

No. 54165*

**Poland
and
United States of America**

Agreement between the Government of the Republic of Poland and the Government of the United States of America on the status of the armed forces of the United States of America in the territory of the Republic of Poland. Warsaw, 11 December 2009

Entry into force: *31 March 2010, in accordance with article 36*

Authentic texts: *English and Polish*

Registration with the Secretariat of the United Nations: *Poland, 1 December 2016*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**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 statut des forces armées des États-Unis d'Amérique dans le territoire de la République de Pologne. Varsovie, 11 décembre 2009

Entrée en vigueur : *31 mars 2010, conformément à l'article 36*

Textes authentiques : *anglais et polonais*

Enregistrement auprès du Secrétariat des Nations Unies : *Pologne, 1^{er} décembre 2016*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF POLAND
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
ON THE STATUS OF THE ARMED FORCES OF THE UNITED STATES OF AMERICA
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 (the United States) hereinafter referred to collectively as “the Parties” and “Party” singularly;

Considering that strengthening of mutual cooperation in the area of defense will greatly enhance the existing relations between the Republic of Poland and the United States and security commitments, as provided for in the North Atlantic Treaty done at Washington on April 4, 1949, and will make a substantial contribution to the preservation of international peace and security;

Guided by the provisions of the Charter of the United Nations done at San Francisco on June 26, 1945 and the North Atlantic Treaty;

Recognizing that cooperation in the area of defense shall be based on full respect for the sovereignty of the States of the Parties;

Considering that, by arrangement between the Republic of Poland and the United States, elements of the United States forces, their civilian component and dependents may be present in the territory of the Republic of Poland;

Considering that the purpose of the presence of United States forces in the territory of the Republic of Poland is the participation in the common defense efforts and to promote peace and security in areas of mutual interest;

Desiring to resolve issues relating to the presence of members of the Armed Forces of the United States in the territory of the Republic of Poland;

Recognizing the applicability of the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces done at London on June 19, 1951, hereinafter, “the NATO SOFA,” and intending to supplement the provisions thereof;

Referring to the provisions of 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;

Have agreed as follows:

Article 1 Purpose and Scope

1. This Agreement supplements the NATO SOFA and further defines the status of, and terms and conditions governing the presence of, United States forces, members of the force and the civilian component, and dependents in the territory of the Republic of Poland. This

Agreement, in specific situations indicated herein, also defines the status of, and terms and conditions governing the presence of, United States contractors and United States contractor employees in the territory of the Republic of Poland in connection with the provision of goods and services to United States forces.

2. For matters not covered by this Agreement, the relevant provisions of the NATO SOFA, if any, shall apply.

Article 2

Definitions

For the purpose of this Agreement, the expression:

a. "United States forces" shall mean the entity comprising the members of the force and civilian component, and all property, equipment, and materiel of the United States Armed Forces present in the territory of the Republic of Poland;

b. "force" shall have the same meaning as in Article I, paragraph 1(a) of the NATO SOFA;

c. "civilian component" shall mean:

(i) persons referred to in Article I, paragraph 1(b) of the NATO SOFA,

(ii) United States nationals who are employed by the United States and who are serving with United States forces,

(iii) employees of non-Polish, non-commercial organizations who are nationals of or ordinarily resident in the territory of the United States and who are not ordinarily resident in the territory of the Republic of Poland, and who solely for the purpose of contributing to the welfare, morale or education of United States forces, are accompanying those forces in the territory of the Republic of Poland.

For the purposes of Article 13 of this Agreement, "civilian component" shall not mean citizens of the Republic of Poland and persons ordinarily resident in territory of the Republic of Poland. For the purposes of Articles 15 and 17 of this Agreement, "civilian component" shall not mean the persons referred to in subparagraph (iii) above.

d. "dependent" shall mean a person referred to in Article I, paragraph 1(c) of the NATO SOFA as well as a person who for legal, financial or health reasons is dependent upon a member of the force or the civilian component, is supported by him/her, who resides with such member, and who is present in the territory of the Republic of Poland with the consent of the relevant authorities of United States forces;

e. "contractor" shall mean a natural person who is not a member of the force or the civilian component, a legal person, or other entity with legal capacity, who provides goods or services

to United States forces on the basis of a contract or subcontract with or for United States forces;

f. "United States contractor" shall mean a natural person who is not a citizen of nor ordinarily resident in the Republic of Poland or a legal person which is not registered in the Republic of Poland, and is present in the territory of the Republic of Poland exclusively to provide goods and services to United States forces under a contract with or for United States forces;

g. "United States contractor employee" shall mean a natural person who is not a citizen of nor ordinarily resident in the Republic of Poland, who is in an employment relationship with a United States contractor and working in the Republic of Poland exclusively in connection with a contract or subcontract to provide goods or services to United States forces;

h. "local civilian employee" shall mean a person who is not a member of the force or the civilian component, authorized to stay in the Republic of Poland and to be employed by United States forces on the basis of legal provisions applicable in the Republic of Poland;

i. "agreed facilities and areas" shall mean areas, facilities, buildings or structures in the territory of the Republic of Poland, owned by the Republic of Poland, and used by United States forces with the consent of the Republic of Poland;

j. "classified information" shall mean information that is generated by or for the Ministry of National Defense of the Republic of Poland or the Department of Defense of the United States of America (in the United States referred to as "Classified Military Information"), or that is under their jurisdiction or control, and which requires protection according to the internal laws and regulations of the Parties and the provisions of this Agreement. Classified information may be in oral, visual, or documentary form, or any other form including equipment or technology;

k. "Executive Agent" shall mean the Ministry of National Defense for the Republic of Poland and the Department of Defense for the United States.

Article 3

Use of Agreed Facilities and Areas

1. Recognizing the mutual benefit of the presence of United States forces in the territory of the Republic of Poland in the framework of common defense efforts, the Republic of Poland shall furnish without rental or similar costs to United States forces, agreed facilities and areas, including agreed facilities and areas jointly used by the Armed Forces of the Republic of Poland and United States forces, in accordance with specific agreements concluded between the two Parties, and with due regard for operational and security concerns. Unless otherwise agreed, United States forces shall pay their proportionate share of all necessary operations and maintenance expenses associated with their use of agreed facilities and areas.