

DEFENSE

Cooperation

**Agreement Between the
UNITED STATES OF AMERICA
and LITHUANIA**

Effected by Exchange of Notes at
Vilnius June 15 and 18, 2015



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

LITHUANIA

Defense: Cooperation

*Agreement effected by exchange of notes at
Vilnius June 15 and 18, 2015;
Entered into force June 18, 2015.*

No. 221/15

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Lithuania and has the honor to recall the rights and obligations of the United States of America and the Republic of Lithuania in the North Atlantic Treaty, done at Washington, April 4, 1949; and the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces, done at London June 19, 1951 (hereinafter "the NATO SOFA"), whereby the forces of one Party may be sent, by arrangement, to serve in the territory of another Party. The Embassy has the further honor to propose the following Agreement between the Government of the United States of America and the Government of the Republic of Lithuania (hereinafter collectively referred to as "the Parties" and individually as "Party") regarding access to and use of facilities and areas located within the Republic of Lithuania, for the purposes of enhanced defense cooperation:

DIPLOMATIC NOTE

“United States forces” shall be defined as the entity comprising members of the force and civilian employees of the United States Department of Defense, and all property, equipment, and materiel of the United States Armed Forces present in the Republic of Lithuania. “United States contractors” shall be defined as non-Lithuanian companies and firms, and their employees who are not nationals of the Republic of Lithuania, under contract or subcontract with or in support of the United States Department of Defense present in the Republic of Lithuania. “Members of the force” means the “force” as used in Article I of the NATO SOFA.

Recognizing the mutual benefit of the presence of United States forces in the territory of the Republic of Lithuania, the Republic of Lithuania shall furnish the following agreed facilities and areas, to which United States forces and United States contractors shall have unimpeded access, for activities undertaken in connection with this Agreement: 1. Klaipėda Training Range; 2. Pabradė Training Range; 3. Rukla Training Range; 4. Šiauliai Air Base; 5. Mumaičiai; and 6. such other facilities and areas in the

territory of the Republic of Lithuania as may be provided by the Republic of Lithuania in the future as mutually agreed by the Parties. Facilities and areas provided by the Republic of Lithuania may be designated either for the exclusive use of United States forces or for joint use by United States forces and Lithuanian Armed Forces.

“Unimpeded access” shall include the unrestricted right of United States forces, United States contractors, and vehicles, vessels, and aircraft operated by or for the United States forces to access and use facilities and areas for visits, training, exercises, combined training activities, transit, support and related activities, refueling of aircraft, temporary maintenance of vehicles, vessels and aircraft, accommodation of personnel, communications, repositioning of equipment, staging and deploying of forces and materiel, humanitarian activities, and such other purposes as mutually agreed to by the Parties. United States forces shall have freedom of movement and access to and use of mutually agreed transportation,

storage, training, and other facilities required in connection with activities under this Agreement.

In making agreed facilities and areas available, and in the use of such facilities and areas, the Parties shall give due regard to operational and security concerns.

United States forces shall be authorized by this Agreement to exercise all rights and authorities within those agreed facilities and areas that are provided for the exclusive use of United States forces that are necessary for their use, operation, defense, or control, including to take appropriate measures to maintain or restore order and to protect United States forces and United States contractors. United States forces intend to coordinate such measures with the appropriate Lithuanian authorities.

The Republic of Lithuania shall furnish the agreed facilities and areas to United States forces without rental or similar costs, including facilities

and areas jointly used by United States forces and Lithuanian forces. United States forces shall cover all necessary operations and maintenance expenses associated with their use of facilities and areas.

United States forces and United States contractors shall be authorized by this Agreement to undertake construction activities on, and make alterations and improvements to, agreed facilities and areas covered by this Agreement. The Republic of Lithuania shall facilitate United States forces' efforts in these undertakings by ensuring that such construction, alterations, and improvements have the necessary Lithuanian authorizations. United States forces shall consult with Lithuanian authorities on issues regarding such construction, alterations, and improvements based on the two governments' shared intent that the technical requirements and construction standards associated with any such projects undertaken by or on behalf of United States forces should be consistent with the requirements and standards of both Governments. United States forces may carry out construction works with its members of the force.

United States forces shall be authorized by this Agreement to preposition and store defense equipment, supplies, and materiel to and within the agreed facilities and areas, and to and within other locations as mutually agreed, and the locations where such defense equipment, supplies, and materiel are stored shall be for the exclusive use of United States forces. The United States shall retain title to all equipment, materiel, and supplies, relocatable structures, and other moveable property that have been imported into or acquired within the territory of the Republic of Lithuania in connection with this Agreement.

The Governments of the United States of America and the Republic of Lithuania shall take all reasonable measures to ensure the protection, safety, and security of United States property from seizure or conversion without the prior written consent of the Government of the United States of America.

United States forces may contract for any materiel, supplies, equipment, and services (including construction) to be furnished or

undertaken in the Republic of Lithuania without restriction as to choice of contractor, supplier, or person who provides such materiel, supplies, equipment, or services. Such contracts shall be solicited, awarded, and administered in accordance with the laws and regulations of the Government of the United States of America. Services, equipment, materials, supplies and other property imported into or acquired in the Republic of Lithuania by or on behalf of the Government of the United States of America for the official use of United States forces and not for resale shall be free of all Lithuanian duties, taxes, or similar charges.

All obligations of United States forces under this Agreement are subject to the availability of appropriated funds authorized for these purposes.

The Parties may enter into implementing arrangements to carry out the provisions of this Agreement.

Any divergence in views or disputes regarding the interpretation or application of this Agreement are to be resolved at the lowest competent level. Should those efforts be unsuccessful, such divergences and disputes shall be resolved by the Parties through further consultations and shall not be referred to any national or international court, tribunal, or other similar body, or any third party for settlement.

This Agreement shall remain in force for two (2) years. It may be extended by mutual agreement of the Parties or terminated by either Party with one (1) year notice.

Finally, the Embassy proposes that, if the abovementioned proposal is acceptable to the Government of the Republic of Lithuania, this note, together with the Ministry's affirmative reply note, shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's reply note.

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The Embassy of the United States of America avails itself of this opportunity to renew to the esteemed Ministry of Foreign Affairs of the Republic of Lithuania the assurances of its highest consideration.



Embassy of the United States of America
Vilnius, June 15, 2015



MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF LITHUANIA

No. 5-346/2015

The Ministry of Foreign Affairs of the Republic of Lithuania presents its compliments to the Embassy of the United States of America and has the honor to confirm the receipt of the Embassy's note No. 221/15 of June 15, 2015 whose content is the following.

Beginning of the quote. The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Lithuania and has the honor to recall the rights and obligations of the United States of America and the Republic of Lithuania in the North Atlantic Treaty, done at Washington, April 4, 1949; and the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces, done at London June 19, 1951 (hereinafter "the NATO SOFA"), whereby the forces of one Party may be sent, by arrangement, to serve in the territory of another Party. The Embassy has the further honor to propose the following Agreement between the Government of the United States of America and the Government of the Republic of Lithuania (hereinafter collectively referred to as "the Parties" and individually as "Party") regarding access to and use of facilities and areas located within the Republic of Lithuania, for the purposes of enhanced defense cooperation:

"United States forces" shall be defined as the entity comprising members of the force and civilian employees of the United States Department of Defense, and all property, equipment, and materiel of the United States Armed Forces present in the Republic of Lithuania. "United States contractors" shall be defined as non-Lithuanian companies and firms, and their employees who are not nationals of the Republic of Lithuania, under contract or subcontract with or in support of the United States Department of Defense present in the Republic of Lithuania. "Members of the force" means the "force" as used in Article I of the NATO SOFA.

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such other facilities and areas in the territory of the Republic of Lithuania as may be provided by the Republic of Lithuania in the future as mutually agreed by the Parties. Facilities and areas provided by the Republic of Lithuania may be designated either for the exclusive use of United States forces or for joint use by United States forces and Lithuanian Armed Forces.

“Unimpeded access” shall include the unrestricted right of United States forces, United States contractors, and vehicles, vessels, and aircraft operated by or for the United States forces to access and use facilities and areas for visits, training, exercises, combined training activities, transit, support and related activities, refueling of aircraft, temporary maintenance of vehicles, vessels and aircraft, accommodation of personnel, communications, prepositioning of equipment, staging and deploying of forces and materiel, humanitarian activities, and such other purposes as mutually agreed to by the Parties. United States forces shall have freedom of movement and access to and use of mutually agreed transportation, storage, training, and other facilities required in connection with activities under this Agreement.

In making agreed facilities and areas available, and in the use of such facilities and areas, the Parties shall give due regard to operational and security concerns.

United States forces shall be authorized by this Agreement to exercise all rights and authorities within those agreed facilities and areas that are provided for the exclusive use of United States forces that are necessary for their use, operation, defense, or control, including to take appropriate measures to maintain or restore order and to protect United States forces and United States contractors. United States forces intend to coordinate such measures with the appropriate Lithuanian authorities.

The Republic of Lithuania shall furnish the agreed facilities and areas to United States forces without rental or similar costs, including facilities and areas jointly used by United States forces and Lithuanian forces. United States forces shall cover all necessary operations and maintenance expenses associated with their use of facilities and areas.

United States forces and United States contractors shall be authorized by this Agreement to undertake construction activities on, and make alterations and improvements to, agreed facilities and areas covered by this Agreement. The Republic of Lithuania shall facilitate United States forces' efforts in these undertakings by ensuring that such construction, alterations, and improvements have the necessary Lithuanian authorizations. United States forces shall consult with Lithuanian authorities on issues regarding such construction, alterations, and improvements based on the two governments' shared intent that the technical requirements and construction standards associated with any such projects undertaken by or on behalf of United States forces

should be consistent with the requirements and standards of both Governments. United States forces may carry out construction works with its members of the force.

United States forces shall be authorized by this Agreement to preposition and store defense equipment, supplies, and materiel to and within the agreed facilities and areas, and to and within other locations as mutually agreed, and the locations where such defense equipment, supplies, and materiel are stored shall be for the exclusive use of United States forces. The United States shall retain title to all equipment, materiel, and supplies, relocatable structures, and other moveable property that have been imported into or acquired within the territory of the Republic of Lithuania in connection with this Agreement.

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United States forces may contract for any materiel, supplies, equipment, and services (including construction) to be furnished or undertaken in the Republic of Lithuania without restriction as to choice of contractor, supplier, or person who provides such materiel, supplies, equipment, or services. Such contracts shall be solicited, awarded, and administered in accordance with the laws and regulations of the Government of the United States of America. Services, equipment, materials, supplies and other property imported into or acquired in the Republic of Lithuania by or on behalf of the Government of the United States of America for the official use of United States forces and not for resale shall be free of all Lithuanian duties, taxes, or similar charges.

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The Parties may enter into implementing arrangements to carry out the provisions of this Agreement.

Any divergence in views or disputes regarding the interpretation or application of this Agreement are to be resolved at the lowest competent level. Should those efforts be unsuccessful, such divergences and disputes shall be resolved by the Parties through further consultations and shall not be referred to any national or international court, tribunal, or other similar body, or any third party for settlement.

This Agreement shall remain in force for two (2) years. It may be extended by mutual agreement of the Parties or terminated by either Party with one (1) year notice.

Finally, the Embassy proposes that, if the abovementioned proposal is acceptable to the Government of the Republic of Lithuania, this note, together with the Ministry's affirmative reply note, shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's reply note.

The Embassy of the United States of America avails itself of this opportunity to renew to the esteemed Ministry of Foreign Affairs of the Republic of Lithuania the assurances of its highest consideration. End of the quote.

The Ministry of Foreign Affairs of the Republic of Lithuania has the honor to inform the Embassy of the United States of America that the Government of the Republic of Lithuania agrees with the terms of the above transcribed note, which with this present note shall constitute the Agreement between the Government of the Republic of Lithuania and the Government of the United States of America regarding access to and use of facilities and areas located within the Republic of Lithuania, for the purposes of enhanced defense cooperation. The Ministry of Foreign Affairs of the Republic of Lithuania avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Vilnius, 18 June 20



EMBASSY OF THE UNITED STATES OF AMERICA
Vilnius