

AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
AND ROMANIA
REGARDING THE STATUS OF
UNITED STATES FORCES IN ROMANIA

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PREAMBLE

The United States of America and Romania, hereinafter referred to as "Parties",

Considering that, by arrangements between the Parties, elements of the United States forces, their civilian component and members of their families may be present in Romania;

Considering that the purpose of the presence of such United States forces in Romania is in furtherance of the efforts of the Parties to promote peace and security in areas of mutual interest;

Considering the provisions of Article I and Article IV of the *"Agreement among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces done at Brussels on June 19, 1995"*, (PFP SOFA) and the second paragraph of the Preamble to the *"Agreement between the parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on June 19, 1951"* (NATO SOFA) provide for separate arrangements supplementary to those agreements;

Desiring therefore to supplement the PFP SOFA, to which both countries are parties, and which incorporates by reference the NATO SOFA,

Have agreed as follows:

ARTICLE I
Definitions

1. For the purpose of this Agreement, the term "civilian component" as defined in Article I, paragraph 1 (b) of the NATO SOFA includes non-Romanian employees of a non-commercial organization who are nationals of or ordinarily resident in the United States and who, solely for the purpose of contributing to the welfare, morale or education of the United States forces, are accompanying those forces in Romania. It shall also include United States nationals or persons ordinarily resident in the United States who are employed by United States contractors exclusively serving the United States forces in Romania. Such personnel shall not be considered as having the status of members of the civilian component for the purpose of Article VIII of the NATO SOFA. The term "civilian component" also

includes dependents when employed by the United States forces or the organizations referred to above and in Article XVII.

2. For the purposes of this Agreement, the term "dependent" as defined in Article I, paragraph 1 (c) of the NATO SOFA includes immediate members of the family of a member of the force or of the civilian component who is financially, legally, or for reasons of health dependent upon, and is supported by, such member, who shares the quarters occupied by such member and who is present in Romania with the consent of the authorities of the force.

3. For the purposes of this agreement, the term "duty" shall include customs duties and all other duties and taxes payable on importation or exportation, as the case may be. It shall not include charges for services requested and received.

ARTICLE II Entry and Exit

1. Unless otherwise mutually agreed, Romania waives its authority under Article III, paragraph 2 (b) of the NATO SOFA to require countersignature of movement orders.

2. Romania shall not require passports or visas for entry into and departures from Romania for members of the force holding a valid movement order that can be clearly ascribed to its bearer, and visas shall not be required for members of the civilian component and dependents. Romanian authorities shall make any annotations required by Romanian law in the passports of such persons.

3. Members of the force, or civilian component and their dependents shall be exempt from registration and control as aliens.

ARTICLE III Criminal Jurisdiction

1. Romania recognizes the particular importance of disciplinary control by the United States military authorities over members of the force and the effect which such control has upon operational readiness. Accordingly, in furtherance of its commitment to mutual defense, Romania exercises its sovereign discretion to waive its primary right to exercise criminal

jurisdiction as provided by paragraph 3 (c) of Article VII of the NATO SOFA.

2. Subject to any particular arrangements which may be made for misdemeanors punishable by fine or confinement of less than one year, the United States forces shall notify the competent Romanian authorities of individual cases falling under the provisions of paragraph 1 of this Article.

3. Where competent Romanian authorities hold the view that a serious case is of particular importance and major interests of Romania make imperative the exercise of Romanian jurisdiction, they may recall the waiver granted under Paragraph 1 of this Article by a statement in writing to the competent U.S. military authorities within a period of thirty days after receipt of the notification envisaged in paragraph 2 of this Article.

4. Members of the force or civilian component and their dependents shall not be tried in absentia without their consent.

ARTICLE IV

Determination of Criminal Jurisdiction

1. Whenever, in the course of criminal or civil proceedings against a member of the force or of the civilian component, it becomes necessary to determine whether an alleged criminal offense or potential civil liability has arisen out of any act or omission done in the performance of official duty, such determination shall be made by the highest appropriate military authority of the United States in Romania who may submit to the Romanian court or authority dealing with the case a certificate thereon. The certificate will be considered to be sufficient evidence of the fact.

2. Upon notification to the competent Romanian authorities by United States authorities that a question exists as to which authority will exercise jurisdiction with respect to an offense, the Romanian authority dealing with the case shall suspend the proceedings until determination by the Parties on the jurisdictional issue has been reached.

3. Whenever a member of the force or civilian component or a dependent is prosecuted by Romanian authorities, only the civilian courts of ordinary jurisdiction will have competence to try the individual.

ARTICLE V
Custody and Access

1. The provisions of Romanian law pertaining to pretrial detention or requiring confinement of the accused shall be discharged until the conclusion of all judicial proceedings by a duly executed certificate of the United States military authorities assuring the appearance of the member of the force before the competent Romanian judicial authorities in any proceedings that may require the presence of such person. In the event Romanian Judicial proceedings are not completed within one year the United States military authorities shall be relieved of any obligations under this paragraph. In such cases the provisions of Article III, paragraph 4 of this Agreement shall not apply.

2. When a member of the force has been convicted by a Romanian court and unsuspended sentence to confinement is adjudged, the United States military authorities shall maintain custody over the accused until the conclusion of all appellate proceedings.

3. Any period of time spent in restraint exercised by Romanian Authorities or custody exercised by United States military authorities shall be credited against any sentence to confinement eventually adjudged.

4. When a member of the force, or civilian component, or a dependent is arrested, detained, or confined by Romanian authorities representatives of the United States shall have immediate access to that individual whenever requested.

ARTICLE VI
Confinement and Visitation

Confinement imposed by a Romanian court upon members of the force, or civilian component, or dependents, shall be served in Romanian penal institutions designated for such purposes by the Parties. Romanian authorities will permit the authorities of the United States and families to visit such persons at any time and to provide them with assistance necessary for their health, welfare and morale, such as clothing, food, bedding, medical and dental care. The Convention on the Transfer of Sentenced Persons, done at Strasbourg March 21, 1983, shall apply to the above persons who are convicted by Romanian courts.

ARTICLE VII
Discipline

1. United States military authorities shall be responsible for maintenance of discipline over members of the force.

2. In furtherance of the maintenance of discipline of United States forces, United States military authorities may establish military police units on the facilities where United States forces are located. United States military authorities may also authorize the use of such units in communities situated in the immediate vicinity of the military facilities where United States forces are located, in coordination with local authorities, under procedures to be agreed upon by the Romanian and United States military authorities.

ARTICLE VIII
Security

1. In accordance with Article VII, paragraph 11, of the NATO SOFA, Romania shall take such measures as are necessary to ensure the adequate security and protection of the United States forces, members of the force, the civilian component, and dependents within Romania. In furtherance of this responsibility Romanian authorities shall cooperate closely with United States authorities to ensure that adequate security is provided and there is unhindered ingress to and egress from the facilities or areas where United States forces are located.

2. If the safety of the United States forces, members of the force, or the civilian component, or dependents is endangered, United States military authorities may take appropriate measures to maintain or restore order and discipline in the facilities or areas where United States forces are located.

3. Without prejudice to the provisions of paragraph 2 of this Article, the United States military authorities shall exercise extreme caution in authorizing the use of force when dealing with such security issues, especially when cooperation and/or support from relevant Romanian authorities is not available immediately, given the imminent danger against the safety of US personnel requiring immediate action.

ARTICLE IX
Claims

1. Members of the force and of the civilian component shall not be subject to any proceedings for civil claims 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 Romanian authorities and processed according to the provisions contained in Article VIII of the NATO SOFA.

2. Solely for the purpose of this Article, and Article VIII of the NATO SOFA, the term "civilian component" also includes Romanian nationals and other civilians who are United States employees acting in the performance of official duty assigned by the United States forces but shall not include employees of the contractors and non-commercial organizations.

3. Members of the force, or civilian component or dependents shall not suffer default judgments or actions prejudicial to their interests when official duties or duly authorized absence temporarily prevents their attendance at non-criminal proceedings to which they are parties.

ARTICLE X
Official Tax Exemptions

1. The United States forces and its contractors, identified in Article XXI, shall not be subject to direct or indirect taxation in respect of matters falling exclusively within the scope of their official or contract activities or in respect of property devoted to such activities. Deliveries made and services rendered by the force or such contractors to members of the force or civilian component and dependents also shall be regarded as such activities. With respect to the value added tax (VAT), exemptions shall apply to articles and services acquired by the United States forces, or by its contractors when acting for or on behalf of U.S. forces. United States contractors in Romania solely for the purpose of supporting the United States forces shall not be subject to any form of income or profits tax by the Government of Romania or its political subdivisions.

2. Vehicles, vessels and aircraft owned or operated by or for the United States forces shall not be subject to the payment of landing or port fees, pilotage charges, navigation, overflight, or parking charges or light or harbor dues, or any other charges

assessed upon such property after its importation or acquisition by the United States forces.

3. The exportation from Romania by the United States forces of the equipment, supplies, provisions, and other goods referred to in paragraph 1 of this Article shall be exempt from all types of Romanian duties. In particular cases, such property may be disposed of in Romania under terms and conditions, including payment of taxes, imposed by authorities of Romania.

4. The exemptions provided in paragraphs 1,2, and 3 of this Article shall also apply to services, equipment, supplies, provisions, and other property imported or acquired in the Romanian domestic market by or on behalf of the United States forces for use by a contractor executing a contract for such forces. The United States forces shall cooperate fully with the appropriate Romanian authorities to prevent abuse of these privileges.

5. Deposit of the certificate provided for in Article XI, paragraph 4 of the NATO SOFA shall be accepted in lieu of a customs inspections by Romanian authorities of the items imported or exported by or for the United States forces under this Article.

ARTICLE XIII Personal Importation and Exportation

1. The members of the force or civilian component and their dependents may import their personal effects, furniture, private motor vehicles and other goods intended for their personal or domestic use or consumption free of duty during their assignment in Romania.

2. The property referred to in paragraph 1 of this Article and other goods acquired free of taxes and duties may not be sold or otherwise transferred to persons in Romania not entitled to import such property duty free, unless such transfer is agreed upon by the appropriate Romanian authorities. This provision shall not apply to gifts to charity. Members of the force, or civilian component and their dependents may freely transfer such property amongst themselves and to or from the force, and such transfers shall be free of tax or duty. The U.S. forces shall be responsible for maintaining records which will be accepted as proof by Romanian authorities of these transfers of tax or duty free merchandise. Romanian authorities shall accept copies of duly filed police reports as proof that duty free property of

in connection with carrying out missions related to its operations or with the use of state owned or operated facilities in Romania; however, the United States shall pay reasonable charges for services requested and received.

3. The provisions of Romanian laws and regulations pertaining to the withholding of payment of income taxes and social security contribution shall not be applicable to United States citizens and non-Romanian employees of the United States forces or United States contractors exclusively serving the force in Romania.

ARTICLE XI Personal Tax Exemptions

1. With respect to Articles X and XI of the NATO SOFA, and in accordance with Article X of this Agreement, members of the force, or of the civilian component shall not be liable to pay any tax or similar charges, including the value added tax, in Romania on the ownership, possessions, use, transfer amongst themselves, or transfer, in connection with death, of their tangible movable property imported into Romania or acquired there for their own personal use. Motor vehicles owned by a member of the force, or civilian component or a dependent shall be exempt from Romanian circulation taxes, registration or license fees, and similar charges.

2. The exemption from taxes on income provided by Article X of the NATO SOFA shall also apply to income received by members of the force or civilian component or dependents from employment with the organizations referred to in Article I, paragraph 1, and Article XVII of this Agreement, and to income derived from sources outside Romania.

ARTICLE XII Official Importation and Exportation

1. With reference to Article XI of the NATO SOFA, the importation of equipment, supplies, provisions, and other goods into Romania by the United States forces or by United States contractors for or on behalf of U.S. forces shall be exempt from all duties. The United States forces shall be liable for the payment of charges for services performed by the Romanian Government or any political subdivision thereof only when such services have been requested and received.

2. Equipment, supplies, provisions and other goods shall be exempt from any tax or other charge which would otherwise be

members of the force or civilian component or dependents has been stolen, which shall relieve the individuals of any liability for payment of the tax or duty.

3. Members of the force or civilian component and their dependents may re-export, free of exit duties or charges, any goods imported by them into Romania or acquired by them during their period of duty in Romania.

ARTICLE XIV Motor Vehicles

1. The Romanian authorities will honor the registration and licensing by United States military and civilian authorities of motor vehicles and trailers of the force, or members of the force, or the civilian component or dependents. Upon the request of United States military authorities, the Romanian authorities shall issue license plates, without charge, which are indistinguishable from those issued to the Romanian population at large.

2. The United States military authorities shall provide for the safety of motor vehicles and trailers registered and licensed by them or used by the Force in Romania, and shall cooperate with the Romanian authorities to safeguard the environment.

ARTICLE XV Drivers' Licenses

1. A license or other permit issued to a member of the force or of the civilian component by United States military authorities empowering the holder to operate vehicles, vessels, or aircraft of the force is valid for the operation of such vehicles, vessels or aircraft in Romania.

2. Authorities of Romania will honor driving licenses issued by United States military and civilian authorities for the operation of private motor vehicles by members of the force or civilian component and their dependents if these authorities have determined that, in addition to fitness to operate a motor vehicle, applicants possess adequate knowledge of Romanian traffic regulations. In such cases international drivers' licenses shall not be required.

3. (a) United States military authorities shall withdraw driving licenses valid in Romania, in accordance with paragraphs 1 and 2 of this Article, if there is reasonable doubt concerning the

holders' reliability or fitness to operate a motor vehicle. They shall give sympathetic consideration to requests made by Romanian authorities for the withdrawal of such driving licenses. United States military authorities shall notify Romanian authorities of all withdrawals made in accordance with this sub-paragraph and of all cases where, after such withdrawal, a driving license has been re-issued.

(b) In cases where Romanian courts exercise jurisdiction pursuant to Article VII of the NATO SOFA and Article IV of this Agreement, provisions of Romanian criminal law relating to the withdrawal of permission to drive remain applicable with respect to driving licenses referred to in paragraph 2 of this Article.

ARTICLE XVI Customs Procedures

1. Romania shall take all appropriate measures to ensure the smooth and rapid clearing of imports and exports of the force, members of the force, the civilian component and dependents by Romanian customs authorities.

2. Customs inspections under this Agreement will be carried out in the facilities in accordance with procedures mutually agreed between the appropriate Romanian authorities and the United States forces. Any inspection by Romanian customs authorities of incoming or outgoing personal property of members of the force or civilian component or dependents shall be conducted when the property is delivered to or picked up from the individual's residence.

3. United States military authorities shall establish the necessary customs controls at facilities where United States forces are located to prevent abuses of the rights granted under the NATO SOFA and this Agreement. United States military authorities and Romanian authorities shall cooperate in the investigation of any alleged offenses involving customs violations.

ARTICLE XVII Military Service Activities

1. United States military authorities may establish, maintain and operate military service exchanges, commissaries, other sales outlets, open messes, social and education centers, and recreational service areas in Romania for use by members of the force or civilian component and their dependents.

2. The organizations and activities referred to in paragraph 1 of this Article are integral parts of the United States forces and shall be accorded the same fiscal and customs exemptions granted to the force, including those provided in Articles X and XII of this Agreement.

3. United States military authorities shall adopt appropriate measures to prevent the sale of goods and property imported or acquired in Romania by the organizations referred to in paragraph 1 of this Article to persons who are not authorized to patronize such organizations.

ARTICLE XVIII
Military Post Offices

1. The United States may establish, maintain and operate military post offices for use by the force, members of the force, the civilian component, retirees of the United States Armed Forces, and dependents.

2. Mail posted at such military post offices may bear stamps of the United States.

3. Official mail of the force shall be exempt from search or seizure by Romanian authorities.

ARTICLE XIX
Currency and Exchange

1. United States forces shall have the right to import, export and use United States currency or instruments expressed in the currency of the United States in any amount.

2. United States military authorities may distribute to or exchange for members of the force or civilian component and their dependents currency of, and instruments denominated in the currency of:

- (a) the United States;
- (b) Romania; and
- (c) any other country, to the extent required for the purpose authorized travel, including travel on leave.

3. A member of the force or civilian component and a dependent may:

- (a) import United States currency and instruments

- denominated in currency of the United States; and
- (b) export any currency other than that of Romania, and instruments denominated in any such currency, provided that such member or dependent has either imported such currency or instruments, or received such currency or instruments from the United States military authorities.

4. United States military authorities shall, in cooperation with the authorities of Romania, take appropriate measures in order to prevent any abuse of the rights granted under this Article and to safeguard the system of foreign exchange Regulations of Romania insofar as they apply to personnel covered by this Agreement.

ARTICLE XX Contracting Procedures

1. In accordance with United States laws and regulations, the United States forces may award contracts for the acquisition of articles and services, including construction, in Romania. The United States forces may procure from any source.

2. United States forces may carry out construction works with their own personnel.

3. Individuals whose presence at a facility is required for the performance of a contract shall be granted entrance into Romania within seven (7) working days of a request by United States authorities. Such entrance may be denied or withdrawn for reasons of security or due to the individual's misconduct. If the appropriate Romanian authorities deny or withdraw such entrance they shall state the reasons for their decisions in writing to the appropriate United States military authorities.

4. Romania shall accord to the force treatment in the matter of procurement of goods, services and utilities not less favorable than is accorded to Romanian Armed Forces.

ARTICLE XXI Status of Contractors

United States citizens, firms, and third country nationals, firms, and corporations exclusively serving the United States forces shall be exempt from the laws and regulations of Romania, or any subdivision thereof, with respect to the terms and conditions of their employment and licensing and registration of

This Agreement may be amended, at any time, by written agreement of the Parties. The amendments shall enter into force according to the procedures set forth in the first paragraph of this Article.

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

DONE AT Washington, D.C. this 30th day of October, 2001, in duplicate, in *the* English and Romanian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

COLIN POWELL

SECRETARY OF STATE

FOR THE GOVERNMENT OF
ROMANIA

ADRIAN NASTASE

PRIME MINISTER

businesses and corporations. Such contractors also shall be exempt from all income and corporate profit taxes arising from the delivery to the United States forces of goods or services, or from construction of facilities.

ARTICLE XXII
Communications

The U. S. forces shall be allowed to operate telecommunications services, including broadcast services. This shall include the right to utilize such means and services as are required to ensure a full ability to communicate and the right to use, free of charge, such frequencies all of the electro-magnetic spectrum as agreed upon for the purpose of this Agreement. In implementing this right, the U.S. forces, in the interest of avoiding mutually disruptive interference, as well as to assist Romania in fulfillment of its international obligations, shall make every reasonable effort to coordinate the use of frequencies with the relevant Romanian authorities.

ARTICLE XXIII
Implementation and Settlement of Disputes

1. The Parties shall, by mutual agreement, develop such arrangements as are necessary to carry out activities and operations under this Agreement, including the modalities of entry into, stationing in, transit through and exit from the territory of Romania of the United States forces, the civilian component and dependents.
2. Any disputes arising from the interpretation or implementation of this Agreement shall be settled by consultations between the Parties, without recourse to any external jurisdiction.

ARTICLE XXIV
Entry into Force and Duration

This Agreement shall enter into force on the date of the last notification by which the Parties indicate that their internal legal requirements have been fulfilled. This Agreement shall remain in force for an indefinite period.

Either Party may terminate this Agreement upon written notification to the other Party, termination to be effective six months from the date of receipt of such notification.

