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ANNEX B

IMPLEMENTING AGREEMENT

DESTRUCTION OF VARIOUS SMALL ARMS, LIGHT WEAPONS AND
MUNITIONS

IN THE REPUBLIC OF MOLDOVA

This annex, which constitutes an Implementing Arrangement foreseen by Article 2.1. of the Memorandum of Understanding (MOU), sets out the responsibilities of Moldova during the period for which NAMSA shall participate in the Demilitarization of various small arms, light weapons and munitions in Moldova.

For purposes of this agreement, the NATO Maintenance and Supply Organization is represented by the NATO Maintenance and Supply Agency (NAMSA).

The Government of Moldova and NAMSA agree as follows :

1. For the purpose of this Annex, the following definitions shall apply :

- NAMSA personnel means the military, civilian, and contractor personnel assigned or attached to or employed by NAMSA with the exception of personnel locally hired.

- "Contractor personnel" means technical experts or functional specialists whose services are required by NAMSA and who are in the territory of Moldova exclusively to serve NAMSA either in an advisory capacity in technical matters, or for the setting up, operation or maintenance of equipment, or provision of services unless they are :

(1) Nationals of Moldova, or

(2) Persons ordinarily resident in Moldova.

2. Without prejudice to their privileges and immunities under this Agreement, all NAMSA personnel shall respect the laws applicable in Moldova, insofar as compliance with those laws is compatible with the entrusted

tasks/mandate and shall refrain from activities not compatible with the nature of such tasks/mandate.

3. NAMSA personnel shall be immune from all legal process, whether civil, administrative or criminal, arising out of any act and/or omission with Moldova. NAMSA personnel, under all circumstances and at all times, shall be subject to the exclusive jurisdiction of their respective national elements in respect of any civil, administrative, criminal or disciplinary offences which may be committed by them in Moldova.

4. NAMSA personnel shall be immune from any form of arrest, investigation or detention by the authorities in Moldova. NAMSA personnel erroneously arrested or detained shall immediately be turned over to NAMSA Security Authorities.

5. NAMSA personnel shall enjoy, together with their vehicles, unrestricted passage and unimpeded access throughout Moldova for purposes of carrying out their assigned duties.

6. NAMSA personnel shall be exempt from taxation by Moldova on the salaries and emoluments received from NAMSA and on any income received from outside Moldova.

7. NAMSA personnel and their tangible movable property imported into, acquired in or exported from Moldova shall be exempt from all duties, taxes and other charges and inspections and custom regulations of Moldova.

8. NAMSA shall be allowed to contract directly for the acquisition of goods, services and construction from any source within and outside Moldova. Such contracts, goods, services, and construction shall not be subject to the payment of duties, taxes or other charges.

9. NAMSA may hire local personnel who, on an individual basis, shall remain subject to local laws and regulations with the exception of labour/employment laws. However, local personnel hired by NAMSA shall :

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) Shall be subject only to employment terms and conditions established by NAMSA only for the duration of their employment by NAMSA.

10. The provisions of this annex shall remain in force until completion of the demilitarisation, by NAMSA, of various small arms, light weapons and munitions in Moldova.

On behalf of the Government of the
Republic of Moldova

On behalf of the NATO Maintenance
and
Supply Organization

NICOLAE CERNOMAZ
Minister of Foreign Affairs
of the Republic of Moldova

P.D. MARKEY
General Manager of NAMSA


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Date: 28 June 2001

Date: 28 June 2001

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Prin prezenta certific, că textul alăturat este o copie autentică în limbile engleză și moldovenească a Memorandumului de Înțelegere între Guvernul Republicii Moldova și Organizația pentru Întreținere și Aprovizionare a Alianței Nord-Atlantice (NAMSU) privind cooperarea în domeniul suportului logistic, semnat la Bruxelles la 28 iunie 2001, exemplarul original al căruia este depozitat în Arhiva tratatelor a Ministerului Afacerilor Externe.

Chișinău, 29 iunie 2001



Director al Direcției Generale
Drept Internațional și ~~Tratate~~

V. Slonovschi
Vitalie Slonovschi

