AGREEMENT BETWEEN

THE NORTH ATLANTIC TREATY ORGANIZATION

AND

THE ISLAMIC REPUBLIC OF AFGHANISTAN

ON

THE STATUS OF NATO FORCES AND NATO PERSONNEL

CONDUCTING MUTUALLY AGREED NATO-LED ACTIVITIES IN AFGHANISTAN

The North Atlantic Treaty Organization, hereinafter NATO

represented by His Excellency Mr. Maurits R. Jochems
NATO Senior Civilian Representative in Afghanistan,

and

The Islamic Republic of Afghanistan, hereinafter Afghanistan

represented by His Excellency Mr. Mohammed Haneef Atmar
National Security Advisor,

hereinafter referred to as the "Parties",

Considering that, in the 2012 Chicago Summit Declaration on Afghanistan, the Heads of State and Government of the Islamic Republic of Afghanistan and the nations contributing to the International Security Assistance Force (ISAF) renewed their firm and shared commitment to a sovereign, secure and democratic Afghanistan;

Confirming the shared understanding of the Parties of the threat to the international community posed by terrorism and their shared commitment to taking effective action to counter that threat and to ensuring that Afghanistan never again becomes a safe haven for terrorists;

Recognizing that the mission of the ISAF will be concluded by the end of 2014;

Recalling the commitment of NATO and other members of the international community to standing with Afghanistan and the Parties' agreement at the NATO Summit in Lisbon to renewing and building a robust Enduring Partnership complementing their past security cooperation and continuing beyond it;

Affirming the Parties' intention that this Enduring Partnership include an individual programme of co-operation activities with security ministries and other national institutions and on enhancing the capabilities and skill levels in the Afghan security forces, including their ability to tackle the threats of terrorism, through training and supporting specialised Afghan units and appropriate access to NATO courses, institutions and military and civilian expertise; and

Reaffirming, finally, the Parties' agreement on the value of NATO leading a non-combat, training, advising and assisting mission in Afghanistan beginning after 2014;

Have agreed as follows:

ARTICLE 1
Definitions

1. "NATO" means the North Atlantic Treaty Organization, its subsidiary bodies, its military headquarters, all its constituent national elements/units and the constituent national elements/units from Operational Partners.

2. "NATO Member States" are currently Albania, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, the United Kingdom and the United States.

3. "Operational Partners" means states other than NATO member states that, following close consultations:

3.1. have been agreed to and accepted by the government of Afghanistan to participate in NATO-led activities in Afghanistan; and

3.2. have been agreed to and accepted by the North Atlantic Council to participate in NATO-led activities in Afghanistan.

4. "NATO Forces" means the Members of the Force, Members of the Civilian Component, NATO Personnel and all property, equipment, and materiel of NATO, NATO Member States, and Operational Partners present in the territory of Afghanistan.

5. "Member of the Force" means any person belonging to the land, sea, or air services of the NATO Member States and Operational Partners operating under NATO command and control arrangements, in support of, or associated with, mutually agreed NATO-led activities.

6. "Member of the Civilian Component" means any person employed or engaged by the NATO Member States or Operational Partners operating under NATO command and control arrangements, in support of, or associated with, mutually agreed NATO-led activities, and who is not a Member of the Force. However, "Member of the Civilian Component" does not mean persons who are permanently resident in Afghanistan or Afghan nationals who normally reside in Afghanistan.

7. "NATO Personnel" means the military and civilian personnel assigned or attached to or employed by NATO.

8. "NATO Contractors" means persons and legal entities who are supplying goods and services in Afghanistan to or on behalf of NATO Forces under a contract or subcontract with or in support of NATO, NATO Member States, or Operational Partners.

9. "NATO Contractor Employees" means the employees of NATO Contractors.

10. "Agreed Facilities and Areas" means the facilities and areas in the territory of Afghanistan provided by Afghanistan at the locations listed in Annex A, and such other facilities and areas in the territory of Afghanistan as may be provided by Afghanistan in the future, to which NATO, NATO Member States and Operational Partners, NATO Forces, NATO Contractors, NATO Contractor Employees, and others as mutually agreed, shall have the right to access and use pursuant to this Agreement.

11. "Afghan National Defense and Security Forces" or "ANDSF" means the entity comprising the members of the security forces under the Ministry of Interior and the

Ministry of Defence of Afghanistan and, as appropriate, the National Directorate of Security, and other entities as mutually agreed.

12. "Taxes" means all taxes, duties (including customs duties), fees, and similar or related charges of whatever kind, imposed by the Government of Afghanistan which, for the purposes of this Agreement, means by governmental authorities of Afghanistan at any level, including provincial and district levels, and by the agencies of such governmental authorities.

13. "NATO Forces Authorities" means competent authorities of NATO, NATO Member States, or Operational Partners, as appropriate.

ARTICLE 2
Activities

1. In acknowledgement of the Parties' shared desire to develop an enduring partnership complementing their past and current security cooperation, the Parties mutually agree upon the importance of NATO's continuing engagement in support of Afghanistan's security.

2. The Parties hereby agree to the presence of NATO Forces in Afghanistan for the purpose of the post-2014 NATO non-combat training, advising and assistance mission, as well as for the purpose of all other mutually agreed NATO-led activities. It is envisioned that the focus of the training, advising and assistance delivered by this mission would be at the security ministry and national institutional level. Afghan National Defense and Security Force (ANDSF) advising would be extended only to the Corps and Corps-equivalent Police headquarters. The non-combat training, advising and assistance by NATO forces could be extended to the tactical level in the case of Afghan Special Operations Forces by the request and invitation of the Afghan Government.

3. The following provisions will govern the presence of any NATO Forces carrying out activities under this agreement in Afghanistan. The parties agree that these provisions will also apply to any NATO Forces that for any reason are required to redeploy out of Afghanistan, as well as personnel and equipment formerly involved in ISAF that may remain in Afghanistan after 31 December 2014, as long as necessary to complete their redeployment out of Afghanistan.

ARTICLE 3
Purpose and Scope

1. In furtherance of the non-combat train, advice, and assist mission, and other mutually agreed activities and consistent with the authorizations as detailed in this Agreement, NATO Forces may undertake transit, support, and related activities, including as may be necessary to support themselves while they are present in Afghanistan, and such other activities as may be mutually agreed.

2. This Agreement, including any Annexes and any implementing agreements or arrangements, provides the necessary authorizations for the presence and activities of NATO Forces in Afghanistan and defines the terms and conditions that describe that presence, and in the specific situations indicated herein, the presence and activities of NATO Contractors and NATO Contractor Employees in Afghanistan.

ARTICLE 4
Laws

1. It is the duty of Members of the Force and Members of the Civilian Component and NATO Personnel to respect the Constitution and laws of Afghanistan and to abstain from any activity inconsistent with the spirit of this Agreement and, in particular, from any political activity in the territory of Afghanistan. It is the duty of NATO Forces Authorities to take necessary measures to that end.

2. The Parties' respective obligations under this Agreement, and any subsequent arrangements, are without prejudice to Afghan sovereignty over its territory, and the right of self-defence, consistent with international law. Cooperation and activities relating to implementation of this Agreement shall be consistent with any applicable commitments and obligations under international law.

3. NATO Forces shall not arrest or imprison Afghan nationals, nor maintain or operate detention facilities in Afghanistan.

ARTICLE 5
Use of Agreed Facilities and Areas

1. Afghanistan hereby provides access to and use of the Agreed Facilities and Areas, as defined in paragraph 10 of Article 1, solely to implement the purpose and scope of this Agreement, taking into account locations of ANDSF and the local Afghan population. Access to and use of such Agreed Facilities and Areas for other purposes shall be as mutually agreed by the Parties.

2. Under this Agreement, Afghanistan hereby authorizes NATO Forces to exercise all rights and authorities within the Agreed Facilities and Areas that are necessary for their use, operation, defence, or control, including the right to undertake new construction works. NATO Forces may carry out such construction works with Members of the Force and the Members of the Civilian Component or by contract.

3. Afghanistan hereby authorizes NATO Forces to control entry to Agreed Facilities and Areas that have been provided for NATO Forces' exclusive use, and to coordinate entry with Afghan authorities at joint-use Agreed Facilities and Areas, for the purposes of safety and security. Upon request, NATO Forces Authorities shall provide to relevant authorities of Afghanistan access to any agreed facility or area that has been provided for NATO Forces' exclusive use. The Parties shall establish mutually agreed procedures regarding Afghan authorities' access to any agreed facility or area that has been provided for NATO Forces' exclusive use. Such procedures and access shall be established with due respect for NATO Forces operations and security requirements. Acknowledging that NATO Forces may conduct force protection activities at and in the vicinity of agreed facilities and agreed areas as are necessary, the Parties agree to coordinate and integrate their respective plans for force protection to ensure the safety of NATO Forces, with full respect for Afghan sovereignty and with full regard for the safety and security of the Afghan people. In furtherance of this objective, NATO Forces shall not target Afghan civilians, including in their homes, consistent with Afghan law and NATO Forces rules of engagement.

4. Afghanistan shall provide all Agreed Facilities and Areas without charge to NATO Forces.

5. NATO Forces shall be responsible for the construction, development, operations, and maintenance costs for Agreed Facilities and Areas provided for their exclusive use, unless otherwise agreed by the Parties. Construction, development, operations, and maintenance costs for Agreed Facilities and Areas provided for joint use, or otherwise used jointly by NATO Forces and ANDSF or other entities, shall be shared on the basis of proportionate use, unless otherwise agreed.

6. NATO confirms its commitment to respect relevant Afghan environmental and health and safety laws, regulations, and standards in the execution of its policies. NATO Forces operations and activities on Agreed Facilities and Areas shall be conducted with due regard for the protection of the natural environment and human health and safety, with due respect for applicable Afghan laws and regulations, and in accordance with applicable NATO policies and practice and applicable international agreements.

7. NATO Forces operations and activities on Agreed Facilities and Areas shall be conducted with full respect for Afghan laws and regulations for the protection of sites or artefacts of historic and cultural heritage. NATO Forces Authorities shall notify and consult immediately with appropriate Afghan authorities through the Afghanistan-NATO Implementation Commission when sites or artefacts of historic and cultural heritage are discovered on an agreed facility or area.

ARTICLE 6
Property Ownership

1. NATO Forces shall return to Afghanistan any agreed facility or area, or any portion thereof, including buildings, non-relocatable structures, and assemblies connected to the soil, including those constructed, altered, or improved by NATO Forces, when no longer needed for NATO Forces' use. NATO Forces shall keep the requirement for such Agreed Facilities and Areas under periodic reassessment with a view toward such return. The Parties shall consult regarding the terms of return of any agreed facility or area. The Parties agree to pursue a preventative rather than reactive approach to environmental protection and human health and safety. The Parties recognize that the policies and practice of NATO Forces are designed to avoid such damage and endangerment and to apply the more protective of either NATO or Afghan standards. In accordance with NATO Forces policy, NATO Forces Authorities shall take prompt action to address a substantial impact to human health and safety due to environmental contamination that is caused by activities of NATO Forces and is located on an agreed facility or area.

2. All buildings, non-relocatable structures, and assemblies connected to the soil at the Agreed Facilities and Areas, including those constructed, used, altered, or improved by NATO Forces, are for the exclusive use of NATO Forces, NATO Contractors, and NATO Contractor Employees, and for others as mutually agreed. All such buildings, non-relocatable structures, and assemblies connected to the soil built by NATO Forces or provided to NATO Forces for their access and use may be modified by NATO Forces, and

NATO Forces may use them exclusively until they are no longer required by NATO Forces.

3. NATO Forces and NATO Contractors shall retain title to all equipment, materiel, supplies, relocatable structures, and other movable property they have installed in, imported into, or acquired within the territory of Afghanistan in connection with the presence of NATO Forces and NATO Contractors in Afghanistan. NATO Forces Authorities and Afghanistan shall consult regarding the possible transfer to or purchase by Afghanistan of equipment determined to be excess, as may be authorized by NATO policies and practice.

ARTICLE 7
Positioning and Storage of Equipment and Materiel

1. Afghanistan authorizes NATO Forces to position the equipment, supplies, and materiel of NATO Forces within Agreed Facilities and Areas, and at other locations as mutually agreed. NATO Forces shall maintain title to and control over the use and disposition of such equipment, supplies, and materiel that are stored in the territory of Afghanistan and shall have the right to remove such items from the territory of Afghanistan.

2. NATO confirms its commitment to respect relevant Afghan safety laws, regulations and standards. NATO Forces shall take all necessary measures to protect and safely store equipment, supplies, and materiel of NATO Forces that are of a hazardous nature in accordance with applicable NATO policies and practice. In accordance with NATO Forces policy, NATO Forces Authorities shall take prompt action (1) to clean up spills located on an agreed facility or area; and, (2) to address a substantial impact to human health and safety due to environmental contamination that is caused by activities of NATO Forces and is located on an agreed facility or area.

3. NATO, taking into account the obligations of NATO Member States and Operational Partners under the Convention on the Prohibition of the Development, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on 13 January 1993, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction done at Washington, London and Moscow on 10 April 1972, agrees that chemical and biological weapons shall not be stored on the territory of Afghanistan. The Parties affirm that NATO will not position or store nuclear weapons in the territory of Afghanistan.

ARTICLE 8
Movement of Vehicles, Vessels, and Aircraft

1. Afghanistan has full sovereignty over its airspace, territory and waters. Management of Afghanistan's airspace and transportation shall be exercised through relevant Afghan authorities.

2. With full respect for Afghan sovereignty and consistent with the purpose and scope of this Agreement, Afghanistan authorizes aircraft that are operated by or exclusively for NATO Forces to enter, exit, overfly, land, take off, conduct aerial refuelling, and move within the territory of Afghanistan. Aircraft that are operated by or exclusively for NATO Forces shall not be subject to payment of overflight or navigation fees, or landing or parking fees at government-owned airfields, or other charges. State aircraft of NATO Member States or Operational Partners operated by or exclusively for NATO Forces shall be operated with full respect for the relevant rules of safety and movement in Afghanistan, including notification requirements. Civil aircraft being operated by or exclusively for NATO Forces are subject to notification requirements regarding their entry into and exit from the territory of Afghanistan as required by the civil aviation authorities of Afghanistan.

3. With full respect for Afghan sovereignty and consistent with the purpose and scope of this Agreement, Afghanistan authorizes vessels and vehicles that are operated by or exclusively for NATO Forces, to enter, exit, and move within the territory of Afghanistan. All such vessels and vehicles shall be operated with full respect for the relevant rules of safety and movement in Afghanistan. Members of the Force and Members of the Civilian Component and NATO Personnel have a duty to respect Afghan motor vehicle regulations when operating any vehicles in Afghanistan.

4. State aircraft of NATO Member States or Operational Partners operated by or exclusively for NATO Forces, and vessels and vehicles operated by or exclusively for NATO Forces, shall be free from boarding without the consent of NATO Forces Authorities. State aircraft of NATO Member States or Operational Partners operated by or exclusively for NATO Forces, and vessels and vehicles operated by or exclusively for NATO Forces, shall be free from inspection, regulation, or registration requirements within Afghanistan, except as otherwise provided in this Agreement or as otherwise agreed by the Afghanistan-NATO Implementation Commission.

5. NATO Forces shall pay reasonable charges for services requested and received for State aircraft of NATO Member States or Operational Partners operated by or exclusively for NATO Forces, and vehicles and vessels operated by or exclusively for NATO Forces, free of taxes or similar charges.

6. The Parties agree to establish procedures to implement this Article. The Parties shall review and update, as appropriate, such procedures, and shall address any issues immediately through the Afghanistan-NATO Implementation Commission that may arise regarding such procedures.

ARTICLE 9
Contracting Procedures

1. NATO Forces, in accordance with the laws and/or regulations of NATO, NATO Member States or Operational Partners, as appropriate, may enter into contracts for the acquisition of articles and services, including construction, in the territory of Afghanistan. Afghanistan recognizes that NATO Forces are bound by the laws and/or regulations of NATO, NATO Member States or Operational Partners, as appropriate, in the solicitation, award, and administration of such contracts. NATO Forces shall strive to utilize Afghan

suppliers of goods, products and services to the greatest extent practicable, in accordance with NATO policies and practice.

2. NATO Contractors are subject to registration in Afghanistan, via an expedited process that shall include issuance of a business registration license valid for three years and payment of a reasonable, standard, one-time service charge to the Afghanistan Investment Support Agency as required by the laws and regulations of Afghanistan. NATO Contractors shall otherwise be exempt from all other Afghan licenses and similar requirements in relation to their entry into or execution of contracts and subcontracts with or on behalf of NATO Forces.

3. Recognizing the importance of transparency, including through the sharing of information and consultations as may be mutually agreed, NATO Forces shall give due consideration to concerns and disputes expressed by Afghan authorities regarding NATO Contractors. The Parties will work together to improve transparency, accountability, and effectiveness of contracting processes in Afghanistan with a view to preventing misuse and bad contracting practices.

4. Upon the request of either Party, the Parties shall consult immediately through the Afghanistan-NATO Implementation Commission concerning any issues, including issues concerning the activities of NATO Contractors and NATO Contractor Employees that may arise regarding implementation of this Article.

ARTICLE 10
Utilities and Communications

1. NATO Forces may produce and provide services including but not limited to water, electricity, and other utilities for Agreed Facilities and Areas and for other locations as mutually agreed. The production and provision of such services shall be notified to and coordinated with the Afghanistan-NATO Implementation Commission on a periodic basis. NATO Forces and NATO Contractors may use Afghan public water, electricity, and other Afghan public utilities on terms and conditions, including rates or charges, no less favourable than those paid by ANDSF, less taxes or similar or related charges, unless otherwise mutually agreed. NATO Forces' or NATO Contractors' costs shall be equal to their proportionate use of such public utilities.

2. Afghanistan recognizes that NATO Forces shall use the radio spectrum. The Afghan side shall allocate Afghan owned frequencies based on relevant Afghan regulations. NATO Forces shall be allowed to operate their own telecommunications systems (as telecommunication is defined in the 1992 Constitution of the International Telecommunication Union), including the use of such means and services as required to ensure full ability to operate telecommunications systems, and the use of radio spectrum allocated by appropriate Afghan authorities for this purpose. Use of radio spectrum shall be free of cost.

3. NATO Forces, in recognition of Afghan ownership and allocation of frequencies within Afghanistan and in the interest of avoiding mutually disruptive interference, shall coordinate with appropriate Afghan authorities for the allocation of frequencies for NATO

Forces present in Afghanistan. NATO Forces shall respect frequencies in use by or reserved for local operators.

4. Use of telecommunications by NATO Forces shall be done in a manner that avoids interference with use of radio spectrum or other telecommunication equipment operated by the Afghan government and other organisations the Afghan government has granted permission to use radio spectrum and/or telecommunications equipment.

ARTICLE 11
Status of Personnel

1. Afghanistan, while retaining its sovereignty, recognizes the particular importance of disciplinary control, including judicial and non-judicial measures, by NATO Forces Authorities over Members of the Force and Members of the Civilian Component and NATO Personnel. Afghanistan therefore agrees that the State to which the Member of the Force or Members of the Civilian Component concerned belongs, or the State of which the person is a national, as appropriate, shall have the exclusive right to exercise jurisdiction over such persons in respect of any criminal or civil offenses committed in the territory of Afghanistan. Afghanistan authorizes such States to hold trial in such cases, or take other disciplinary action, as appropriate, in the territory of Afghanistan.

2. If requested by Afghanistan, NATO shall inform Afghanistan of the status of any criminal proceedings regarding offenses allegedly committed in Afghanistan by the Members of the Force or Members of the Civilian Component or by NATO Personnel involving Afghan nationals, including the final disposition of the investigations or prosecution. If so requested, NATO shall also undertake efforts to permit and facilitate the attendance and observation of such proceedings by representatives of Afghanistan.

3. In the interests of justice, the Parties shall assist each other in investigation of incidents, including the collection of evidence. In investigating offenses, NATO Forces Authorities shall take into account any report of investigations by Afghan authorities.

4. NATO recognizes the critical role that Afghan law enforcement officials play in the enforcement of Afghan law and order and the protection of the Afghan people. Relevant Afghan authorities shall immediately notify NATO Forces Authorities if they suspect a Member of the Force or a Member of the Civilian Component or NATO Personnel is engaged in the commission of a crime so that NATO Forces Authorities can take immediate action. Members of the Force and Members of the Civilian Component and NATO Personnel shall not be arrested or detained by Afghan authorities. Members of the Force and Members of the Civilian Component and NATO Personnel arrested or detained by Afghan authorities for any reason, including by Afghan law enforcement authorities, shall be immediately handed over to the appropriate NATO Forces Authorities.

5. Afghanistan maintains the right to exercise jurisdiction over NATO Contractors and NATO Contractor Employees.

ARTICLE 12
Bearing of Arms and Wearing of Uniforms

1. When present in Afghanistan under this Agreement, Members of the Force and of the Members of the Civilian Component and NATO Personnel may possess and carry arms in Afghanistan as required for the performance of their duties and as authorized by their orders. When issuing such orders, NATO Forces and NATO Forces Authorities shall consider relevant Afghan officials' views regarding appropriate locations for the presence of arms, including considerations of public safety. In consideration of such views, NATO Forces shall not, for military operations, enter mosques or other sites of religious significance being used for religious purposes. Members of the Force may wear uniforms while in Afghanistan. NATO Forces Authorities shall take appropriate measures to ensure that Members of the Force, Members of the Civilian Component, and NATO Personnel are mindful of their presence in public areas, including in the carrying of weapons.

2. The Parties agree that NATO Contractors and NATO Contractor Employees are not permitted to wear military uniforms and may only carry weapons in accordance with Afghan laws and regulations.

3. NATO Contractors performing security services in Afghanistan are subject to all relevant requirements of Afghan laws and regulations.

4. Upon the request of either Party, the Parties shall consult immediately through the Afghanistan-NATO Implementation Commission concerning any issues that may arise regarding implementation of this Article.

ARTICLE 13
Entry and Exit

1. Members of the Force and Members of the Civilian Component and NATO Personnel may enter and exit Afghanistan at Agreed Facilities and Areas at locations listed in Annex A, at official points of embarkation and debarkation listed in Annex B, and at other areas as mutually agreed, with identification cards issued by NATO or NATO Forces Authorities, and either collective or individual movement orders. Passports and visas shall not be required. Such personnel shall be exempt from Afghan law and regulations on registration and control of foreign citizens.

2. NATO Contractors and NATO Contractor Employees may enter and exit Afghanistan at the places of entry and exit described in paragraph 1 of this Article. Passports and visas shall be required in accordance with Afghan law. If a visa is required, and requested by a NATO contractor or a NATO contractor employee, it shall provide for multiple entries and exits and shall be valid for a period of not less than one year. The appropriate Afghan authorities may issue or decline to issue required visas expeditiously. In the event Afghanistan declines to issue such visa, the appropriate Afghan authorities shall notify the person concerned and NATO Forces Authorities. For exceptional situations as may be agreed through the Afghanistan-NATO Implementation Commission, Afghanistan shall seek to put in place and make available to NATO Contractor Employees a process for the issuance of visas upon their arrival in Afghanistan.

3. NATO recognizes the sovereign right of Afghanistan to request the removal of any Member of the Force, Member of the Civilian Component or NATO Personnel from Afghanistan. NATO Forces Authorities shall take appropriate measures to expeditiously remove such persons from Afghanistan upon request by proper Afghan authorities.

4. The Parties agree to establish procedures to implement this Article. The Afghanistan-NATO Implementation Commission shall periodically review and update procedures for appropriate Afghan authorities to process Members of the Force and Members of the Civilian Component and NATO Personnel who arrive at or depart from the places of entry and exit described in paragraph 1 of this Article, including coordination and inspection of documentation. Afghan authorities may develop lists of Members of the Force and of the Members of the Civilian Component and NATO Personnel entering and exiting Afghan territory at the Agreed Facilities and Areas, as necessary.

ARTICLE 14
Importation and Exportation

1. NATO Forces and NATO Contractors may import into, export out of, re-export out of, transport, and use in Afghanistan any equipment, supplies, materiel, technology, training, or services. The authorizations in this paragraph do not cover the activities of NATO Contractors that are not related to the presence of NATO Forces in Afghanistan. Identifying documents shall be provided to indicate that such equipment, supplies, materiel, technology, training, or services being imported by NATO Contractors are for NATO Forces' purposes and not for any private commercial purposes.

2. Members of the Force and Members of the Civilian Component, NATO Personnel, NATO Contractors, and those NATO Contractor Employees who are not Afghan nationals, may import into, export out of, re-export out of, transport, and use in Afghanistan personal effects. The imported quantities shall be reasonable and proportionate to personal use. The property referred to in this paragraph may not be sold or otherwise transferred in Afghanistan to persons who are not entitled to import such items duty free unless such transfer is in accordance with agreed procedures, including on payment of any taxes or fees due as a result of such transaction, established by the Afghanistan-NATO Implementation Commission.

3. Relevant NATO Forces Authorities, working with Afghan authorities, shall take appropriate measures to ensure that no items or material of cultural or historic significance to Afghanistan are being exported. NATO Forces Authorities shall take appropriate measures, in accordance with NATO Forces guidance, to ensure that no alcohol, pornography, illegal narcotics, or privately owned firearms, or other contraband or items as may be mutually agreed, are being imported using the authorizations provided in paragraphs 1 and 2 of this Article.

4. The importation, exportation, re-exportation, transportation, and use of any articles brought into Afghanistan pursuant to paragraph 1 and 2 of this Article shall not be subject to restrictions, such as licensing, inspection or verification, except as provided in this Article, or taxes and customs duties or other charges assessed by government authorities in Afghanistan within the territory of Afghanistan. If Afghan authorities suspect the abuse

of the privileges granted in paragraph 2 of this Article to NATO Contractors and NATO Contractor Employees, then relevant Afghan authorities reserve the right of inspection of such personal effects when arriving or departing from civilian airports in Afghanistan or in personal vehicles at border crossings.

5. The relevant Afghan authorities reserve the right of verification of any container imported by NATO Contractors and NATO Contractor Employees containing items for NATO Forces' purposes in Afghanistan or for personal use, as authorized in paragraphs 1 and 2 of this Article. Without causing undue delay, and upon presentation by the relevant Afghan authorities of information to NATO Forces Authorities that a NATO contractor is abusing the authority granted in paragraph 1 or 2 of this Article, NATO Forces Authorities shall open and verify suspected shipments or containers intended for import in the presence of the Afghan authorities. Afghan authorities shall consent to the security requirements of NATO Forces and upon request by NATO Forces Authorities permit such verifications to take place within Agreed Facilities and Areas or other areas as mutually agreed.

6. Sharing the common goal with Afghanistan of preventing the improper entry into Afghan markets of items imported into Afghanistan under the terms of this Agreement, NATO Forces Authorities shall take measures to prevent abuse of the authorizations in paragraphs 1 and 2 of this Article, and shall conduct inquiries and assist the relevant Afghan authorities in the conduct of inquiries and the collection of evidence relating to the suspected improper importation, exportation, re-exportation, transfer, or disposition of goods by Members of the Force, Members of the Civilian Component, NATO Personnel, NATO Contractors, and NATO Contractor Employees.

7. Items imported into Afghanistan or purchased in Afghanistan pursuant to this Article may be disposed of in Afghanistan with due respect for Afghan laws and regulations.

8. Upon the request of either Party, the Parties shall review and consult immediately through the Afghanistan-NATO Implementation Commission concerning any issues that may arise regarding implementation of this Article.

ARTICLE 15
Taxation

1. The acquisition in Afghanistan of articles and services by or on behalf of NATO Forces shall not be subject to any taxes or similar or related charges assessed within the territory of Afghanistan.

2. NATO, NATO Member States, Operational Partners, and NATO Forces, including Members of the Force and Members of the Civilian Component and NATO Personnel, shall not be liable to pay any tax or similar or related charges assessed by the Government of Afghanistan within the territory of Afghanistan.

3. NATO Contractors shall not be liable to pay any tax or similar or related charges assessed by the Government of Afghanistan within the territory of Afghanistan on their

activities, and associated income, relating to or on behalf of NATO Forces under a contract or subcontract with or in support of NATO Forces. However, NATO Contractors that are Afghan legal entities shall not be exempt from corporate profits tax that may be assessed by the Government of Afghanistan within the territory of Afghanistan on income received due to their status as NATO Contractors.

4. NATO Contractors are subject to Afghan requirements regarding employer withholding of personal income tax from NATO Contractor Employees who normally reside in Afghanistan and from NATO Contractor Employees who are Afghan nationals for payment to Afghanistan as required by the laws and regulations of Afghanistan.

5. NATO Contractor Employees who do not normally reside in Afghanistan and NATO Contractor Employees who are not Afghan nationals shall not be liable to pay any tax or similar or related charges assessed by the Government of Afghanistan within the territory of Afghanistan on their activities, and associated income, relating to a contract or subcontract with or in support of NATO Forces.

6. NATO Contractors and NATO Contractor Employees are not exempt under this Agreement from paying taxes assessed by the Government of Afghanistan within the territory of Afghanistan on their activities in Afghanistan that are not associated with supplying goods and services in Afghanistan to or on behalf of NATO Forces under a contract or subcontract with or in support of NATO Forces.

ARTICLE 16
Driving and Professional Licenses

1. Afghanistan agrees to accept as valid, without a driving test or fee, driving licenses or permits issued by authorities of the NATO member State or Operational Partner concerned to Members of the Force or Members of the Civilian Component, NATO Personnel, NATO Contractors, and NATO Contractor Employees for operation of vehicles, vessels, aircraft or other equipment by or for NATO Forces within the territory of Afghanistan.

2. Afghanistan agrees to accept as valid all professional licenses issued by authorities of the NATO Member State or Operational Partner concerned to Members of the Force or Members of the Civilian Component, NATO Personnel, NATO Contractors or NATO Contractor Employees in relation to the provision of services as part of their official or contractual duties.

3. NATO and NATO Forces Authorities shall endeavour to ensure that Members of the Force or Members of the Civilian Component, and NATO Personnel, NATO Contractors, and NATO Contractor Employees have current, valid driving licenses and permits for operation of vehicles, vessels, aircraft or other equipment by or for NATO Forces within the territory of Afghanistan. The Afghanistan-NATO Implementation Commission shall establish mechanisms to exchange information on such licenses and permits. In response to requests from Afghan authorities, NATO Forces Authorities shall seek to verify the validity of such licenses.

ARTICLE 17
Motor Vehicles

Afghanistan agrees to accept as valid the registration and licensing by NATO Forces Authorities of the official vehicles of NATO Forces. Upon the request of NATO Forces Authorities, Afghan authorities shall issue, without charge, license plates for NATO Forces' official, non-tactical vehicles. NATO Forces' official, non-tactical vehicles shall display official Afghan license plates that are indistinguishable from other Afghan license plates, upon their provision by Afghanistan.

ARTICLE 18
Service Support Activities

1. NATO Forces may directly or through contract establish and operate at Agreed Facilities and Areas service support activities, including military post offices, banking services, military service exchanges, commissaries, recreational service areas, and telecommunications services, including broadcast services. It is not NATO's intention for broadcasting, media, and entertainment services to reach beyond the scope of the Agreed Facilities and Areas. Taking into consideration Afghan laws, traditions, and customs, NATO Forces may continue to make available television and radio broadcast services such as media and entertainment programming for the purposes of morale, welfare, and recreation of NATO Forces and other authorized recipients located on Agreed Facilities and Areas.

2. NATO Forces shall take appropriate measures to limit broadcasting, television programs, media, and entertainment services to authorized recipients and to Agreed Facilities and Areas.

3. Access to service support activities shall be in accordance with NATO policies and practice. NATO Forces Authorities shall adopt appropriate measures to prevent the abuse of such service support activities and the sale or resale of goods or services to persons who are not authorized to patronize such service support activities or providers.

4. No license, permit, or inspection shall be required by Afghanistan for activities connected with such service support activities.

5. The activities, and any organisations undertaking the activities referred to in this Article are integral parts of NATO Forces and shall be accorded the same fiscal and customs exemptions granted to NATO Forces, including those provided in Articles 14 and 15 of this Agreement. Such organisations and activities shall be maintained and operated in accordance with applicable NATO policies and practice. Such activities shall not be required to collect or pay taxes or to pay other fees related to their operations. Access to these service support activities shall be restricted to Members of the Force, Members of the Civilian Component, NATO Personnel, NATO Contractors and NATO Contractor Employees and others as may be authorized.

6. Mail shipped within the national military postal service transportation systems shall be exempt from inspection, search, or seizure by Afghan authorities.

7. The Afghanistan-NATO Implementation Commission shall periodically review the service support activities and resolve by mutual agreement questions arising in the course of implementation of this Article.

ARTICLE 19
Currency and Exchange

The Parties agree to establish procedures regarding currency and exchange. The Parties shall review and update, as appropriate, such procedures and shall address any issues immediately through the Afghanistan-NATO Implementation Commission that may arise regarding such procedures.

ARTICLE 20
Claims

1. Each Party waives any and all claims (other than contractual claims) against the other for damage to, loss of, or destruction of its property or injury or death to members of NATO Forces or ANDSF, and their respective Members of the Civilian Components, arising out of the performance of their official duties in Afghanistan. This provision fully applies to Operational Partners.

2. For claims not excluded under paragraph 1 of this Article, NATO Forces Authorities shall pay just and reasonable compensation in settlement of meritorious third party claims arising out of acts or omissions of Members of the Force and Members of the Civilian Component, and NATO Personnel done in the performance of their official duties and incident to the non-combat activities of NATO Forces. Such claims shall be expeditiously processed and settled by NATO Forces Authorities in accordance with applicable NATO policies and practice and seriously considering the laws, customs and traditions of Afghanistan. The claims and compensations for damages will be dealt with according to the legal regulations of NATO, NATO Member States or Operational Partners, as appropriate.

3. In settling third party claims, NATO Forces Authorities shall take into account any report of investigation or opinion provided to them by Afghan authorities regarding liability or amount of damages.

4. The settlement or adjudication of contract claims shall be carried out in accordance with the terms of the contracts.

5. Upon the request of either Party, the Parties shall consult immediately through the Afghanistan-NATO Implementation Commission concerning any issues that may arise regarding implementation of this Article.

ARTICLE 21
Annexes

Any Annex appended to this Agreement shall form an integral part of this Agreement, and may be amended by written agreement of the Parties.

ARTICLE 22
Disputes and Implementation

1. Any divergence in views or dispute regarding the interpretation or application of this Agreement shall be resolved through consultation between the Parties and shall not be referred to any national or international court, tribunal or other similar body, or any third party for settlement.

2. The Parties, including through the Afghanistan-NATO Implementation Commission, may enter into Implementing Arrangements and procedures to carry out the provisions of this Agreement.

3. NATO Forces Authorities shall pay reasonable, fair market charges, minus any taxes, for goods or services they request and receive in accordance with this agreement.

ARTICLE 23
Afghanistan-NATO Implementation Commission

1. The Parties hereby establish an Afghanistan-NATO Implementation Commission to oversee implementation of this Agreement. The Afghanistan-NATO Implementation Commission shall be co-chaired by representatives of the Parties. The Afghanistan-NATO Implementation Commission may include other NATO or governmental representatives requested and appointed by the Parties.

2. The Afghanistan-NATO Implementation Commission shall determine its own procedures and arrange for such auxiliary organs, including the establishment of Working Groups, and administrative services, as may be considered appropriate. Each Party shall determine how to bear the costs of its participation in the Afghanistan-NATO Implementation Commission.

ARTICLE 24
Bilateral Agreements and Arrangements

The provisions of this Agreement shall not limit or prejudice the implementation of any bilateral Agreement or Arrangement in force between Afghanistan and a NATO member State or Operational Partner unless otherwise expressly agreed between Afghanistan and the NATO Member State or Operational Partner. In particular, the Parties agree that this agreement shall not limit or prejudice the implementation of such bilateral Agreements or Arrangements with respect to such bilateral Agreement's or Arrangement's application to NATO Forces - including NATO Personnel - from such NATO member State or Operational Partner, including national personnel supporting NATO, or to other forces, personnel and contractors encompassed by such bilateral Agreements or Arrangements, unless otherwise expressly agreed between Afghanistan and the NATO member State or Operational Partner.

ARTICLE 25
Entry into Force, Amendment, and Termination

1. This Agreement shall enter into force on 1 January, 2015, after the Parties notify one another through diplomatic channels of the completion of their respective internal legal requirements necessary for the entry into force of this Agreement. It shall remain in force until the end of 2024 and beyond, unless terminated pursuant to paragraph 4 of this Article.

2. This Agreement, upon its entry into force, shall supersede the NATO-Afghanistan Exchange of Letters dated 5 September and 22 November 2004. This Agreement shall supersede any prior agreements and understandings which the Parties mutually determine, through a subsequent exchange of diplomatic notes, to be contrary to the provisions of this Agreement.

3. This Agreement may be amended by written agreement of the Parties through the exchange of diplomatic notes.

4. This Agreement may be terminated by mutual written agreement or by either Party upon two years' written notice to the other Party through diplomatic channels. Termination of any Annex to or Implementing Arrangement under this Agreement does not result in termination of this Agreement. Termination of this Agreement in accordance with this paragraph shall, without further action, result in termination of all Annexes and Implementing Arrangements.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

DONE in Kabul on this Thirtieth day of September 2014 in duplicate, in the English, French, Pashto, and Dari languages, each text being equally authentic.

For the North Atlantic Treaty Organization

His Excellency
Mr. Maurits R. Jochems
NATO Senior Civilian Representative

For the Islamic Republic of Afghanistan

His Excellency
Mr. Mohammed Haneef Atmar
National Security Advisor

ANNEX A

List of Locations in Afghanistan of Afghan Facilities and Areas Provided by Afghanistan for NATO Forces' Access and Use in Training, Advising and Assisting the ANDSF or Other Mutually Agreed NATO-Led Activities.

Kabul
Bagram
Mazar-e-Sharif
Herat
Kandahar
Shorab (Helmand)
Gardez
Jalalabad
Shindand

Agreed Facilities and Areas also include other facilities and areas, if any, of which NATO Forces have the use as of the effective date of this Agreement and other facilities and areas at other locations in Afghanistan as may be agreed and authorized by the Minister of Defence.

ANNEX B

Official Points of Embarkation and Debarkation

Bagram Airbase
Kabul International Airport
Kandahar Airbase
Shendand Airbase
Herat International Airport
Mazar-e-Sharif Airport
Shorab (Helmand)

Land Ports:
Toorkham, Nangarhar Province
Spinboldak, Kandahar Province
Toorghundi, Herat Province
Hairatan, Balkh Province
Sherkhan Bandar, Kunduz Province

Other official points of embarkation and debarkation as may be mutually agreed.