

Z A K O N

O POTVRĐIVANJU SPORAZUMA IZMEĐU VLADE REPUBLIKE SRBIJE I SAVETA MINISTARA REPUBLIKE ALBANIJE O REGULISANJU DUGA REPUBLIKE ALBANIJE PREMA REPUBLICI SRBIJI

Član 1.

Potvrđuje se Sporazum između Vlade Republike Srbije i Saveta ministara Republike Albanije o regulisanju duga Republike Albanije prema Republici Srbiji, zaključen 31. marta 2011. godine, u originalu na engleskom jeziku.

Član 2.

Tekst Sporazuma između Vlade Republike Srbije i Saveta ministara Republike Albanije o regulisanju duga Republike Albanije prema Republici Srbiji, u originalu na engleskom jeziku i u prevodu na srpski jezik glasi:

Agreement
between
the Government of the Republic of Serbia
and
the Council of Ministers of the Republic of Albania
on the settlement of the debt of the Republic of Albania towards the
Republic of Serbia

The Government of the Republic of Serbia and the Council of Ministers of the Republic of Albania hereinafter referred to as "the Parties",

in order to:

- develop long-term and stable trade, economic and financial co-operation based on principles of mutual benefits,
- finalize the settlement of the debt of the Republic of Albania towards the Republic of Serbia, and
- in accordance with the MEMORANDUM between The Council of Ministers of the Republic of Albania and The Council of Ministers of Bosnia and Herzegovina, The Government of the Republic of Macedonia, The Government of the Republic of Serbia, The Government of the Republic of Slovenia, The Government of the Republic of Croatia, and The Government of Montenegro, on the Settlement of the Debt of the Republic of Albania related to the Settlement of the Amounts on the Accounts under the Commodity Exchange between the Republic of Albania and the former Socialist Federal Republic of Yugoslavia, signed on December 14th, 2010 in Tirana, Albania,

have agreed as follows:

Article 1

The Parties confirm that:

1. The final settlement balance between the Republic of Albania and the Republic of Serbia, including the regular interest calculated for the period from 31 March 2006 to 30 September 2009, amounts to US Dollars 8,528,802.42 (say: eight million five hundred and twenty-eight thousand eight hundred and two and 42/100 US Dollars).
2. The amount stipulated in point 1 of this Article, constitutes the debt of the Republic of Albania towards the Republic of Serbia in US Dollars as of September 30, 2009.
3. The amount of regular interest due for the period from 1 October 2009 until the signature date of March 31st, 2011, shall total US Dollars 66,318.32, and is calculated using the rate of 6-month USD LIBOR on the applicable dates of March 31st and September 30th.
4. The Parties agree to work expeditiously to complete their respective ratification procedures and cause the Agreement to enter into force (as defined in Article 6 of this Agreement) within six months following the signature date. Interest at the rate of 6-month USD LIBOR shall be applied from March 31st, 2011 until the date of receipt of notification by the Serbian side of confirmation that the Albanian side has completed its ratification procedure.

Article 2

The Parties agree on the following conditions on the settlement of debt of the Republic of Albania towards the Republic of Serbia:

1. The Council of Ministers of the Republic of Albania shall pay interest on the amount of debt pursuant to Article 1 of this Agreement, at the 6-month USD LIBOR rate for the period beginning on October 1, 2009 and ending on the date of signature of this Agreement, March 31st, 2011, in the amount of US Dollars 66,318.32.
2. After entering into force of this Agreement, the Ministry of Finance of Albania on behalf of the Council of Ministers of the Republic of Albania, will transfer to the account previously specified by the Ministry of Finance of Republic of Serbia, the total amount of debt in the following way:
 - a. Ten semi-annual payments of principal and interest on March 31st and September 30th of each year, which are hereto defined as payment dates;
 - b. The first payment date of principal and interest shall be the date occurring first after the entry into force of this agreement;
 - c. The interest shall be calculated based on the actual number of days elapsed and a 360-day year;
 - d. The applicable interest rate shall be the 6-month USD LIBOR rate on March 31st and September 30th of each year. If either of 31 March or 30 September falls on a holiday of either country, the applicable USD LIBOR rate shall be that of the preceding working day;
 - e. The payment of regular interest in the amount of US Dollars 66,318.32 (occurring for the period of September 30th, 2009 and March 31st, 2011) shall be paid simultaneously with the first payment of principal and interest.

Interest applicable on late principal and interest payments (late interest) shall be calculated at the rate of 6-month USD LIBOR plus 2% per annum.

Article 3

The Parties agree to settle any disputes arising from this Agreement in a friendly manner.

If the dispute can not be settled amicably, the Parties agree that the dispute is finally settled in accordance with the Rules of Arbitration of International Chamber of Commerce, Paris by three arbitrators. Each Party shall appoint one arbitrator and these two members shall appoint a third arbitrator - Chairman of the arbitral tribunal.

If the Parties fail to appoint a third member - Chairman of the arbitral tribunal, the third arbitrator shall be appointed in accordance with mentioned Rules of Arbitration.

The arbitration decision shall be final, binding on both Parties and executive within the time specified in the decision.

The Parties agree that the arbitration shall be conducted pursuant to the procedure established by the Rules of Arbitration of International Chamber of Commerce, Paris. The applicable law is the French substantive law.

The arbitration will be held in Paris, or elsewhere, if the Parties agree that it is suitable for the settlement of the dispute.

Language of arbitration shall be English.

Article 4

This Agreement shall be amended only with the written consent of both Parties.

Article 5

Notices to be given pursuant to this Agreement shall be addressed as follows:

For the Council of Ministers of the Republic of Albania

Ministry of Finance
General Public Debt Management Department
Bulevardi "Deshmoret e Kombit", Nr. 1, Tirana, Albania
Tel: +3554228405
Fax: +3554228494

For the Government of the Republic of Serbia

Ministry of Finance
Department of International Financial Relations and European Integration
20 Kneza Milosa Street, 11000, Belgrade, Serbia
Tel: +381113642635
Fax: +381113642601

Article 6

The Agreement shall be approved according to the laws of each of the Parties and shall be confirmed by exchange of notes. It shall enter into force on the date of the receipt of the later note.

The Agreement remains valid until all obligations of both Parties arising from the Agreement are fulfilled.

Done on 31 March 2011, in two original copies in English language.

**On behalf of the Government
of the Republic of Serbia**

**On behalf of the Council of Ministers
of the Republic of Albania**

MINISTER OF FINANCE

MINISTER OF FINANCE

SPORAZUM
između
Vlade Republike Srbije
i
Saveta ministara Republike Albanije
o regulisanju duga Republike Albanije prema Republici Srbiji

Vlada Republike Srbije i Savet ministara Republike Albanije (u daljem tekstu: Strane),

sa ciljem da:

- razviju dugoročnu i stabilnu trgovinsku, ekonomsku i finansijsku saradnju zasnovanu na principima uzajamne koristi,
- okončaju regulisanje duga Republike Albanije prema Republici Srbiji, i
- saglasno sa Memorandumom između Saveta ministara Republike Albanije i Savjeta ministara Bosne i Hercegovine, Vlade Republike Makedonije, Vlade Republike Srbije, Vlade Republike Slovenije, Vlade Republike Hrvatske i Vlade Crne Gore o regulisanju duga Republike Albanije po obračunima vezanim za robni promet između Republike Albanije i bivše Socijalističke Federativne Republike Jugoslavije, potpisanim 14. decembra 2010. godine u Tirani, Albanija,

sporazumele su se o sledećem:

Član 1.

Strane potvrđuju da:

1. Završni saldo obračuna između Republike Albanije i Republike Srbije, uključujući redovnu kamatu obračunatu za period od 31. marta 2006. godine do 30. septembra 2009. godine, iznosi 8.528.802,42 USD (slovima: osammilionapetstodvadesetosamhiljadaosamstodvadolaraičetrdesetdvacenti).
2. Iznos definisan u stavu 1. ovog člana predstavlja dug Republike Albanije prema Republici Srbiji u američkim dolarima na dan 30. septembar 2009. godine.
3. Iznos redovne kamate od 1. oktobra 2009. godine do datuma potpisivanja, 31. marta 2011. godine iznosiće ukupno 66.318,32 USD i obračunava se po šestomesečnoj USD LIBOR stopi na datume 31. mart i 30. septembar.
4. Su se dogovorile da što brže sprovedu odgovarajuće procedure ratifikacije i obezbede da Sporazum stupi na snagu (kao što je definisano u članu 6. ovog sporazuma) u roku od šest meseci od dana potpisivanja. Kamata po šestomesečnoj USD LIBOR stopi obračunavaće se od 31. marta 2011. godine do dana kada srpska strana potvrdi da je primila obaveštenje o završetku postupka ratifikacije od albanske strane.

Član 2.

Strane su se dogovorile o sledećim uslovima za regulisanje duga Republike Albanije prema Republici Srbiji:

1. Savet ministara Republike Albanije će platiti kamatu na iznos duga iz člana 1. ovog sporazuma, po šestomesečnoj USD LIBOR stopi za period koji počinje 1.

oktobra 2009. godine i završava se na dan potpisivanja ovog sporazuma, 31. marta 2011. godine, u iznosu od 66.318,32 USD.

2. Nakon stupanja na snagu ovog sporazuma, Ministarstvo finansija Republike Albanije će u ime Saveta ministara Republike Albanije preneti na račun, prethodno naveden od strane Ministarstva finansija Republike Srbije, ukupan iznos duga na sledeći način:

- a. Deset polugodišnjih isplata glavnice i kamate na dan 31. mart i 30. septembar svake godine, koji su ovde definisani kao datumi plaćanja;
- b. Prvi datum plaćanja glavnice i kamate biće onaj datum koji nastupi prvi nakon stupanja na snagu ovog sporazuma;
- v. Kamata će se obračunavati na osnovu broja proteklih dana i godine od 360 dana;
- g. Kamatna stopa koja će se primenjivati biće šestomesečna USD LIBOR stopa na dan 31. mart i 30. septembar svake godine. Ukoliko 31. mart ili 30. septembar pada na državni praznik bilo koje od zemalja, primeniće se USD LIBOR stopa od prethodnog radnog dana;
- d. Redovna kamata u iznosu od 66.318,32 USD (obračunata za period od 30. septembra 2009. godine do 31. marta 2011. godine) biće plaćena istovremeno sa prvim plaćanjem glavnice i kamate.

Kamata koja će se primenjivati na kašnjenja u plaćanju glavnice i kamate (zatezna kamata) obračunavaće se po šestomesečnoj USD LIBOR stopi uvećanoj za 2% godišnje.

Član 3.

Strane su se dogovorile da sve sporove koji proisteknu iz ovog sporazuma reše prijateljskim putem.

Ako se spor ne može rešiti sporazumno, strane su saglasne da se spor konačno reši u skladu sa Pravilnikom o arbitraži Međunarodne trgovinske komore, Pariz od strane tri arbitra. Svaka strana će imenovati po jednog arbitra, a arbitri imenovani na taj način imenovaće trećeg arbitra - predsednika arbitražnog veća.

Ukoliko strane ne uspeju da imenuju trećeg člana - predsednika arbitražnog veća, treći arbitar će biti imenovan u skladu sa pomenutim pravilnikom.

Arbitražna odluka biće konačna, obavezujuća za obe strane i izvršna u roku predviđenom u odluci.

Strane su saglasne da će arbitraža biti sprovedena po postupku utvrđenom Pravilnikom o arbitraži Međunarodne trgovinske komore, Pariz. Primenjuje se francusko materijalno pravo.

Arbitraža će se održati u Parizu ili na drugom mestu, ako su strane saglasne da je to pogodnije za rešavanje spora.

Jezik arbitraže će biti engleski.

Član 4.

Ovaj sporazum može biti izmenjen samo uz pismenu saglasnost obe strane.

Član 5.

Sva obaveštenja predviđena ovim sporazumom biće dostavljena na sledeće naznačene adrese:

Za Savet ministara Republike Albanije

Ministry of Finance
General Public Debt Management Department
Bulevardi "Deshmoret e Kombit", Nr. 1, Tirana, Albania
Tel : +3554228405
Fax: +3554228494

Za Vladu Republike Srbije

Ministarstvo finansija
Sektor za međunarodne finansijske odnose i evropske integracije
Kneza Miloša 20, 11000 Beograd, Srbija
Tel: +381113642635
Faks: +381113642601

Član 6.

Ovaj sporazum će biti potvrđen u skladu sa zakonima strana i stupiće na snagu razmenom nota.

Sporazum će ostati na snazi do ispunjenja svih obaveza obe strane koje su predviđene ovim sporazumom.

Potpisano 31. marta 2011. godine u dva podjednako autentična primerka na engleskom jeziku.

Za Vladu
Republike Srbije

Mirko Cvetković, s.r.
MINISTAR FINANSIJA

Za Savet ministara
Republike Albanije

Ridvan Bode, s.r.
MINISTAR FINANSIJA

Član 3.

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom glasniku Republike Srbije - Međunarodni ugovori”.