

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE SLOVAK REPUBLIC
AND
THE GOVERNMENT OF HUNGARY
ON COOPERATION IN THE FIELD OF MILITARY AVIATION

The Government of the Slovak Republic and the Government of Hungary (hereinafter referred to as „Parties“);

Referring to the Treaty between the Slovak Republic and the Republic of Hungary on good-neighbourly relations and friendly cooperation signed in Paris, on 19 March 1995;

Considering the Agreement between the Parties to the North Atlantic Treaty regarding the Status of Their Forces, signed in London, on 19 June 1951 (hereinafter referred to as „NATO SOFA“);

Referring to the Convention on International Civil Aviation signed in Chicago, on 7 December 1944 (hereinafter referred to as „ICAO Convention“);

Referring to the Agreement on the Establishment of Functional Airspace Block in Central Europe signed on 5 May 2011;

Applying the Commission Regulation (EC) No. 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace;

Having regard to the provisions of the Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary concerning Cooperation in the Military Field signed in Budapest on 8 October 2009;

Considering the provisions of the Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on cooperation and mutual assistance in case of disasters signed in Bratislava on 21 April 1997;

Pursuing mutual beneficial cooperation in providing the military air traffic between the Parties;

Recognising North Atlantic Treaty Organisation Integrated Air and Missile Defence System, the forces assigned to it, and the relating procedures and rules applicable within North Atlantic Treaty Organisation;

Attempting to maintain international flight safety and security, to co-operate and to implement decision-making procedures and conditions;

Emphasizing the need of further developing cooperation in the field of military aviation within the North Atlantic Treaty Organization;

Observing the provisions relating to military aviation of the relevant national laws and regulations of the States of the Parties;

Have agreed as follows:

Article 1

Purpose of the Agreement

The purposes of this Agreement are to:

- a) govern the conditions of cooperation in the field of military aviation;
- b) create the main rules of co-operation in order to improve the efficiency of activity of air defence readiness forces within the framework of North Atlantic Treaty Organisation Integrated Air and Missile Defence System, regardless of the respective air defence regions of the States of the Parties and to settle other issues in connection with the implementation of air policing tasks.
- c) establish the framework to train Air Forces personnel in order to accomplish the objectives set in this Agreement.

Article 2

Terms and Definitions

(1) For the purposes of this Agreement, the terms „aircraft“, „emergency phase“, „accident“, „incident“ have the same meaning as stated in the Annex 13 to the ICAO Convention.

(2) For the purposes of this Agreement, the term

- a) “Air Policing mission” means a specialized mission of interceptor aircraft in peacetime implemented for the purpose of preserving the integrity of a specified airspace commanded by the designated command of North Atlantic Treaty Organisation;
- b) “Air Policing Aircraft” Quick Reaction Alert Interceptor is an armed military interceptor aircraft involved in an Air Policing mission;
- c) „Controlling Units” are civil or military Air Traffic Control units which regulate and assist aircraft in real-time to ensure their safe operation;
- d) „Cross-Border Area” refers to a part of the Airspace of both countries specifically defined in time and space to conduct training exercises according to specific operational requirement of the Air Force Units of the Armed Forces of the Slovak Republic and Air Force Units of the Hungarian Defence Forces;
- e) „Emergency“ refers to a case in which, due to a military aircraft of one Party in the airspace or in the territory of the other Party, the emergency phase has been declared or any aircraft accident or incident has occurred;
- f) “Engagement” means a specific activity of the aircraft performing air policing mission including the use of onboard weapons with the intent to destroy the intercepted military platform (military aircraft and other manned or unmanned military flying objects), according to North Atlantic Treaty Organisation Integrated Air and Missile Defence System procedures;
- g) “North Atlantic Treaty Organisation Integrated Air and Missile Defence System” refers to an integrated system of capabilities and overlapping operations to secure continuous monitoring and safeguarding the airspace of the Member States of the North Atlantic Treaty Organization;
- h) „Personnel“ means members of armed forces/defence forces and civilian personnel accompanying forces of states of the Parties.

Article 3

Responsible Authorities

For the purpose of implementation of this Agreement the following authorities shall be responsible:

- for the Government of the Slovak Republic – the Ministry of Defence of the Slovak Republic,
- for the Government of Hungary – the Ministry of Defence of Hungary.

Article 4

Areas of Cooperation

(1) The Parties cooperate in the areas:

- a) conducting flights of military aircraft of the Air Force units of the Slovak Armed Forces and Hungarian Defence Forces in the airspace of the State of the other Party;
- b) performing the air-policing missions within the North Atlantic Treaty Organisation Integrated Air and Missile Defence System under the applicable North Atlantic Treaty Organisation standard procedures, as well as in practicing the performance of such tasks;
- c) Cross-Border Area;
- d) military air transport activities;
- e) mutual exchange of experience.

(2) Air policing missions conducted outside of the North Atlantic Treaty Organisation Integrated Air and Missile Defence System shall not be subject of this Agreement.

Article 5

Authorization for military air traffic

(1) Air Policing aircraft, including when on training flights for air policing, may enter and use the national airspace of the other Party, without submitting diplomatic clearance or flight plan.

(2) The procedure for the conduct of the flights under paragraph (1) of this Article shall be established by a separate agreement. (3) The use of force including engagement by Air Policing Aircraft against military platform may take place in the airspace of the other Party's State in accordance with the North Atlantic Treaty Organisation Integrated Air Defence and Missile System.

(4) This article is without prejudice to any national caveat with regard to the employment or engagement provided by either Party.

Article 6

Search and rescue, and investigation of military air accidents or incidents

(1) In the case of a military air accident or incident on the territory of one Party, the other Party may send military search and rescue aircraft on demand, without submitting any special diplomatic clearance or flight plan.

(2) The investigation and explanation of a military air accident or incident shall be carried out collectively by appropriate authorities of the Parties based on standards applicable within North Atlantic Treaty Organisation concerning military air accidents and incidents investigation and national regulations of the Parties' States.

(3) Lessons learned from the evaluation of military air accidents or incidents happened during the involvement of the aircraft of air policing service and those happened during the cooperation based on this Agreement shall be shared by competent national authorities to avoid similar events.

Article 7

Exchange of Information

(1) The Parties, upon request, shall mutually exchange information about:

- a) airfield status;
- b) current airspace structure;
- c) operability of aircraft safety devices;
- d) weather conditions with focus on occurrence of dangerous meteorological phenomena;
- e) events relating to flight safety.

(2) The subject of information exchange specifically comprises the information, which cannot be acquired from publicly accessible and available resources.

Article 8

Military Air Transport

The authorized military body of the Parties may share information about free transport capacity available for transporting the personnel and materiel of the other Party. If one Party wishes to use the available transport capacity of the other Party, it shall submit its request to the authorized military body of this Party for approval. If such request is accepted, the Air transport will be executed in accordance with regulations of the States of the Parties and it will be provided free of charge. Such irregular air transport will be provided on reciprocal basis.

Article 9

Cross-Border Area

To achieve and maintain the goals under the provisions of Article 4 of the present Agreement, the Parties intend to establish the Cross-Border Area to provide mutual flying training. Details shall be set out in a separate agreement.

Article 10

Settlement of Accounts for Services Provided

(1) The Parties, following the accounting documents, shall mutually charge each other for services and materiel support provided under this Agreement except if other provisions of the present Agreement or other international agreements by which the Parties are bound by provides otherwise.

(2) The amount to be paid for the petrol, oil and lubricants and other material shall be accounted by the Parties according to actually expended costs, taking into account the respective provisions of the NATO SOFA.

(3) The modality of reimbursing support for the military aircraft of one Party's state on the military airfields of the other Party, or in the airspace of the other Party, as well as materiel and services provided shall be governed by procedures applicable within North Atlantic Treaty Organisation unless a separate Technical Agreement between the Ministries of Defence provides otherwise.

(4) Each Party shall exempt the other Party from any charges incurred by the use of airspace and military airports in relation with air policing mission.

(5) Regardless of the provisions above of this Article, the reimbursement of the armaments and technical materiel (missiles, ammunition, pyrotechnic materiel etc.) used by the air policing aircraft in the territory of the other Party will be covered by that Party, in whose interest the engagement took place.

Article 11

Damage Settlement

Claims arising out of the activities under this Agreement shall be dealt with in accordance with the NATO SOFA.

Article 12

Exchange of Experience

The Parties shall regularly exchange their experience drawn from the implementation of this Agreement with a view to systematically enhance their mutual cooperation.

Article 13

Language

The language of cooperation shall be English.

Article 14

Documentation

- (1) The Parties shall record and store data about flights conducted by air policing aircraft in a written, auditory, electronic or other form for at least 30 days.
- (2) Upon the request of one Party the other Party shall provide the requesting Party with documentation regarding air policing mission.

Article 15

Settlement of disputes

In the event of a dispute between the Parties concerning the interpretation or application of this Agreement, the Parties concerned shall seek a settlement of the dispute exclusively through mutual negotiation or consultations on the lowest possible level.

Article 16

Final provisions

(1) This Agreement shall enter into force on the first day of the second month following the date on which Parties notified in a written form each other on the fulfilment of all national requirements necessary for this Agreement to enter into force.

(2) This Agreement is concluded for an indefinite period of time.

(3) This Agreement may be amended on the basis of mutual consent of the Parties. Such amendments must be in writing and they shall constitute an integral part hereof.

(4) Any Party may withdraw from this Agreement in writing. The withdrawal shall come into effect 6 months after the delivery of the notice on the withdrawal to the other Party. The withdrawal of this Agreement shall have no effect upon commitments and liabilities, which have arisen during the period of its validity.

(5) On the date of the entry into force of this Agreement, the Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Military Cooperation in the Area of the Aviation/Air Force and Air Defence, signed in Bratislava on 4 February 1998 shall terminate.

Done at, on..... 2020 in two original copies, each in the Slovak, Hungarian and English language, each text being equally authentic. In case of different interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF
THE SLOVAK REPUBLIC**

**FOR THE GOVERNMENT OF
HUNGARY**