

**No. 49080**

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**Poland  
and  
United States of America**

**Agreement between the Government of the Republic of Poland and the Government of the United States of America concerning the Deployment of Ground-Based Ballistic Missile Defense Interceptors in the Territory of the Republic of Poland (with annex and map).  
Warsaw, 20 August 2008**

**Entry into force:** *15 September 2011 by notification, in accordance with article XVI*

**Authentic texts:** *English and Polish*

**Registration with the Secretariat of the United Nations:** *Poland, 25 October 2011*

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**Pologne  
et  
États-Unis d'Amérique**

**Accord entre le Gouvernement de la République de Pologne et le Gouvernement des États-Unis d'Amérique relatif au déploiement d'intercepteurs de défense antimissiles balistiques basés au sol sur le territoire de la République de Pologne (avec annexe et carte).  
Varsovie, 20 août 2008**

**Entrée en vigueur :** *15 septembre 2011 par notification, conformément à l'article XVI*

**Textes authentiques :** *anglais et polonais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Pologne, 25 octobre 2011*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

AGREEMENT BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF POLAND AND THE  
GOVERNMENT OF THE UNITED STATES OF AMERICA  
CONCERNING THE DEPLOYMENT OF  
GROUND-BASED BALLISTIC MISSILE DEFENSE INTERCEPTORS  
IN THE TERRITORY OF THE REPUBLIC OF POLAND

**Preamble**

The Government of the Republic of Poland and the Government of the United States of America (hereafter referred to as the “Parties”);

Recognizing that the proliferation of weapons of mass destruction and the means of their delivery, including ballistic missiles, poses a grave threat to international peace and security, and to the Parties, their allies, and friends;

Acting in compliance with international law, including binding multilateral and bilateral international agreements, and in particular with the provisions of the North Atlantic Treaty done at Washington on April 4, 1949, the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces done at London on June 19, 1951 (hereafter referred to as the “NATO SOFA”), the Acquisition and Cross-Servicing Agreement between the Ministry of National Defense of the Republic of Poland and the Department of Defense of the United States of America done at Warsaw on November 22, 1996, and the Agreement between the Government of the Republic of Poland and the Government of the United States of America Concerning Security Measures for the Protection of Classified Information in the Military Sphere done at Warsaw on March 8, 2007 (hereafter referred to as the “GSOMIA”);

Recognizing the applicability of the Agreement between the Republic of Poland and the United States of America to Supplement the NATO SOFA (hereafter referred to as the “Poland-U.S. Supplemental SOFA”), upon its entry into force;

Recognizing also the need to combine and enhance their efforts for purposes of individual and collective self-defense, to maintain international peace and security, and to further enhance their capabilities for an appropriate response to threats and attacks, including those of a terrorist nature;

Reaffirming that deployment of ground-based ballistic missile defense interceptors in the territory of Poland represents an important contribution by the Republic of Poland to the building and further enhancement of the United States missile defense system;

Recognizing that cooperation with allies and friends, and including members of the North Atlantic Treaty Organization (hereafter referred to as “NATO”), in defense against the

threat of ballistic missiles is important, and that deployment of United States ground-based ballistic missile defense interceptors in the territory of Poland will enhance and complement the existing security relationship between the Republic of Poland and the United States and contribute to international peace and security and to the security of the Republic of Poland, the United States, and NATO;

Bearing in mind their common defense interests and recognizing that cooperation in the field of ballistic missile defense constitutes one of the elements of broader bilateral security cooperation, which should contribute to the strengthening of the security of the Parties;

Recognizing their shared vision of broader and deeper strategic cooperation between the Republic of Poland and the United States and, in its pursuit, the establishment of the Strategic Cooperation Consultative Group (SCCG) to facilitate consultations on the enhancement of their mutual security, including the transformation and modernization of Polish Armed Forces, within the framework of Article 3 of the North Atlantic Treaty;

Recognizing that the United States intends to provide information to, and to coordinate with, the Republic of Poland concerning contingency planning for the security and defense of the Base;

Have agreed as follows:

## **Article I**

### **Purpose and Scope**

1. This Agreement establishes the rights and obligations of the Parties with respect to the use by the United States of the Closed Area on the territory of Poland in the locality of Slupsk-Redzikowo for the purpose of deployment there and use of non-nuclear ground-based ballistic missile defense interceptors.

2. Upon entry into force of the Poland-U.S. Supplemental SOFA, each and every provision of that agreement shall apply, *mutatis mutandis*, to this Agreement, unless this Agreement specifically provides that a particular provision of the Poland-U.S. Supplemental SOFA does not apply. For matters not covered by this Agreement or the Poland-U.S. Supplemental SOFA, to the extent such matters are covered by the NATO SOFA, the NATO SOFA shall apply.

## **Article II**

### **Definitions**

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

“Base” means a Closed Area in the territory of Poland in the locality of Slupsk-Redzikowo, used by United States forces pursuant to the provisions of this Agreement and for the duration thereof, for the purpose of deployment there and use of ground-based ballistic missile defense interceptors. The Base constitutes an Agreed Facility and Area.

“Closed Area” means an area restricted for defense and security reasons as provided in Polish law.

“Facility” means the area located within the Base where the Missile Defense Complex and supporting infrastructure are located and with respect to which the United States controls access. The Facility constitutes an Agreed Facility and Area.

“Missile Defense Complex” means the area located within the Facility with respect to which the United States maintains a heightened degree of access control.

The terms “force”, “civilian component”, “United States forces”, “dependent”, “United States contractor”, “United States contractor employees”, and “Agreed Facility and Area”, shall have the meaning as defined in the Poland-U.S. Supplemental SOFA.

## **Article III**

### **Status and Operation of the Base**

1. The Base is the property of the Republic of Poland.
2. The United States forces shall use the Base without prejudice to the sovereignty and laws of the Republic of Poland.
3. The Base shall be designated a Closed Area in accordance with Polish law.
4. Polish law applies in the area of the Base. The force and the civilian component and the members thereof, as well as their dependents, shall have the duty to respect the laws of the Republic of Poland in the area of the Base and elsewhere in the territory of Poland.
5. All buildings, non-relocatable structures and assemblies connected to the soil on the Base, including those constructed, used, altered or improved by United States forces, are the property of the Republic of Poland, while movable objects and fixtures remain the property of United States forces and United States contractors, as appropriate.

6. The United States shall be responsible to maintain good order and discipline within the United States forces present on the Base, in accordance with United States internal laws and regulations.

7. Operations on the Base shall be conducted with due regard for public health and safety.

8. The United States shall not conduct without the consent of the Republic of Poland flight tests of ground-based ballistic missile defense interceptors deployed on the Base.

9. The number of the members of the force and the civilian component to be deployed initially at the Base, as well as a description of the major elements of the Missile Defense Complex, are set forth in the Annex. The total number of members of the force and the civilian component stationed at the Base, as well as any permanent changes in that number, shall be reported to the Republic of Poland upon initial deployment and every six months thereafter, and shall be the subject of periodic consultations between the Polish Ministry of National Defense and the United States Department of Defense. The number of members of the force and the civilian component shall not exceed the number set forth in the Annex without the prior consent of the Polish Ministry of National Defense.

10. The United States shall notify, and consult with, the Republic of Poland prior to major modifications to the Missile Defense Complex and to major missile defense components on the Base.

11. The United States shall provide to the Republic of Poland data concerning United States forces, United States contractors, United States contractor employees working or living on the Base, and dependents. Provisions regarding the type, frequency, and procedures for the provision of such data shall be established in an implementing arrangement to this Agreement.

#### **Article IV**

#### **Command and Control**

1. Except as provided in paragraphs 6 - 8 below, the Base, including Polish military and civilian personnel of the Polish Ministry of National Defense staying on the Base and other Polish nationals employed by the Polish Ministry of National Defense on the Base, shall be under Polish command exercised by a representative of the Polish Armed Forces (hereafter referred to as the "Polish Commander").

2. The Polish Commander shall be identified within thirty days of entry into force of this Agreement. The Polish Commander or his or her designee shall be the Polish point of contact regarding activities related to Base operations. The Polish point of contact shall have an office on the Base.

3. The United States shall, within thirty days of entry into force of this Agreement, identify a representative of the United States forces (hereafter referred to as the "U.S. Commander")