



Poland No. 1 (2018)

Treaty

between the United Kingdom of Great Britain and Northern Ireland and
the Republic of Poland on Defence and Security Cooperation

Warsaw, 21 December 2017

[The Treaty is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 2018*

Cm 9615



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Any enquiries regarding this publication should be sent to us at Treaty Section, Foreign and Commonwealth Office, King Charles Street, London, SW1A 2AH

ISBN 978-1-5286-0374-4

CCS0518577100 05/18

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

**TREATY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND THE REPUBLIC OF POLAND ON
DEFENCE AND SECURITY COOPERATION**

PREAMBLE

The United Kingdom of Great Britain and Northern Ireland and the Republic of Poland, hereinafter referred to as “the Parties”

MINDFUL of the strong, cooperative and enduring defence partnership that exists between the Parties;

RECOGNISING the importance of facing the threats and challenges to European and Euro-Atlantic security, originating from all strategic directions;

ACKNOWLEDGING that current and emerging security challenges, including those of a traditional nature, as well as terrorism, the proliferation of weapons of mass destruction, cyber-warfare and hybrid-warfare, have regional and global implications and affect the interests of the Parties;

DESIRING to declare publicly and formally their unity in the face of threats to national and allied security, so that it is clear both Parties stand united in respect of shared security challenges and for the preservation of peace and security;

REAFFIRMING their faith in the purposes and principles of the Charter of the United Nations, and their belief that greater mutual defence cooperation will strengthen the global and regional, rules-based security order;

RECALLING that their national defence policies are based on common interests, values and responsibilities, including their strong commitment to the North Atlantic Treaty Organisation (NATO), that effectively contribute to the fulfilment of NATO’s core tasks, including collective defence;

DETERMINED together to deter, counter and defend against any aggressor, having particular regard to:

- the Charter of the United Nations and Statute of the International Court of Justice, done in San Francisco on 26 June 1945,
- the North Atlantic Treaty, done in Washington on 4 April 1949;

RECOGNISING that the management of their respective national defence budgets is critical to sustaining the effectiveness of security institutions, and that both Parties can benefit from sharing experience and insight on defence efficiencies and reforms;

BEARING in mind the existing cooperation between the Parties in areas such as military exercises and training, defence industry, personnel exchange, logistic support, information and expertise exchange;

SEEKING to build upon the effectiveness and interoperability of their armed forces; and

COMMITTED to establishing an overarching strategic framework to strengthen and focus the bilateral defence relationship between the Parties,

Have agreed the following:

ARTICLE 1

Scope and Purpose

This Treaty, in accordance with each Party's national laws, regulations, and other applicable international obligations, is intended to promote:

- a. the mutual prioritisation of cooperation between the Parties in defence-related matters;
- b. the exchange of information and experiences regarding strategic defence and security issues, including those acquired in the field of operations and from use of military equipment;
- c. an enhanced relationship on capability development, technology, equipment, and support matters;
- d. the achievement of value for money in defence and security areas;
- e. regular consultation on threats and challenges to international peace and security; and
- f. a strengthened relationship between Parties in security and defence, including in the context of NATO's tasks and policies.

ARTICLE 2

Areas and Forms of Cooperation

The Parties shall facilitate defence relations to build a long-term mutually beneficial partnership in defence and security by undertaking such cooperative activities as they mutually determine, which may include but are not limited to:

- a. Exchange of information and knowledge on security and defence policy issues, including close dialogue on key strategic issues of mutual interest;
- b. Ministerial and senior level staff talks;
- c. Engagement between military and defence institutions, including contact visits;
- d. Strengthening and sustaining their capacity to deploy and operate as allies and partners in military operations, including under the auspices of NATO;
- e. Collective defence, peacekeeping and humanitarian operations;
- f. Defence industry, procurement of equipment and associated support;
- g. Logistics and logistical systems, including materiel and ordnance;
- h. Military exercises, training and education, and the exchange of experience by the armed forces of the Parties;
- i. Exchange of military and civilian personnel;
- j. Creation of twin or partnership relations between military units of the armed forces of the Parties;
- k. Facilitating freedom of movement of their respective forces into and through their respective territories;
- l. Cyber defence;
- m. Defence and military intelligence;
- n. Exchange of information on military legal systems;
- o. Strategic communication;
- p. Crisis management;

- q. Communications, electronics and information systems;
- r. Military scientific and technological research;
- s. Military medicine and health services;
- t. Military museums and history;
- u. Cartography, hydrography and military geography;
- v. Search and rescue;
- w. Social, sporting and cultural activities of the Parties' armed forces.

ARTICLE 3

Related Arrangements

1. The Parties may conclude complementary implementation arrangements, protocols, memoranda of understanding or other arrangements in order to support this Treaty.
2. This Treaty shall not affect the rights and obligations or commitments of either Party under other agreements to which it is a party or other arrangements in which it is participating.

ARTICLE 4

Management of Cooperation

1. The competent authorities for the implementation of this Treaty are:
 - a. For the Republic of Poland: Minister of National Defence;
 - b. For the United Kingdom of Great Britain and Northern Ireland: Ministry of Defence.
2. Regular Ministerial Quadriga meetings, with participation of the Ministers of Defence and Ministers of Foreign Affairs of both Parties, or bilateral meetings of Ministers of Defence, shall consider the progress of cooperation under this Treaty and provide political and strategic guidance for further collaboration.

3. The Parties shall establish defence dialogue, involving, as appropriate, deputy Defence Ministers, Chiefs of Defence and other military staff as well as senior policy officials, for exercising oversight in the implementation of this Treaty and identifying new areas of cooperation.

4. The Parties shall establish annual cooperation plans setting out bilateral activities to be conducted pursuant to this Treaty. These plans should include the name, scope, type, date, place, the executing institutions, financial aspects and other details of the activities that will be carried out.

5. Cooperation shall be realised by taking into consideration the mutual interests and needs of the Parties on the basis of reciprocity, which shall include strengthening cooperation between the Parties at all levels.

ARTICLE 5

Deployment and Employment of Forces

1. The deployment and employment of the armed forces of each Party shall remain a national responsibility at all times.

2. The deployment or employment of the armed forces of one Party together with, or on behalf of, the other Party in any operation shall be at the express request of the first Party with agreement in writing of the other Party. Such deployment or employment shall involve direction by the Parties to their respective authorities concerning the strategic objectives, scale of operation, mission, duration and end state. The Parties shall form, in advance of deployment or employment, a common understanding of the purpose and the legal basis under international law, for such deployment or employment and appropriate and complementary rules of engagement.

3. Appropriate command and control arrangements shall be agreed by both Parties for all bilateral deployments or military operations.

ARTICLE 6

Access to Facilities, Equipment or Support

In connection with this Treaty or any arrangement made pursuant to this Treaty, the Parties shall inform each other of available facilities, equipment and support functions and where possible provide access to these resources when needed.

ARTICLE 7

Transfer, Access to the Market and Export Licensing

Consistent with their respective applicable international obligations and commitments and national laws, regulations and licensing procedures, the Parties agree:

- a. to facilitate to the greatest extent possible the transfer of defence equipment and services between the Parties; and
- b. not to hinder legitimate access to their markets and to their Government contracts in the field of defence.

ARTICLE 8

Financial Arrangements

1. All activities carried out under this Treaty shall be subject to the availability of funds of the Parties. Unless otherwise mutually agreed, each Party shall be responsible for all the expenses they respectively incur.
2. Financial arrangements may be included in the annual cooperation plan, implementing arrangements, or agreed on a case by case basis.
3. Financial arrangements shall take account of the mutual interests and needs of the Parties on the basis of reciprocity.

ARTICLE 9

Protection of Information

1. All classified information and material exchanged or generated in connection with this Treaty will be used, transmitted, stored, handled and safeguarded in accordance with the Agreement between the Government of the Republic of Poland and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Mutual Protection of Classified Information, signed in Warsaw on 18 August 2006 or any subsequent agreements.
2. Nothing in this Treaty authorises or governs the release, use, exchange or disclosure of information, whether classified or not, in which intellectual property rights exist, until the specific written authorisation of the owner of those rights has been obtained, whether the owner is a Party to this Treaty or a third party.

3. Use of rights in intellectual property provided by either Party for any cooperative activity entered into pursuant to Article 3(1) of this Treaty shall be detailed in the applicable arrangement enabling such cooperative activity.

ARTICLE 10

Jurisdictional Arrangements

Matters of discipline and jurisdiction over personnel of the Parties shall be handled in accordance with Article VII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of Their Forces, done in London on 19 June 1951, hereinafter referred to as “NATO SOFA”. This is without prejudice to the other applicable international agreements, for example, supplementary bilateral agreements to the NATO SOFA.

ARTICLE 11

Claims and Liability

Any claims arising out of, or in connection with, the execution of this Treaty, or any subsequent cooperative activity entered into pursuant to Article 3(1) of this Treaty, shall be handled in accordance with Article VIII of the NATO SOFA.

ARTICLE 12

Disputes

Any dispute regarding the interpretation or application of this Treaty shall be resolved by consultation and negotiation between the Parties. If a dispute cannot be resolved by consultation and negotiation, the Parties may decide to refer the dispute for settlement to a dispute settlement mechanism to be agreed between the Parties.

ARTICLE 13

Amendments

This Treaty may be amended at any time, in writing, with the agreement of both Parties. Any agreed amendments shall enter into force in accordance with the procedure set out in Article 14(1) of this Treaty.

ARTICLE 14

Entry into Force, Duration, Withdrawal and Termination

1. This Treaty shall enter into force on the date of receipt of the last notification by which the Parties notify each other in writing that their respective internal procedures for entry into force of this Treaty have been fulfilled.
2. This Treaty shall continue in force until such time as either Party decides to withdraw from it, after having given the other Party at least six months' notice of its intention to do so, in which case it will cease to have effect at the end of the period of notice.
3. The termination of this Treaty shall not release either Party from the implementation of its obligations under this Treaty concerning the Protection of Information, Claims and Liability, and Disputes.
4. Arrangements currently in effect or which have been established pursuant to this Treaty shall remain fully applicable after termination of this Treaty in accordance with the provisions of the specific arrangement.
5. On the date of entry into force of this Treaty, the Memorandum of Understanding between the Ministry of National Defence of the Republic of Poland and the Ministry of Defence of the United Kingdom of Great Britain and Northern Ireland on Cooperation in the Military Field, signed in Warsaw on 30 October 1995 shall be terminated.

IN WITNESS WHEREOF, the undersigned, duly authorised by their respective Governments, have signed this Treaty.

DONE at Warsaw on the twenty-first day of December 2017, in duplicate in the English and Polish languages, each text being equally authentic.

**On behalf of the United Kingdom of
Great Britain and Northern Ireland:**

On behalf of the Republic of Poland:

GAVIN WILLIAMSON

ANTONI MACIEREWICZ

CCS0518577100
978-1-5286-0374-4