

Z A K O N

O POTVRĐIVANJU MEMORANDUMA 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

Član 1.

Potvrđuje se Memorandum 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, zaključen 14. decembra 2010. godine u Tirani, u originalu na engleskom jeziku.

Član 2.

Tekst Memoranduma 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, u originalu na engleskom jeziku i u prevodu na srpski jezik glasi:

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**

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
(hereinafter: jointly referred to as "Successor States of SFRY and
Montenegro"),

Considering:

The Agreement on the Succession Issues of 29 June 2001, in particular
Annex C of the Agreement,

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

The Agreed Minutes on Negotiations between the Representatives of the
Governmental Committee for the Negotiations of the External Debt of Albania
(GCNEDA) and the Representatives of Bosnia and Herzegovina, Republic of Croatia,
Republic of Macedonia, Republic of Serbia, Montenegro, Republic of Slovenia,
signed in Tirana on 9 September, 2009,

The need for settlement of the debts of the Republic of Albania under
commodity exchange between the Republic of Albania and the former SFRY,

And for the purpose of further developing and strengthening of friendly
relations among the parties to this Memorandum.

Have agreed as follows:

Article 1

Settlement balance

The subject matter of this Memorandum is the reconciled claim of the former
SFRY towards the Republic of Albania amounting to 20,768,803.80 Clearing Dollars.

The parties agree to convert the above mentioned amount with the rate of
exchange of 1 clearing dollar = 1 US dollar into **20,768,803.80** (twenty million seven
hundred and sixty-eight thousand eight hundred and three dollars and eighty cents)
US Dollars.

Article 2

Interest

Interest shall be payable on the amount referred to in Paragraph 2 of Article 1 of this Memorandum at the 6-month USD LIBOR rate starting from 31 March 2006 which is the date of the signing of the Agreed Minutes on negotiations between the experts of the National Bank of Serbia and the Bank of Albania to reconcile balances on the accounts of Albanian banks with the National Bank of the former SFRY to 30 September 2009.

The regular interest payable on the claim referred to in Paragraph 2 of Article 1 for the period from 31 March 2006 to 30 September 2009 amounts to **3,077,580.48** US Dollars.

The amount of the regular interest due after 30 September 2009 shall be calculated at the 6-month USD LIBOR rate until the date of signature of the bilateral agreement of each Successor State of SFRY and Montenegro with the Republic of Albania and be included in the total amount of their respective claims.

Article 3

Final settlement balance

The final settlement balance between the Republic of Albania on one hand and Successor States of SFRY and Montenegro on the other hand amounts to **23,846,384.28** US Dollars including the regular interest calculated for the period from 31 March 2006 to 30 September 2009.

This balance shall be settled in accordance with the provisions of this Memorandum.

Article 4

Distribution of the final balance

1. The final settlement balance, as referred to in Article 3 of this Memorandum, shall be distributed among the parties in accordance with Paragraph 2 of Article 5 of the Annex C to the Agreement on Succession Issues of 29 June 2001, at the following proportions:

Bosnia and Herzegovina	- 15.5%
The Republic of Macedonia	- 7.5%
Federal Republic of Yugoslavia (Later The Republic of Serbia and Montenegro)	- 38.0%
The Republic of Slovenia	- 16.0%
The Republic of Croatia	- 23.0%

2. The part of the final settlement balance referred to in paragraph 1 of this Article which relates to the Federal Republic of Yugoslavia (later the Republic of Serbia and Montenegro) shall be divided in accordance with the Agreement on the Regulation of Membership in the International Financial Organizations and the Distribution of Financial Assets and Liabilities between the Republic of Serbia and the Republic of Montenegro, signed on 10 July 2006, in accordance with the established key for distribution of non-allocated financial assets and liabilities at the following proportions:

The Republic of Serbia	- 94.12%
The Republic of Montenegro	- 5.88%

3. The distribution of final settlement balance as referred to in Article 3 of this Memorandum and in accordance with Paragraph 1 and 2 of this Article, shall be carried out at the following proportions:

Bosnia and Herzegovina	- 15.5%
The Republic of Macedonia	- 7.5%
The Republic of Serbia	- 35.7656%
The Republic of Slovenia	- 16.0%
The Republic of Croatia	- 23.0%
Montenegro	- 2.2344%

4. According to the percentages referred to in Paragraph 3 of this Article, the claims of each Successor State of SFRY and Montenegro from the Republic of Albania shall be as follows:

Bosnia and Herzegovina	- 3,696,189.56 US Dollars
The Republic of Macedonia	- 1,788,478.82 US Dollars
The Republic of Serbia	- 8,528,802.42 US Dollars
The Republic of Slovenia	- 3,815,421.48 US Dollars
The Republic of Croatia	- 5,484,668.38 US Dollars
Montenegro	- 532,823.61 US Dollars

5. The distribution of the final settlement balance in accordance with Paragraph 4 of this Article shall be valid as of the date of the signing of this Memorandum and shall not be subject to any further revision by the parties.

6. The amount of the final settlement balance shall be allocated to the appropriate accounts which are to be opened by the authorized banks of the Successor States of SFRY and Montenegro in accordance with Paragraph 4 of this Article, but no later than 30 days from the signing of this Memorandum.

Article 5

Settlement of Debts

The procedure for and the modality of settlement of debts of the Republic of Albania to each Successor State of SFRY and Montenegro shall be regulated by the bilateral inter-governmental agreements between the Council of Ministers of the Republic of Albania and the government of each Successor State of SFRY and Montenegro, as soon as possible after the signing of this Memorandum.

Article 6

Banking procedures

Within 30 days from the signature of this Memorandum, the National Bank of Serbia (on behalf of NBY of SFRY) shall close in its books all the three existing clearing accounts opened in accordance with interstate clearing agreements between the Republic of Albania and the former SFRY.

The Bank of Albania shall open in its books a single account in the name of the National Bank of Yugoslavia (NBY) of the former SFRY to which the amount of the final balance in US Dollars referred to in Paragraph 1 of Article 3 of this Memorandum is to be credited, and it shall notify the authorized banks of the Successor States of SFRY and Montenegro.

The Bank of Albania shall open in its books 6 sub-accounts on behalf of each Successor State of SFRY and Montenegro to which the amounts calculated in accordance with the shares provided for in Paragraph 3 of Article 4 and in the amounts stipulated in Paragraph 4 of Article 4 of this Memorandum are to be

credited, and it shall accordingly notify the authorized banks of the Successor States of SFRY and Montenegro in 45 days from the date of the signature of this Memorandum.

The amount of regular interest shall be calculated every six months on the base of 6-month USD LIBOR rate on dates 30 September and 31 March of each year, from the date of 30 September 2009, until at the date of signature of the bilateral agreements between the Republic of Albania and each Successor State of SFRY and Montenegro:

- a. If 30 September & 31 March are holiday the amount of regular interest shall be calculated on the base of 6-month USD LIBOR rate of the preceding working days.
- b. If the date of agreements between the Republic of Albania and each Successor State of SFRY and Montenegro will be different from 30 September & 31 March the amount of regular interest shall be calculated on the base of remain days and 6-month USD LIBOR rate at the agreement days.

These interests shall be calculated from the date 30/09/2009 and the Bank of Albania shall be notified by each of the Successor State of SFRY and Montenegro for this calculation. After the control of these amounts, the Bank of Albania shall sent necessities confirmations for each part and records the respective interest to each sub-accounts of the balance sheet.

Article 7

Entry into force

This Memorandum shall enter into force on the date of the last notification to the Council of Ministers of the Republic of Albania by governments of the Successor States of SFRY and Montenegro that all of the necessary internal procedures for its entry into force have been completed.

The Memorandum shall be provisionally applied as of the date of its signature. The Council of Ministers of the Republic of Albania will immediately notify governments of Successor States of SFRY and Montenegro when the last of them notifies the Council of Ministers of the Republic of Albania of the completion of procedures referred to in previous paragraph.

Signed in Tirana _____ on December 14, 2010 in **seven** copies in the English language, all copies being equally authentic. Each party shall receive one copy.

<p>For</p> <p>The Council of Ministers of the Republic of Albania</p> <p>Xhentil Demiraj, s.r.</p>	<p>For</p> <p>The Council of Ministers of Bosnia and Herzegovina</p> <p>Ljubiša Vladušić, s.r.</p>
	<p>For</p> <p>The Government of the Republic of Macedonia</p> <p>Shenoll Devaja, s.r.</p>
	<p>For</p> <p>The Government of the Republic of Serbia</p> <p>Zoran Ćirović, s.r.</p>
	<p>For</p> <p>The Government of the Republic of Slovenia</p> <p>Miranda Groff Ferjančič, s.r.</p>
	<p>For</p> <p>The Government of the Republic of Croatia</p> <p>Zdravko Rogić, s.r.</p>
	<p>For</p> <p>The Government of Montenegro</p> <p>Dušan Perović, s.r.</p>

MEMORANDUM

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

Savet ministara Republike Albanije
i
Savjet ministara Bosne i Hercegovine,
Vlada Republike Makedonije,
Vlada Republike Srbije,
Vlada Republike Slovenije,
Vlada Republike Hrvatske i
Vlada Crne Gore,
(u daljem tekstu: zajedno nazvane „države sukcesori SFRJ i Crna Gora”),

imajući u vidu:

Sporazum o pitanjima sukcesije od 29. juna 2001. godine, posebno Aneks C Sporazuma,

Sporazum o regulisanju članstva u međunarodnim finansijskim organizacijama i razgraničenju finansijskih prava i obaveza između Republike Srbije i Republike Crne Gore, potpisan 10. jula 2006. godine,

Usaglašeni zapisnik sa pregovora između predstavnika Državnog komiteta za pregovore o spoljnom dugu Albanije (GCNEDA) i predstavnika Bosne i Hercegovine, Republike Hrvatske, Republike Makedonije, Republike Srbije, Crne Gore i Republike Slovenije, potpisan u Tirani 9. septembra 2009. godine,

potrebu regulisanja dugovanja Republike Albanije po obračunima vezanim za robni promet između Republike Albanije i bivše SFRJ,

i u cilju daljeg razvoja i jačanja prijateljskih odnosa između strana ovog memoranduma,

dogovorile su se o sledećem:

Član 1.

Saldo obračuna

Predmet ovog memoranduma je potraživanje bivše SFRJ od Republike Albanije u usaglašenom iznosu od 20.768.803,80 klirinških dolara.

Strane su saglasne da se napred navedeni iznos preračuna po kursu 1 klirinški dolar = 1 USD u **20.768.803,80 USD** (dvadesetmilijonasedamstotinašezdesetosamhiljadaosamstotinatridolaraiošamdeset centi).

Član 2.

Kamata

Kamata na iznos naveden u stavu 2. člana 1. ovog memoranduma obračunavaće se po šestomesečnoj USD LIBOR stopi počev od 31. marta 2006. godine, kao datuma potpisivanja Usaglašenog zapisnika o razgovorima eksperata Narodne banke Srbije i Banke Albanije o usaglašavanju salda na klirinškim računima

albanskih banaka otvorenih kod bivše Narodne banke SFRJ, do 30. septembra 2009. godine.

Redovna kamata na iznos potraživanja naveden u stavu 2. člana 1. obračunata za period od 31. marta 2006. godine do 30. septembra 2009. godine iznosi ukupno **3.077.580,48 USD**.

Iznos redovne kamate posle 30. septembra 2009. godine biće obračunat po šestomesečnoj USD LIBOR stopi do dana potpisivanja bilateralnog sporazuma svake od država sukcesora SFRJ i Crne Gore sa Republikom Albanijom i uključen u ukupni iznos njihovih potraživanja.

Član 3.

Završni saldo obračuna

Završni saldo obračuna između Republike Albanije sa jedne strane i država sukcesora SFRJ i Crne Gore sa druge strane utvrđuje se u iznosu od **23.846.384,28 USD**, uključujući i redovnu kamatu obračunatu za period od 31. marta 2006. godine do 30. septembra 2009. godine.

Ovaj saldo biće regulisan u skladu s odredbama ovog memoranduma.

Član 4.

Raspodela ukupnog salda

1. Završni saldo obračuna naveden u članu 3. ovog memoranduma deli se među državama sukcesorima SFRJ u skladu sa tačkom 2. člana 5. Aneksa C uz Sporazum o pitanjima sukcesije od 29. juna 2001. godine, u sledećoj srazmeri:

Bosna i Hercegovina	- 15,5 %
Republika Makedonija	- 7,5 %
Savezna Republika Jugoslavija (kasnije Republika Srbija i Crna Gora)	- 38,0 %
Republika Slovenija	- 16,0 %
Republika Hrvatska	- 23,0 %.

2. Deo završnog salda obračuna iz stava 1. ovog člana koji se odnosi na Saveznu Republiku Jugoslaviju (kasnije Republiku Srbiju i Crnu Goru) deli se u skladu sa Sporazumom o regulisanju članstva u međunarodnim finansijskim organizacijama i razgraničenju finansijskih prava i obaveza između Republike Srbije i Republike Crne Gore, potpisanim 10. jula 2006. godine, po utvrđenom ključu za podelu nealociranih finansijskih prava i obaveza, u sledećoj srazmeri:

Republika Srbija	- 94,12%
Republika Crna Gora	- 5,88%.

3. Raspodela završnog salda obračuna iz člana 3. ovog memoranduma, a u skladu sa stavovima 1. i 2. ovog člana, vrši se u sledećoj srazmeri:

Bosna i Hercegovina	- 15,5 %
Republika Makedonija	- 7,5 %
Republika Srbija	- 35,7656 %
Republika Slovenija	- 16,0 %
Republika Hrvatska	- 23,0 %.
Crna Gora	- 2,2344 %

4. Primenom procenata iz stava 3. ovog člana, potraživanje svake od država sukcesora SFRJ i Crne Gore od Republike Albanije iznosi:

Bosna i Hercegovina	- 3.696.189,56 USD
Republika Makedonija	- 1.788.478,82 USD
Republika Srbija	- 8.528.802,42 USD
Republika Slovenija	- 3.815.421,48 USD
Republika Hrvatska	- 5.484.668,38 USD
Crna Gora	- 532.823,61 USD

5. Raspodela završnog salda obračuna u skladu sa stavom 4. ovog člana biće važeća od datuma potpisivanja ovog memoranduma i ne podleže daljem preispitivanju strana.

6. Iznos završnog salda obračuna uknjižiće se na odgovarajućim računima koje će ovlašćene banke država sukcesora SFRJ i Crne Gore otvoriti u skladu sa stavom 4. ovog člana, u roku od 30 dana od potpisivanja ovog memoranduma.

Član 5.

Regulisanje dugovanja

Postupak i način izmirenja dugovanja Republike Albanije prema svakoj od država sukcesora SFRJ i Crnoj Gori biće regulisani bilateralnim međuvladinim sporazumima zaključenim između Saveta ministara Republike Albanije i vlade svih država sukcesora SFRJ i Crne Gore, što je moguće pre nakon potpisivanja ovog memoranduma.

Član 6.

Bankarske procedure

U roku od 30 dana od datuma potpisivanja ovog memoranduma, Narodna banka Srbije (u ime Narodne banke bivše SFRJ) će u svojim knjigama zatvoriti sva tri važeća klirinška računa, otvorena u skladu sa međudržavnim klirinškim sporazumima zaključenim između Republike Albanije i bivše SFRJ.

Banka Albanije će u svojim knjigama otvoriti jedinstveni račun na ime Narodne banke bivše SFRJ (NBJ) na koji će se uknjižiti iznos završnog salda u američkim dolarima iz stava 1. člana 3. ovog memoranduma, o čemu će obavestiti ovlašćene banke država sukcesora SFRJ i Crne Gore.

U roku od 45 dana od datuma potpisivanja ovog memoranduma, Banka Albanije će u svojim knjigama otvoriti šest podračuna na ime svake države sukcesora SFRJ i Crne Gore i na te račune uknjižiti iznose izračunate prema učešću iz stava 3. člana 4. ovog memoranduma i navedene u stavu 4. člana 4. ovog memoranduma, o čemu će obavestiti ovlašćene banke država sukcesora SFRJ i Crne Gore.

Iznos redovne kamate biće obračunat svakih šest meseci po šestomesečnoj USD LIBOR stopi na dan 30. septembra i 31. marta svake godine, od datuma 30. septembra 2009. godine do datuma potpisivanja bilateralnog sporazuma između Republike Albanije i svake od država sukcesora SFRJ i Crne Gore.

- a) Ako su 30. septembar i 31. mart neradni dani iznos redovne kamate biće obračunat po šestomesečnoj USD LIBOR od prethodnog radnog dana.
- b) Ako su datumi sporazuma između Republike Albanije i svake od država sukcesora bivše SFRJ i Crne Gore različiti od 30. septembra i 31. marta iznos redovne kamate biće obračunat na osnovu preostalih dana i šestomesečne USD LIBOR stope na datume sporazuma.

Ove kamate se obračunavaju od datuma 30. septembra 2009. godine i o ovom obračunu će svaka od država sukcesora SFRJ i Crna Gora obavestiti Banku

Albanije. Nakon kontrole tih iznosa, Banka Albanije će poslati neophodne potvrde za svaki deo i uknjižiti odgovarajuću kamatu na svaki podračun bilansa stanja.

Član 7.

Stupanje na snagu

Ovaj memorandum stupa na snagu od datuma kada Savet ministara Republike Albanije dobije poslednje obaveštenje od vlada država sukcesora SFRJ i Crne Gore o tome da su završene sve unutrašnje procedure koje su neophodne da bi on stupio na snagu.

Memorandum će se privremeno primenjivati od datuma njegovog potpisivanja. Savet ministara Republike Albanije će bez odlaganja obavestiti vlade država sukcesora SFRJ i Crne Gore kada poslednja od njih obavesti Savet ministara Republike Albanije o završetku neophodnih unutrašnjih procedura navedenih u prethodnom stavu.

Potpisano u Tirani, 14. decembra 2010. godine u sedam podjednako autentičnih primeraka na engleskom jeziku. Svaka strana će dobiti jedan primerak.

Za
**Savet ministara
Republike Albanije**

Za
**Savjet ministara
Bosne i Hercegovine**

Za
**Vladu
Republike Makedonije**

Za
**Vladu
Republike Srbije**

Za
**Vladu
Republike Slovenije**

Za
**Vladu
Republike Hrvatske**

Za
**Vladu
Crne Gore**

Član 3.

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