

Agreement

between

the Government of the Czech Republic

and

the Government of Montenegro

on the Settlement of the Debt of Montenegro

towards the Czech Republic

The Government of the Czech Republic (hereinafter referred to as “the Czech Party”)

and

The Government of Montenegro (hereinafter referred to as “the Montenegrin Party” and collectively referred to as “the Parties”);

Desiring to develop long-term and stable trade, economic and financial co-operation based on principles of mutual benefits;

Intending to finalize the settlement of the debt of Montenegro towards the Czech Republic;

Having regard to

the Payment Agreement between the Czech and Slovak Federal Republic and the Socialist Federal Republic of Yugoslavia, signed at Belgrade on February 8th, 1991,

the Protocol from the Negotiations on the Solution of the Liquidation Account Balance held between March 23rd and March 26th 1992 in Prague, confirmed by the exchange of letters of the Prime Ministers of the Czech and Slovak Federative Republic and of the Federal Republic of Yugoslavia, dated May 7th and May 11th, 1992 (hereinafter referred to as “the 1992 Protocol”),

the Agreement between the Governments of the Czech Republic and of the Slovak Republic on Transfer of Governmental Claims towards Foreign States into the Competence of the CR and SR and on Ensuring Internal Financing of Provided Governmental Loans signed at Bratislava on April 7th 1993,

the Agreement on Succession Issues, concluded at Vienna on June 29th, 2001, Annex C thereto,

the Agreement on the Regulation of Membership in International Financial Organizations and the Distribution of Financial Assets and Liabilities between the Republic of Serbia and the Republic of Montenegro, signed at Belgrade on July 10th, 2006,

the Vienna Convention on the Law of Treaties, concluded at Vienna on May 23rd, 1969;

Respecting the fact that the Czech Republic as one of the two legal successors of the former Czech and Slovak Federal Republic (hereinafter referred to as “the former CSFR”) administers, independently and individually, its share in receivables and liabilities of the former CSFR;

Taking into account

the Minutes (Promemoria) of expert talks between the National Bank of Yugoslavia and the Československá obchodní banka, a.s. (hereinafter referred to as “CSOB”) of October 22nd, 1997,

the Agreed Minutes on the Consolidation of the Debt of the Federal Republic of Yugoslavia concluded on December 13th, 2001 between the participating Paris Club creditor countries and the Government of the Federal Republic of Yugoslavia,

the Agreed Minutes of the Joint Working Group on Financial and Legal Issues related to the Outstanding Debt of the former SFRY towards the former CSFR between the Czech Republic and Montenegro of November 29th, 2018;

Have agreed as follows:

Article 1 Treated Debt

1. The Parties confirm that the reconciled principal of the former Socialist Federal Republic of Yugoslavia (hereinafter referred to as "the former SFRY") debt towards the former CSFR recorded on the Liquidation Clearing Account amounts to 72,250.262,25 Clearing Dollars, out of which 41,161.444,69 Clearing Dollars represents the Czech part of the principal amount.

2. The Parties agree that the principal of the debt of Montenegro towards the Czech Republic amounts to 2.2344% of the debt of the former SFRY to the Czech Republic, i.e. 919.711,32 Clearing Dollars.

3. The Parties agree that the principal referred to in Paragraph 2 of this Article bears the simple interest 5,50% that shall be calculated on the day count principle 30/360 p. a. and shall be applied from November 1st, 1991 until December 31st, 2018.

4. The final settlement balance between the Czech Republic and Montenegro, including the simple interest calculated in compliance with Paragraph 3 of this Article with the value date of December 31st, 2018 amounts to 2,293.913,25 Clearing Dollars. This amount consists of:

a) principal amount of 919.711,32 Clearing Dollars; and

b) interest amount of 1,374.201,93 Clearing Dollars.

5. The Parties agree to convert the amounts defined in Paragraph 4 of this Article applying the rate of exchange of 1 Clearing Dollar = 1 US Dollar, in accordance with the 1992 Protocol, into 2,293.913,25 US Dollars, which constitutes the debt of Montenegro towards the Czech Republic as of December 31st, 2018.

Article 2 Settlement of the Debt

1. The Parties agree on the following conditions on the settlement of the debt of Montenegro towards the Czech Republic:

a) After this Agreement enters into force, the Montenegrin Party shall repay the debt due to the Czech Party based on the conditions of the Paris Club of Creditors. The debt of Montenegro will be settled through one-time payment. Such payment in the amount of 779.930,53 US Dollars (seven hundred seventy nine thousand nine hundred thirty US dollars and fifty three cents) shall be made within 90 days from the entry into force of this Agreement, by transfer of the total amount payable into the account of CSOB specified in Subparagraph c) below;

b) The Parties shall instruct their respective banks to provide necessary steps for the technical implementation of this Article;

c) The payment by the Montenegrin Party to the Czech Party hereunder shall be made in US Dollars in freely transferable and immediately available funds on the relevant payment date, free of any costs, taxes, levies or charges. Respective payment to the Czech Party shall be made in favour of the account of CSOB, No. 4030004, ABA routing No 021001033 USD, held with the Deutsche Bank Trust Americas, NY, swift: BKTRUS33. If payment shall become due and payable on a Saturday, Sunday or any other day which is not a business day, such payment shall be made on the next succeeding business day.

2. Upon execution of the payment in the amount specified in Paragraph 1(a) of this Article, it shall be deemed that the debt of Montenegro towards the Czech Republic is fully settled, subject to the provisions of Article 6 of this Agreement.

Article 3 Settlement of Disputes

Any dispute that may arise between the Parties in connection with the interpretation or implementation of this Agreement shall be resolved by mutual negotiations of the authorized representatives of the Parties.

Article 4 Amendments

This Agreement may be amended and supplemented by mutual consent of the Parties. Any amendment or supplement to this Agreement shall be in writing and signed by both Parties.

Article 5 Notices and Other Communications

Notices and other communications given under this Agreement addressed to either Party shall be made through the diplomatic channels.

Article 6
Review Clause

If the successor States of the former SFRY make a new agreement on final division of the overall debt of the former SFRY owed to the former CSFR which causes that the principal of the debt of Montenegro to the Czech Republic differs from the amount mentioned in Article 1, Paragraph 2 of this Agreement, the Parties shall review this Agreement accordingly.

Article 7
Final Provisions

This Agreement shall enter into force on the day of its signature.

Done at Podgorica on September 11th 2019, in two originals in the English language.

On behalf of the Government
of the Czech Republic

Karel Urban
Ambassador Extraordinary and
Plenipotentiary of the Czech Republic
to Montenegro

On behalf of the Government
of Montenegro

Darko Radunović
Minister of Finance