment procedure and markings to that effect shall be affixed to the equipment.

(4) Members of the Armed Forces of the Sending State, while staying in the Receiving State, shall only use radio frequencies which have been assigned to them by the competent agencies of the Receiving State. Because of the need for national and international coordination of the use of radio frequencies, the relevant request for radio frequency assignment shall be filed not later than 60 days prior to the scheduled beginning of use. At the end of the stay, the radio frequencies shall revert to the competent agencies of the Receiving State.

(5) The members of the Armed Forces of the Sending State shall take all necessary measures to avoid interference to the telecommunications networks in the Receiving State

by their own telecommunications or other electrical installations. Where radio stations of the Armed Forces of the Sending State cause harmful radio interference with radio stations located outside the Receiving State or suffer harmful interference from such stations, the competent agencies of the Receiving State shall act in accordance with the provisions of the Constitution and Convention of the International Telecommunication Union, as amended, and the Radio Regulations. The competent agencies of the Receiving State shall take all necessary measures, to the extent authorised by existing regulations, to avoid interference to telecommunications facilities of the Sending State's Armed Forces by telecommunications or other electrical installations of the Receiving State. In the event of electromagnetic interference, the national regulations concerning electromagnetic compatibility of equipment shall apply. If this results in the need to take the source of interference out of operation, the Armed Forces of the Sending State shall do so without delay.

## Article 9

### Environmental Protection

(1) The competent agencies of the Sending State shall recognise and acknowledge the importance of environmental protection in the context of activities performed by members of their Armed Forces in the Receiving State. The members of the Armed Forces of the Sending State shall comply with the Receiving State's legal provisions for the protection of the environment.

(2) The competent agencies of the two States shall work closely together in all matters of environmental protection, in particular in the preparation of exercises.

(3) Compliance with the legal provisions of the Receiving State notwithstanding, degradation of the environment shall be avoided, and where degradation of the environment cannot be avoided, appropriate environmental protection measures shall be

taken. Preparedness to prevent and respond to accidents involving hazardous substances or waste and other accidents which might cause pollution of the environment shall be the subject of emergency planning.

(4) For the movement of weapons, heavy equipment or hazardous material, preference shall be given to rail and water transport. Transport routes and means for every movement shall be coordinated by the competent agencies of the two States.

(5) The members of the Armed Forces of the Sending State shall operate their aircraft, vessels and vehicles in the Receiving State only with fuels, lubricants and additives classified as low-pollutant under the regulations of the Receiving State, provided that this is compatible with the technical requirements of such aircraft, vessels and vehicles. With respect to passenger cars and utility vehicles, the regulations of the Receiving State concerning the limitation of noise and exhaust gas emissions shall be observed.

(6) When using training installations, the members of the Armed Forces of the Sending State shall observe the applicable rules for their use, in particular safety, fire protection and environmental regulations. The same applies with respect to the administrative regulations of the Armed Forces of the Receiving State relating to exercises. Night firing and firing on Saturdays, Sundays and public holidays shall be conducted in accordance with the national law of the Receiving State.

(7) The members of the Armed Forces of the Sending State shall comply with the regulations of the Receiving State concerning environmentally safe recycling or other disposal of waste. Disposal of non-expended munitions by detonation or incineration at installations not approved for this purpose shall not be permitted.

### Operation of Vehicles, Vessels and Aircraft

(1) A driving licence or other permit issued to a member of the Armed Forces of the Sending State by its agencies, authorising the holder to operate vehicles, vessels or aircraft, shall also be valid for the operation of such vehicles, vessels or aircraft on or over the territory of the Receiving State.

(2) Motor vehicles and trailers of the Armed Forces of the Sending State shall be registered and licensed for road use by the competent agency of the Sending State. These vehicles shall bear a registration number and a distinctive nationality mark.

(3) Transportation and movements carried out by members of the Armed Forces of the Sending State within the scope of the national legal provisions of the Receiving State and applicable international agreements which are binding on both States, including related technical arrangements and procedures, shall be deemed to have been approved. In cases where special or exceptional authorisations and exemptions for the transportation of hazardous material are required for military movements and transportation, they shall be processed by the competent agencies of the Receiving State.

(4) The military agencies of the Receiving State shall coordinate the representation of the Sending State's military interests in traffic matters vis-à-vis civilian agencies and enterprises.

(5) With regard to the registration of the Sending State's own railway freight and passenger cars needed for the transport of members of the Armed Forces and military equipment of the Sending State, the use of the Receiving State's railway infrastructure and the pertinent safety regulations, the Receiving State's legal provisions and the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 shall apply. Where it is intended to deviate from the Receiving State's legal provisions in respect of the requirements for the qualitative condition and the use of the Sending State's railway

vehicles, the railway company of the Sending State shall apply to the railway administration of the Receiving State for the necessary permits.

(6) The members of the Armed Forces of the Sending State shall observe the Receiving State's traffic regulations, including the regulations concerning behaviour at the scene of an accident and the regulations on the transportation of hazardous material. The competent agencies of the Receiving State shall monitor observance of these regulations. Such monitoring may be conducted in conjunction with the competent agencies of the Sending State.

(7) The members of the Armed Forces of the Sending State shall observe basic traffic safety regulations of the Receiving State. Within the limits imposed by these regulations, the members of the Sending State's Armed Forces may apply their own national standards to the construction, design and equipment of motor vehicles, trailers, inland waterway vessels and aircraft. The competent agencies of the two States shall consult closely on the implementation of these provisions.

(8) The operation of motor vehicles and trailers whose dimensions, axle load, total weight or numbers exceed limitations under the Receiving State's road traffic law shall be subject to the permission of the competent agencies of the Receiving State. Outside training areas, tracked vehicles shall as a general rule not be moved other than by rail or, if required, by flatbed trailer. Driving tracked vehicles on public roads and trails without track pads shall not be permitted.

(9) Except in cases of emergency, members of the Armed Forces of the Sending State may use civilian airports in the Receiving State with military aircraft only with the permission of the competent agencies of the Receiving State granted in accordance with the regulations in force in the Receiving State.

(10) The competent agencies of the two States shall coordinate all air traffic control and related communications systems set up and operated by them to the extent necessary to ensure air traffic safety and achievement of the purpose of the stay of the members of their Armed Forces.

## Article 11

### Liability and Settlement of Claims

(1) Unless otherwise provided for in this Agreement, the liability for and settlement of claims shall be dealt with in accordance with the provisions of the NATO SOFA.

(2) The Parties shall inform each other which agencies are competent to settle claims. These competent agencies shall cooperate in good faith. They shall render each other all possible assistance to ensure compliance with judgements and administrative acts of the courts and authorities of the Receiving State in connection with obligations of the members of the Armed Forces under civil law.

(3) For the settlement of third-party claims, the following provisions shall apply in addition to Article VIII paragraphs 5 to 7 of the NATO SOFA, with the procedure provided for in Article VIII paragraph 6 sub-paragraphs a to c of the NATO SOFA being supplemented by the procedure set out in sub-paragraph f below:

- a) The competent agency of the Receiving State which is responsible for receiving and examining the request for compensation shall upon receipt of the request conduct its own investigations without delay.
- b) The competent agency of the Receiving State shall notify the competent agency of the Sending State of the receipt of the request for compensation as soon as possible, but within four weeks of receipt of the request at the latest. The notification shall

contain the reference number assigned by the agency of the Receiving State, the claimant's name and address, a brief description of the incident and when and where it occurred, the amount of compensation demanded, the nature of the damage, the names of the members of the Armed Forces involved and the designation of the unit involved in the incident, as applicable. The notification shall be in duplicate.

- c) The competent agency of the Sending State shall acknowledge receipt of the notification and send the competent agency of the Receiving State within six weeks of its receipt all available information and evidence. Where such information and evidence is unavailable to the competent agency of the Sending State, it shall inform the competent agency of the Receiving State to that effect. The competent agency of the Sending State shall further inform the competent agency of the Receiving State whether in its opinion the damage has been caused by acts or omissions for which the Armed Forces of the Sending State are legally responsible, or in connection with the use of a vehicle of the Sending State's Armed Forces, and whether that use was authorised or unauthorised.
- d) Once it has analysed all available information and evidence, the competent agency of the Receiving State shall decide whether and in what amount the claim is justified under the law of the Receiving State.
- e) The competent agency of the Receiving State shall pay the amount of compensation in its currency. It shall request the competent agency of the Sending State to reimburse the amount paid. The competent agency of the Sending State shall reimburse this amount within three months. If, under the law of the Receiving State, compensation is to be granted regularly in certain amounts, it shall be reimbursed between the competent agencies of the two States in accordance with the rules applicable in the Receiving State as a capitalised amount.

- f) In the case of damage not caused in the performance of official duty, the competent agency of the Receiving State shall prepare a report for the competent agency of the Sending State which shall examine it without delay and decide what amount of compensation, if any, it deems justified. The competent agency of the Receiving State may offer the claimant – notwithstanding the decision of the Sending State – an *ex gratia* payment in settlement of his claim. If that offer is accepted by the claimant in full satisfaction of his claim, the competent agency of the Receiving State shall make the payment. The competent agency of the Sending State shall reimburse the competent agency of the Receiving State for this sum. In other respects, the provisions of sub-paragraphs a to e above shall remain unaffected.

## Article 12

### Exercises

- (1) Exercises shall be governed by the legal provisions of the Receiving State and the service regulations of its Armed Forces.
- (2) Exercises on land shall as a general rule take place at military training areas, firing ranges and other military training facilities.
- (3) Exercises conducted in the airspace shall be governed by the Receiving State's regulations on the entry into and use of its airspace and the utilisation of aviation installations and facilities which fall within the scope of the Standards and Recommended Practices of the International Civil Aviation Organisation, as well as applicable notification, approval and coordination procedures contained in the relevant regulations of the Receiving State. These regulations include the Lithuanian Aviation Law, as amended, and the German Air Traffic Act, as amended, as well as the applicable Lithuanian and German regulations and administrative arrangements of the civilian and military sectors. Aircrew members participating in an exercise as well as the air traffic services and air



defence control personnel involved in such an exercise must have a good command of the English language, insofar as this is necessary for reasons of flight safety or air traffic control.

(4) Exercises of naval and auxiliary vessels in coastal and internal waters shall be governed by the regulations of the Receiving State.

### Article 13

#### Costs

(1) The competent agencies of the two States shall bear in full their costs related to cooperation under this Agreement unless otherwise agreed between them.

(2) Prior to the conduct of exercises and training, the competent agencies of the two States shall specify in detail the supplies and services to be provided and the costs involved.

(3) The competent agencies of the Receiving State shall support the competent agencies of the Sending State in the purchase of supplies and services.

### Article 14

#### Settlement of Disputes

Any dispute concerning the application or interpretation of the present Agreement shall be amicably settled only by consultation.

Article 15  
Implementation

Arrangements concerning the implementation of the present Agreement may be made between the respective Ministries of Defence and other competent agencies of the two States. The Parties shall inform each other through diplomatic channels of the competent institutions and points of contact for the implementation of this Agreement.

Article 16  
Final Provisions

The present Agreement shall enter into force on the date on which the Parties have notified each other that the national requirements for such entry into force have been fulfilled. The effective date shall be the date of receipt of the last notification. This Agreement shall be applied provisionally from the date of signature, insofar as the application of its provisions does not conflict with the national law of the Parties.

(1) This Agreement may be amended at any time by mutual written consent of the Parties. The amendments shall enter into force on the date on which the Parties have notified each other that the national requirements for such entry into force have been fulfilled. The effective date shall be the date of receipt of the last notification.

(2) The present Agreement shall remain in force for an unlimited period. The Agreement may be terminated by either Party giving written notice thereof through diplomatic channels. Termination shall take effect one year after receipt of that notice by the other Party, which shall acknowledge the receipt of the notice of termination and the date of receipt.

(3) In the event of termination, the provisions of Articles 11 and 13 of the present Agreement shall be applied until all claims arising out of the application of the provisions of the Agreement have been settled.

Done at \_\_\_\_\_ on \_\_\_\_\_ in duplicate, each in the Lithuanian, German and English languages, each text being authentic. In case of divergent interpretations of the German and Lithuanian texts, the English text shall prevail.

For the Government  
of the Republic of Lithuania

For the Government  
of the Federal Republic of Germany