

FRAMEWORK AGREEMENT

BETWEEN

THE PORTUGUESE REPUBLIC

AND THE

GOVERNMENT OF THE REPUBLIC OF TURKEY

ON MILITARY CO-OPERATION

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AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY
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The Portuguese Republic and the Government of the Republic of Turkey, hereinafter referred to individually as a “Party” and collectively as the “Parties”,

- Considering the North Atlantic Treaty Organization as a pillar of security and stability;
- Reaffirming their commitment to the aims and principles of the United Nations Charter;
- Emphasizing the fact that the co-operation between the Parties in various defence fields on the basis of sovereignty of both sides, principles of equality and mutual respect will contribute to the common interests of both nations and economic efficiency;
- Stressing the need for improving the existing friendly relations between both nations on the basis of the national laws, International Rules and Agreements,

Have agreed as follows,

**Article I
PURPOSE**

The purpose of this Agreement is to establish a framework for relations between the Parties within the respective responsibilities of the competent authorities in

the fields outlined in Article IV and to ensure the defence and military cooperation between the Parties.

Article II

SCOPE

This Agreement covers the exchange of personnel, material, equipment, information and experience in the fields set out in Article IV and in other fields to be determined by the complementary and implementation agreements, memorandum of understandings, protocols and other technical arrangements to be made on the basis of this Agreement.

Article III

DEFINITIONS

The definitions used in this Agreement have the following meanings:

1. The **Sending State** means the State that sends personnel, material and equipment to the Receiving State for the purposes of this Agreement.
2. The **Receiving State** means the State in the territory of which the personnel, material and equipment of the Sending State are located for the purpose of implementing this Agreement.

3. The **Guest Personnel** means the military/civil officials of the Parties deployed to the territory of other Party.
4. The **Dependant** means a person who relies on the Guest Personnel as responsible to look after in accordance with their respective national legislation.
5. The **Senior Personnel** means the most senior official of the guest personnel who supervises the activities of the military/civil group sent within the scope of this Agreement and has been appointed in accordance with the national legislation of the Sending State.
6. The **Cooperation** means the activities within the framework of this agreement based upon the reciprocity under the matters determined by the national legislation of both Parties.

Article IV

FIELDS OF CO-OPERATION

The co-operation between the Parties will be developed in the following areas:

1. Defence policy and military doctrine;
2. Armed Forces establishments and defence institutions;
3. Defence and Military law system;
4. Anti-terrorist struggle;
5. Peacekeeping and humanitarian operations;

6. Administration and management of personnel;
7. Military training, education, and exercises;
8. Cartography, hydrography and military geography;
9. Military medicine and health services;
10. Military history, military archives, publications and museums;
11. Military scientific and technological research;
12. Logistics and logistic systems;
13. Defence industry;
14. Environmental issues and pollution control at military facilities;
15. Military intelligence;
16. Social, cultural and sports activities.

Article V

IMPLEMENTATION AND PRINCIPLES OF COOPERATION

1. In accordance with the decision of the Parties, the co-operation may be accomplished in the following forms:
 - a) Meetings and visits of the Ministers of Defence, Chiefs of Staff and their deputies or other officials authorized by the Parties;
 - b) Exchange of experience between the experts of the Parties in various fields of military and defence activities;

- c) Contacts between similar military and defence institutions;
- d) Organization of joint discussions, consultations, meetings and participation in courses, symposiums and conferences;
- e) Planning and execution of joint exercises and invitation of military observers to attend manoeuvres and /or drills (including fire drills) in national territory;
- f) Exchange of educational information and materials;
- g) Grant aid or exchange of logistic support, munitions from inventory, and service in return for payment;
- h) Seaport visits.

2. In the course of implementation, the details of which shall be mutually determined by the Parties, complementary and implementation agreements, memorandum of understandings, protocols and arrangements pursuant to this Agreement can be done.

Article VI

COMPETENT AUTHORITIES

The competent authorities for the implementation of this Agreement are:

For The Government of the Republic of Turkey: the General Staff of the Republic of Turkey.

For the Portuguese Republic: the Ministry of National Defence of the Portuguese Republic.

Article VII
SECURITY OF CLASSIFIED INFORMATION

1. The exchange of classified information shall be regulated by a Security Agreement between the Portuguese Republic and the Republic of Turkey about Mutual Protection of Classified Information.
2. Up to the conclusion of the Agreement the following rules will be applied:
 - a) All classified information, documents, physical and intellectual property rights and material provided or generated under this Agreement shall be stored, handled, produced, exchanged, communicated or used suitably for its purpose in accordance with subsequent agreements or arrangements, which are concluded between the Parties.
 - b) Information and materials received by one Party from the other, cannot be used against interest of the other Party.
 - c) The classified information and material may only be disclosed to third parties upon written consent of releasing Party prior to the disclosure.
 - d) The responsibilities of the Parties regarding the protection and prevention of declassification or downgrading of the exchanged classified information and materials shall still continue after the termination of this Agreement.

Article VIII
LEGAL MATTERS

1. Guest personnel and their Dependants shall be subject to the existing laws and regulations of the Receiving State during their stay in the territory of the Receiving State including entry and departure, and the right of jurisdiction shall be vested in the Receiving State.
2. The Receiving State shall promptly notify the Sending State of the arrest of any of the Guest Personnel and her/his Dependants.
3. Whenever any of the Guest Personnel or Dependant is prosecuted or tried by the Receiving State, he or she shall be entitled to all generally accepted procedural safeguards no less than those provided to the nationals of the Receiving State.
4. The activities of the Guest Personnel shall be terminated if they break the law of the Receiving State.
5. The Sending State shall have the right to exercise disciplinary jurisdiction over the Guest Personnel within the territory of the Receiving State.
6. Senior Personnel of the Sending State are vested with the power of imposing disciplinary measures on their personnel in accordance with their own military service acts and disciplinary laws.

Article IX

CLAIMS

1. Each Party shall waive all its claims against the other Party except where such damage or loss resulted from gross negligence or wilful misconduct. The Parties shall mutually determine whether or not such damage or loss arose by gross negligence or wilful misconduct.
2. For third party claims legislation of the Receiving State shall be valid about loss and damage done, whether it is deliberate or not, to the property and goods.
3. No indemnity shall be claimed by the Sending State for injury and death of its personnel during the execution of the activities within the scope of this Agreement.
4. Claims should be handled through diplomatic channels in accordance with Article XIV.

Article X

ADMINISTRATIVE MATTERS

1. Unless otherwise mutually determined by the Parties, the Receiving State shall not assign duties to the Guest Personnel other than those specified in this Agreement, or subsequent agreements and arrangements.

2. The Military Guest Personnel shall wear the uniform and military insignia of their armed forces in their duty stations.
3. The Sending State reserves the right to call back its personnel when it deems necessary and the Receiving State shall take necessary measures to realize the action as soon as it gets the request.
4. All Guest Personnel and Dependents could benefit from the officer's clubs, military commissaries and military recreational facilities, depending on the current regulations of the Receiving State.
5. In case a Guest Personnel or Dependant dies, the Receiving State shall inform the Sending State of the case, transport the body to the nearest international airport within its territory and adopt appropriate transfer measures until the delivery thereof.

Article XI
MEDICAL SERVICES

1. The Guest Personnel shall be medically fit to conduct any activity pursuant to this Agreement.
2. Guest Personnel and their Dependents shall benefit from the medical support in the military hospitals of the Receiving State in equal conditions as provided for the military personnel and their families of the Receiving State.
3. Unless otherwise mutually determined in the implementing agreements pursuant to this Agreement, medical care requiring dental prosthesis, visual,

audio and other auxiliary equipment shall be excluded from free medical service and all expenses for long term medical treatment, medicine, every other kind of medical services and the sending costs of the patients back to their country shall be paid by the Sending State.

4. Any expenses related to the medical service provided by civilian institutions shall be paid by the personnel who receive medical service.

Article XII

FINANCIAL MATTERS

1. Personal rights, salary and financial commitments of the Guest Personnel, who are assigned to the cooperation activities covered by this Agreement, depending on Sending State regulations, shall be borne by the Sending State.
2. All expenses shall be clarified as charged, free of charge or discounted.

Article XIII

INTERNATIONAL RESPONSIBILITIES

The provisions of this Agreement shall not affect the commitments of the Parties originating from other International Agreements and shall not be used against interests, security and territorial integrity of other States.

Article XIV
SETTLEMENT OF DISPUTES

Any dispute concerning the implementation or interpretation of this Agreement shall be solved by consultations and negotiations between the Parties.

Article XV
AMENDMENTS

1. The present Agreement may be amended upon written request of either Party.
2. The amendments shall enter into force in accordance with the terms specified in Article XVII of this Agreement.

Article XVI
DURATION AND TERMINATION

1. The present Agreement shall remain in force for a period of five years automatically renewable for successive periods of one year.
2. Either Party may, at any time, terminate the present Agreement upon a prior notification in writing through diplomatic channels.

3. The present Agreement shall terminate ninety (90) days after receipt of such notification.
4. The termination of this Agreement shall have no affect on ongoing programs and activities, except if the Parties agree otherwise.

Article XVII
ENTRY INTO FORCE

This agreement shall enter into force sixty (60) days after the reception of the latter date of the notifications, by the Parties, in writing and through diplomatic channels, certifying the completion of the respective internal legal procedures necessary for that effect.

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

Done in Lisbon, on the 6th of May of 2013, in two originals both in the Portuguese, Turkish and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

FOR THE PORTUGUESE REPUBLIC

**FOR THE GOVERNMENT OF THE
REPUBLIC OF TURKEY**

José Pedro Aguiar-Branco
Minister of National Defence

Ahmet Davutoğlu
Minister of Foreign Affairs