

LETTER OF AGREEMENT

between

the

Ministry of Health of the Slovak Republic

and

Médecins Sans Frontières – Spain

on a

framework for cooperation between the Ministry of Health of the Slovak Republic and Médecins Sans Frontières – Spain for the provision of medical and humanitarian assistance in the context of the crisis in Ukraine and neighboring countries

March 2022

PREAMBLE

Médecins Sans Frontières – Spain (hereinafter referred to as “MSF”) expresses its gratitude to the Ministry of Health of the Slovak Republic (hereinafter referred to as “MoH” or “the Ministry”), and wishes to inform the Ministry that MSF, through all its operational sections, initiated all necessary activities for the provision of medical and humanitarian support to the Ukrainian population in the countries neighboring Ukraine and within Ukrainian territory.

In this context, MSF kindly submits this proposal for cooperation with, and support to the Ministry in the form of a Letter of Agreement (hereinafter referred to as “LoA”) following to several meetings between MSF and the Ministry, where it was discussed both general and specific medical and humanitarian needs in the context of the crisis in Ukraine as well as the support that MSF stands ready to provide to the Ministry in its efforts to address such needs.

MSF is a medical, humanitarian, impartial and international non-profit organization acting in accordance with its Charter (Appendix 1) and under international law, including international humanitarian law, as well as international standards of medical ethics. MSF is independent of any political, religious, military or economic power; it operates in line with the humanitarian principles of impartiality, neutrality, independence, medical ethics and medical confidentiality; and it provides humanitarian and medical assistance to people in need without discrimination on grounds of race, religion, philosophy or political affiliation, in contexts of epidemic, endemic, natural disaster and conflict in more than 70 countries in the world.

1. General framework for MSF support activities

The MoH and MSF shall provide each other with mutual support and collaboration for the provision of medical and humanitarian assistance to Ukraine from the territory of the Slovak Republic as well as in the territory of the Slovak Republic to persons arriving from Ukraine, where they may identify healthcare needs requiring intervention. Such support includes but it is not limited to sharing expertise as well as technical and direct medical support as appropriate. For avoiding of doubts, this LoA does not cover providing of healthcare under generally binding legal regulations of the Slovak Republic. However, MoH and MSF wish to reassess and upgrade their mutual cooperation as agreed herein when and if, providing of healthcare by MSF becomes permitted according to national legislation of the Slovak Republic.

MSF and the MoH shall regularly evaluate the evolution of the humanitarian situation and the sanitary needs in the area of operations. Within the resources available, MSF shall provide support to cover medical and humanitarian needs brought to its attention by the MoH. In case MSF will identify healthcare needs requiring attention, it shall communicate them to the MoH together with a proposal for intervention.

2. MSF's pledge for a framework for cooperation with the MoH

Within the framework of available resources, MSF undertakes to:

- 2.1 Assess healthcare and humanitarian needs arising from, or related to, the humanitarian crisis taking place in Ukraine and provide support to direct medical assistance in the territory of the Slovak Republic if required, cross-border operations into the territory of Ukraine, and shipping of medical cargos to Ukrainian hospitals, among other. MSF might provide support for evacuation of patients in need of referral from Ukraine into the Slovak Republic upon request by, and in coordination with the MoH if required.
- 2.2 Based on mutual agreement, share with the MoH medical personnel MSF's expertise in public health, MSF technical guidelines, and health and humanitarian emergency management through the provision of technical support, training, prevention, and promotion of health, including mental health and sexual and gender-based violence.
- 2.3 Support to health facilities through:
 - 2.3.1 import, export, transit, storage, distribution, local purchase of medical supplies, medical equipment, drugs destined to the crisis response, and relief items to support medical personnel and medical structures/ambulances in response to the Ukrainian crisis;

- 2.3.2 medical donations for needs arising in connection with crisis in Ukraine;
 - 2.3.3 support and assistance in the provision of mental health and SGBV treatments;
 - 2.3.4 trainings and ad hoc activities, such as remote consultation, related to mental health, SGBV, and TB, among other;
 - 2.3.5 respect and compliance with all necessary MoH procedures in connection with the activities to be carried out under this LoA.
- 2.4 For avoiding of doubts, any activity carried out under this LoA must comply generally binding legal regulations of the Slovak Republic.

3. MoH's pledge for a framework for cooperation with MSF

To facilitate the implementation of MSF's activities, MSF kindly requests the MoH for its support, as follows:

- 3.1 MoH shall endeavor to facilitate (to the extent possible) MSF cooperation with medical structures.
- 3.2 MoH shall endeavor to support (to the extent possible) MSF in communication with relevant offices within the Public Administration of the Slovak Republic for administrative procedures undertaken by MSF to obtain any necessary permits or authorizations to carry out its activities. These include, but not limited to, import, store, transit, export and reexport any goods of any nature, such as drugs, medical material, and any necessary equipment.
- 3.3 Information exchange and support for MSF assessments of the needs of the target population in the framework of this LoA.
- 3.4 Information exchange and support for MSF trainings sessions during the MSF's activities in Slovakia on previously agreed subject matters, such as management of TB, mental health and SGBV patients.
- 3.5 Supporting MSF to use its international humanitarian, medical and non-medical staff, who will remain under its full responsibility. Any activities carried out by any member of this staff within the territory of the Slovak Republic must comply generally binding legal regulations of the Slovak Republic.
- 3.6 MSF shall coordinate its own medical and non-medical staff for which it will be fully responsible. The list of names of MSF personnel in Slovakia at the time of signature of this LoA is incorporated as Annex 3 thereof. Any changes to the list of names of MSF that will be made after signing of this LoA must be notified without delay to the MoH by MSF. Such changes do not require to be made by amendment of this LoA.
- 3.7 MSF shall use the name "Médecins Sans Frontières", the acronym "MSF" and the logo "MSF" which are means of identification enabling MSF to ensure recognition of the humanitarian, neutral and impartial nature of the organization and the safety of its staff and activities.
- 3.8 The MoH recognizes and respects the humanitarian and impartial nature of MSF's work and does not compromise compliance with the operational principles of neutrality, impartiality, ethics, and medical secrecy of the MSF. MSF Operational Principles are attached to this LoA as Appendix 2.

4. Duration and termination

- 4.1 This LoA shall enter into force upon its countersignature and will remain valid until either the Ministry or MSF notifies the other of its intent to terminate it or to modify it. After signing of this LoA, it will be published on the MoH's official website.
- 4.2 Both, the MoH and MSF may unilaterally terminate this LoA after having notified the other of its decision at least two (2) weeks in advance, following a written notice of termination sent to the other with acknowledgment of receipt.
- 4.3 In case of force majeure, MSF may suspend, reduce, or immediately end its activities and with no delay. A "force majeure event" means any circumstances beyond the reasonable control of either MSF or the MoH, any violation of the principles of international humanitarian law, medical ethics or MSF Charter, or when MSF considers that the security of MSF teams operating in the area can no longer be assured.
- 4.4 Any MSF property not covered by a donation certificate, or a written agreement signed between MSF and the MoH is and remains the exclusive property of MSF, which is and can continue to determine its use and destination during and after the duration of this LoA.

5. Final provisions

- 5.1 MSF and the MoH are all and shall remain all independent and autonomous entities. Notably, there is no joint liability between the parties.
- 5.2 Neither the MoH or MSF shall be considered as a representative of the other and this LoA shall in no way be interpreted as conferring a right to speak on behalf of the other, a right to make commitments on the other's behalf or to use its name, logo or any other distinguishing sign.
- 5.3 Any modification of the terms of this LoA can only be made by in the form of a numbered amendment signed jointly by both parties, the MoH and MSF. Without prejudice to the paragraph 3.6 above, annexes to this LoA shall form an integral part of it and may be revised, periodically and in writing, as needed.
- 5.4 This LoA is written and signed both in Slovak and English languages. If it is translated and/or signed in another language, in case of any discrepancy or disagreement regarding the terms of the different versions, the English version shall prevail.
- 5.5 To ensure the effective implementation of this LoA, both the MoH and MSF undertake to apply and interpret its terms in good faith, in light of the letter's spirit and purposes, which are to facilitate the realization of MSF humanitarian assistance and to refrain from any action likely to harm the other party, and in accordance with the legislation of the Slovak Republic.
- 5.6 Any issues that were not addressed in this letter shall be discussed in good faith between the MoH and MSF, and in accordance with the legislation of the Slovak Republic.
- 5.7 The provisions of any new legislation adopted by the Slovak Republic regulating matters aimed at facilitating the provision of support to the Ukrainian population, which are relevant for MSF activities under this LoA, shall be directly incorporated thereof. Until that time, MoH and MSF shall carry out only the activities stipulated in this LoA that are entitled to do in compliance with generally binding legal regulations of the Slovak Republic.

Signed in Bratislava, in two original copies in Slovak and English.

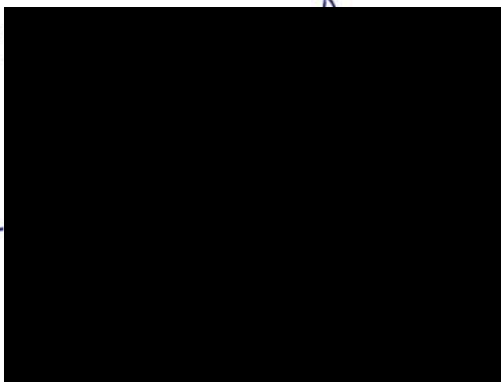
For MSF:

Pavel Gruber
MSF Representative Slovakia

Teresa Sancristoval
MSF Operational Director

Date 17.3.22

Signature:

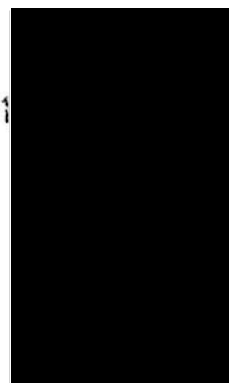


For the Ministry of Health of the
Slovak Republic:

MUDr. Vladimír Lengvarský, MPH
minister

Date

Signature:



With copy to:

Ministry of Foreign Affairs of the Slovak Republic
Ministry of Interior of the Slovak Republic
Ministry of Labour, Social Affairs and Family of the Slovak Republic
Ministry of Defence

APPENDIX 1: MSF CHARTER

Médecins Sans Frontières offers assistance to populations in distress, to victims of natural or man-made disasters and to victims of armed conflict, without discrimination and irrespective of race, religion, creed or political affiliation.

Médecins Sans Frontières observes neutrality and impartiality in the name of universal medical ethics and the right to humanitarian assistance and demands full and unhindered freedom in the exercise of its functions.

Médecins Sans Frontières' volunteers undertake to respect their professional code of ethics and to maintain complete independence from all political, economic and religious powers.

As volunteers, members are aware of the risks and dangers of the mission they undertake, and have no right to compensation for themselves or their beneficiaries other than that which Médecins Sans Frontières is able to afford them.

APPENDIX 2: MSF OPERATIONAL PRINCIPLES

MSF partners shall recognize and respect the humanitarian and impartial nature of MSF's action. They also recognize the importance of ensuring that healthcare and medical aid provided by MSF are available to all without discrimination and in accordance with the principles and rules applicable to medical missions contained in the relevant provisions of international humanitarian law and international medical ethics as well as respect of the operational principles mentioned below, particularly those of neutrality, impartiality, independence, ethics and medical confidentiality.

MSF partners shall respect and ensure that its collaborators and those under its supervision and/or responsibility know and respect the following operational principles:

- The medical structure is a neutral and civilian medical facility.
- No-one bearing arms will be admitted within the medical structures regardless of the authority on which they depend and the mandate they have. If wounded or sick armed personnel wish to be treated, they must leave their weapons outside of the medical structure.
- In every medical structure concerned by this MoU, the access, the reception and the management of patients will be in accordance with medical priorities only.
- Patients will be treated irrespective of the reason for their medical condition and without any discrimination regardless of their origin, religion, race, gender, age, ethnicity, social status, or the origin of injury or illness.
- Medical staff, vehicles and medical structures will be respected as humanitarian and neutral and will not be subjected to any attacks, military intrusions, arrest, threats or intimidation of any kind.
- MSF medical structures, vehicles and staff are distinguished by displaying the MSF logo for ground and aerial identification.
- No patient will be arrested inside the medical structure as long as a doctor considers that the patient's condition requires medical attention.
- No person carrying out medical activities will be punished or prosecuted for carrying out medical activities compatible with medical ethics, regardless of the circumstances or the people benefiting from such activities.
- Medical and personal information, including patient identity, is treated in a completely confidential manner, in accordance with medical and ethical principles. Medical staff may only be required to provide this information if the consent of the patient is obtained, regardless of the circumstances.
- No intimidation (be it verbal, physical or other) or threats of any type, or any lack of respect or inappropriate behavior (such as drunkenness, fights, insults, or use of tobacco or drugs) will be tolerated within the medical structure towards any employees, patients or their visitors.
- It is understood that respect for these fundamental principles is a requirement and condition of MSF's activities within the medical structure.

APPENDIX 3: MSF INTERNATIONAL

| N° | Position | Location | First Name | Last Name | Nationality |
|----------|---|----------|------------|-----------|-------------|
| SLOVAKIA | | | | | |
| 1 | LIAISON OFFICER | | | | |
| 2 | HR/FIN PROJECT MANAGER | | | | |
| 3 | PHARMA MANAGER | | | | |
| 4 | NURSE ACTIVITY MANAGER | | | | |
| 5 | MENTAL HEALTH ACTIVITY MANAGER | | | | |
| 6 | FINANCE AND HUMAN RESOURCES COORDINATOR | | | | |
| 7 | SUPPLY REFERENT | | | | |
| | | | | | |
| UKRAINE | | | | | |
| 1 | FIELD COORDINATOR | | | | |
| 2 | PROJECT MEDICAL REFERENT | | | | |
| 3 | LOGISTIC MANAGER | | | | |
| 4 | SUPPLY MANAGER | | | | |
| 5 | MEDICAL ACTIVITY MANAGER | | | | |
| 6 | LOGISTIC COORDINATOR | | | | |