

No. 50400

**Switzerland
and
Poland**

Agreement between the Swiss Federal Council and the Government of the Republic of Poland on bilateral cooperation in the field of military training. Warsaw, 9 June 2012

Entry into force: *28 November 2012, in accordance with article 19*

Authentic texts: *English, German and Polish*

Registration with the Secretariat of the United Nations: *Switzerland, 9 January 2013*

**Suisse
et
Pologne**

Accord entre le Conseil fédéral suisse et le Gouvernement de la République de Pologne sur la collaboration bilatérale en matière d'instruction militaire. Varsovie, 9 juin 2012

Entrée en vigueur : *28 novembre 2012, conformément à l'article 19*

Textes authentiques : *anglais, allemand et polonais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Suisse, 9 janvier 2013*

**Agreement
between
the Swiss Federal Council
and
the Government of the Republic of Poland
on
bilateral cooperation in the field of military training**

The Swiss Federal Council and the Government of the Republic of Poland, hereinafter referred to as "the Contracting Parties",
expressing the intention to develop relations based on mutual respect and regard for the interests of the Swiss Confederation and the Republic of Poland,
stressing the need to strengthen mutual confidence, security and stability in Europe,
taking into account the need to contribute, in the spirit of the Charter of the United Nations, to strengthening peace, confidence and stability in the world,
considering the cooperation in the field of military training a vital element of security and stability,
referring to the provisions of the "Agreement among the States Parties to the North Atlantic Treaty Organization and the other States participating in the Partnership for Peace regarding the Status of their Forces", hereinafter referred to as the "PfP-SOFA", and its Additional Protocol, both done in Brussels on 19 June 1995,
in accordance with the respective national laws of the Contracting Parties and their international obligations,
have agreed as follows:

Article 1

1. The purpose of this Agreement is to set out the conditions and forms of bilateral cooperation in the field of military training, hereinafter referred to as "the cooperation", and to determine the status of military personnel, civilian personnel involved and their dependents sent by one of the Contracting Party to the territory of the other Contracting Party.
2. This Agreement shall not cover the planning, preparation and conduct of combat and other active military operations.

Article 2

For the purpose of this Agreement, the following definitions shall apply:

- 1) "Receiving Party" means the Contracting Party on whose territory activities of the cooperation take place,
- 2) "Sending Party" means the Contracting Party that sends its personnel to the territory of the Receiving Party to participate in activities of the cooperation,
- 3) "Sending Party personnel" means the military and civilian personnel of the armed forces and ministries competent for defence matters of the Sending Party that participates in activities of the cooperation and their dependents.

Article 3

Agencies competent for the implementation of this Agreement, hereinafter referred to as "the Authorized Agencies", shall be:

in the Swiss Confederation – the Federal Department of Defence, Civil Protection and Sports and

in the Republic of Poland – the Minister of National Defence.

Article 4

1. Within the framework of this Agreement, the Contracting Parties may cooperate in the following forms:

- 1) Training of military and civilian personnel in respective training institutions of the Contracting Parties,
 - 2) Internships and assessments of military and civilian personnel in respective training institutions of the Contracting Parties,
 - 3) Joint training and exercises of military and civilian personnel to gain practical knowledge and skills at bilateral level between the Contracting Parties, and with third parties, if necessary,
 - 4) Consultations, conferences, seminars, symposia and training programs to exchange experiences and lessons learned in fields such as:
 - education and training of military and civilian personnel,
 - defence planning,
 - aspects of armed forces in modern societies, including the implementation of international agreements in the fields of defence, security and arms control as well as confidence and security building measures,
 - organization of armed forces, structures of military units as well as personnel policy and management,
 - logistics,
 - democratic civilian control of armed forces,
 - armament and military equipment,
 - military information systems, military information and communication technologies as well as information security management,
 - military medicine and military medical support,
 - military science and research, including economics and law in the field of defence,
 - environment protection related to military activities.
 - 5) Sending observers to exercises as well as conducting joint exercises on peacekeeping and humanitarian relief missions,
 - 6) Military search and rescue training, in particular in mountainous environments,
 - 7) Conduct of military sports and cultural activities,
 - 8) Exchange of knowledge, experience and lessons learned between military libraries and museums, including the exchange of exhibits.
2. With the consent of the Authorized Agencies, the cooperation may be carried out in other forms than those mentioned in Article 4 Paragraph 1.

Article 5

Command and control arrangements shall be in accordance with national procedures or procedures determined between the Authorized Agencies, as appropriate for respective activities of the cooperation.

Article 6

1. The Authorized Agencies may prepare cooperation plans for particular periods, which shall be signed by their competent representatives.
2. The implementation of specific activities of the cooperation may be governed by separate arrangements, subordinated to this Agreement, concluded between the Authorized Agencies.

Article 7

1. The status of the Sending Party personnel, while staying on the territory of the Receiving Party, shall be determined by the provisions of the PfP-SOFA and its Additional Protocol.
2. The Sending Party personnel, while staying on the territory of the Receiving Party, shall respect the national law of the Receiving Party.
3. The Receiving Party shall provide necessary administrative conditions for the stay of the Sending Party personnel on the territory of the Receiving Party and shall support it in technical issues.
4. The Sending Party personnel, while staying on the territory of the Receiving Party, shall be allowed to wear military uniform in accordance with the rules and regulations of the Sending Party.

Article 8

1. The Receiving Party shall take all appropriate measures in accordance with its national law to provide security as well as to prevent and suppress any unlawful act against the Sending Party personnel and its property.
2. The Sending Party personnel shall be responsible for guarding the premises provided by the Receiving Party for its use as well as for the security of material valuables and equipment provided by the Receiving Party or brought in by the Sending Party personnel.
3. The Receiving Party, during activities under this Agreement, shall be responsible for the security of the Sending Party personnel outside the premises that have been provided to the Sending Party personnel.
4. In accordance with the national law of the Receiving Party, the Sending Party personnel shall cooperate with the respective authorities of the Receiving Party within their competences.

Article 9

1. In accordance with the national law of the Receiving Party, the Sending Party may bring weapons and ammunition into the territory of the Receiving Party solely for the purposes of this Agreement.
2. The entry of weapons and ammunition, their types, specific quantities and methods of their use shall be agreed upon in advance, in every particular case.
3. The entry of weapons and ammunition into the territory of the Receiving Party, their transportation, storage and use shall take place in accordance with the national law of the Receiving Party.
4. In relation to the issues of entry, transportation, storage, and use of weapons and ammunitions, the Sending Party personnel shall be guided by the safety requirements and regulations of the Sending Party, unless the corresponding requirements and regulations of the Receiving Party do provide the higher level of safety.
5. In case of joint training operations with the use of weapons and ammunition, the safety requirements and regulations of the Receiving Party shall apply, unless the corresponding requirements and regulations of the Sending Party do provide the higher level of safety.

Article 10

The Sending Party personnel shall comply with the national law of the Receiving Party on environmental protection.

Article 11

1. The Receiving Party shall make provisions for the movement of Sending Party's aircrafts and motor vehicles on the territory of the Receiving Party as well as for their access to military facilities, in accordance with its national law.
2. Aircrafts and motor vehicles of the Sending Party shall meet the requirements of the national law of the Receiving Party.

Article 12

1. When using an aircraft for the purposes of this Agreement, the Sending Party shall be responsible for technical condition and flyability of the aircraft, its equipment and its safe operation.
2. In the event of aircraft accidents or incidents, all technical investigations and procedures shall be conducted in accordance with the national law of the Receiving Party. In such case, the Receiving Party shall immediately provide the Sending Party with all data and relevant information concerning the accident or incident.
3. Experts designated by the Sending Party shall be entitled to participate in the case investigation board as well as to access the crash site and receive all relevant information. The Receiving Party may, upon request of the Sending Party, authorize experts designated by the Sending Party to conduct parts of the investigations. The report on the results of the investigation shall be transferred to the Sending Party.
4. The Sending Party shall have the right to conduct its own technical investigation of the accident or incident involving a Sending Party aircraft, if it took place in the territory of the Receiving Party. The costs of such investigations shall be covered by the Sending Party.