

**Host Country Agreement between the Organization of the Black Sea Economic  
Cooperation (BSEC) and the Government of the Republic of Turkey for the International  
Secretariat of the Parliamentary Assembly of the Black Sea Economic Cooperation  
(PABSEC)**

**Preamble**

The Organization of the Black Sea Economic Cooperation and the Government of the Republic of Turkey,

Noting the provisions of the Charter of Organization of BSEC, done in Yalta on 5 June 1998, specifically Article 20 thereof,

Taking into consideration the Declaration on the Establishment of the Parliamentary Assembly of BSEC adopted on 26 February 1993 in Istanbul,

Taking into consideration that the Parliamentary Assembly of the Black Sea Economic Cooperation has accepted the offer of the Turkish Grand National Assembly to provide facilities in Istanbul for the International Secretariat of the Parliamentary Assembly of the Black Sea Economic Cooperation,

Whereas the Government of the Republic of Turkey agrees to ensure the availability of all the necessary facilities to enable the Secretariat of PABSEC to perform fully and effectively its functions and fulfill its purposes in cooperation and harmony with the Government and People of Turkey.

Have agreed as follows:

**Article I**

**Definitions**

For the purposes of the present Agreement:

- (a) “the Government” means the Government of the Republic of Turkey;
- (b) “the Assembly” means the Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC);
- (c) “International Secretariat” means the PABSEC International Secretariat in Istanbul;
- (d) “Secretary General” means the Secretary General of the Parliamentary Assembly of the

Black Sea Economic Cooperation;

(e) “Member Countries” means BSEC Member States, whose Parliaments are the members of the Assembly;

(f) “Premises of PABSEC” means the building including the land ancillary thereto, occupied by the PABSEC International Secretariat and used only for the purposes of the PABSEC, irrespective of ownership as specified in the Annex;

(g) “Officials of the Secretariat” means the Secretary General and all the members of the International Secretariat with the exception of the supportive staff;

(h) “International Secretariat Staff” means the members of the directorial staff, professional staff and supportive staff of the International Secretariat;

(i) “PABSEC property” means all the property, including funds and other properties that belong to, owned and/or supervised by the International Secretariat for the official functioning of the PABSEC;

(j) “Council” means the Council of the Ministers of Foreign Affairs of the BSEC Member States;

(k) “Relatives dependent on” members of the International Secretariat Staff means the spouse, the unmarried male children up to 18 years of age and unmarried female children until they get married as well as wholly dependent mother and father of the concerned member.

## **Article 2**

### **Objective**

The objective of this Agreement is to enable the International Secretariat to discharge its duties and functions efficiently.

## **Article 3**

### **Legal Capacity**

The International Secretariat has legal capacity within the Republic of Turkey to conclude contracts, to acquire and dispose movable and immovable property and to initiate legal proceedings in this regard.

## **Article 4**

## **Application**

1. The Agreement shall be applicable to the International Secretariat Staff and the premises of PABSEC only.
2. For the implementation of this Agreement a Protocol between the Permanent International Secretariat of the BSEC on behalf of the latter and the PABSEC International Secretariat shall be signed.

## **Article 5**

### **The Premises of PABSEC**

1. The International Secretariat is located in Istanbul, the Republic of Turkey.
2. The premises allocated by the Turkish Grand National Assembly and accepted by PABSEC shall be used by the International Secretariat under the conditions agreed upon and described in the Annex.

## **Property**

### **Article 6**

The International Secretariat, its property and assets shall enjoy immunity from every form of legal process except in so far as in any particular case, the Council, by its decision, has authorized the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measures of execution or detention of property.

### **Article 7**

The premises of PABSEC shall be inviolable. The property and assets of the International Secretariat shall be immune from search, requisition, confiscation, expropriation or any other form of interference whether by legislative, executive, judicial or administrative action.

### **Article 8**

The archives of the International Secretariat, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

### **Article 9**

Without being restricted by financial controls, regulations on moratoria of any kind:

- a) the International Secretariat may hold funds, gold or currency of any kind, and hold and operate bank accounts in any currency for fulfilling its objectives,
- b) the International Secretariat may freely transfer its funds to another country or within Turkey

and to convert any currency held by it into any other currency.

### **Article 10**

The International Secretariat, its assets, income and other property shall be exempt:

- a) from all direct taxes; it is understood, however, that the International Secretariat will not claim exemption from rates, taxes or dues which are no more than charges for public utility services;
- b) from all customs duties and additional financial obligations, prohibitions and restrictions on imports and exports in respect of articles imported or exported by the PABSEC for its official use, except the charges for storing, customs clearance of goods outside the places specified for this purpose and above the working hours of customs authorities. It is understood that the articles imported under such exemption will not be sold in the country into which they are imported, except under conditions agreed to with the Member State concerned;
- c) from all customs duties and prohibitions and restrictions on imports and exports of its publications, except the charges for storing, customs clearance of goods outside the places specified for this purpose and above the working hours of customs authorities.

### **Article 11**

While the PABSEC will not, as general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the PABSEC is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government will, whenever possible, make appropriate administrative arrangements for the remission or return of amount of duty or tax.

## **PABSEC Communications and Publications**

### **Article 12**

The International Secretariat shall enjoy, for its official communication, treatment not less favourable than that accorded by the Government to the diplomatic missions of any other State.

No censorship shall be applied to the official correspondence, and other official communication of the International Secretariat.

No censorship shall be applied to publications, still and moving pictures, films and sound recordings of the PABSEC.

## **International Secretariat Staff**

### **Article 13**

International Secretariat staff shall:

- a. be immune from jurisdiction in respect of words spoken or written and all acts performed by them in their official capacity and within the limit of their authority;
- b. be exempt from taxation on the salaries and emoluments paid to them by the PABSEC;
- c. be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;
- d. be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions.
- e. be given, together with spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as accorded to officials of comparable rank of diplomatic missions;
- f. have the right in accordance with the laws and regulations of the Republic of Turkey to import free of duty their furniture and effects, including a motor vehicle, at the time of first taking up their post and the right to export them free of duty in termination of their function in the International Secretariat. However, except in accordance with such laws and regulations, goods which have been exempted under this sub-paragraph shall not be transferred, hired out or lent, permanently or temporarily or sold.

### **Article 14**

In addition to the immunities and privileges specified in Article 13 the Secretary General shall be accorded in respect of himself and spouse the privileges and immunities, exemptions and facilities accorded to diplomatic agents in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961.

### **Article 15**

The International Secretariat Staff who are nationals of, or permanent residents in the Republic of Turkey shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of their functions.

### **Article 16**

Privileges and immunities are granted to the International Secretariat Staff in the interests of the PABSEC and not for the personal benefit of the individuals themselves.

The Council shall have the right and duty to waive the immunity of any official of the Secretariat in any case where, in its opinion, the immunity would impede the course of justice

and can be waived without prejudice to the interests of the PABSEC upon the information provided by the Secretary General.

The Secretary General shall have the right and the duty to waive the immunity of any member of the supportive staff in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the PABSEC.

### **Article 17**

The Secretary General shall notify the Host Country the names and positions of the members of International Secretariat Staff and their families and changes made thereto.

### **Article 18**

#### **The Allocation of Premises**

1. The allocation of the premises shall be without any rent or charge.
2. Expenses related to the operation and maintenance of the premises of the International Secretariat will be met by PABSEC. Moreover, cost of the repair of the damages caused by neglect and carelessness of the International Secretariat Staff as well as the wear emanating from usage will be covered by PABSEC.
3. It is essential to preserve the historical character of the premises during repair and renovation operations. In any repair or renovation which could affect the historical character of the premises, the approval of the Turkish Grand National Assembly shall be sought and these repair and renovations will be done under the supervision of the Turkish Grand National Assembly. Repairs required as a result of damages originating from natural disasters shall be under the responsibility of the Turkish Grand National Assembly.
4. The International Secretariat shall not make any changes to the premises.
5. PABSEC shall respect the relevant local legislation and regulations relating to the preservation of the premises.
6. PABSEC shall be responsible for the return of the premises in good condition, similar to the state it was allocated, if and when PABSEC decides to leave its premises.
7. PABSEC shall not transfer any privileges granted to it to a third party, shall not sublet the premises or any part of it to any third party and shall not permit any third party to occupy or to use its premises.
8. The Government Property Tax of the premises shall be borne by the Government.
9. The Government shall be under special obligation to take all appropriate measures to protect the premises of PABSEC against any intrusion or damage. When deemed necessary, additional

protection measures for the premises may be requested from the Government.

10. The Government shall facilitate the installation and apply of utility services, such as water, electricity, sewerage, fire protection services and other services for the PABSEC premises.

### **Article 19**

1. The Government shall issue to each of the members of the International Secretariat staff, their spouses and dependant relatives enumerated in Article 22, paragraph 2 of the present Agreement the appropriate identification cards in accordance with relevant Turkish Laws and Regulations.

2. Upon demand of the authorized official of the Government, persons referred to in paragraph 1 above shall be required to present, but not to surrender their identity cards.

3. The International Secretariat shall upon termination of employment or reassignment of its Staff, ensure that all identity cards are returned promptly to the Government.

### **Article 20**

#### **Entry, Residence, Departure**

1. The Government shall take all the necessary measures to facilitate the entry, into/departure from and residence in the Republic of Turkey of the International Secretariat Staff and their family members.

2. The following persons shall be admitted to the Republic of Turkey on the ground of family reunification and be granted an identity card, provided they live under the same roof as the principal holder of the identity card:

- The spouse of the principal holder of the identity card;
- Unmarried male children up to 18 years of age and unmarried female children until they get married;
- Wholly dependent mother and father.

### **Article 21**

#### **Access to the Labor Market**

Under special conditions and within the limits of the relevant Turkish Legislation, the spouses and children of the members of the International Secretariat shall enjoy access to the labor market provided they reside in the Republic of Turkey under the same roof as the principal holder of the identity card.

### **Article 22**

## **Final Provisions**

1. Nothing in this Agreement can be interpreted as directly or indirectly modifying the status of the PABSEC as a BSEC Related Body in accordance with the Article 20 of the BSEC Charter.
2. This agreement will enter into force on the date of notification by the Government to the Secretary General of the BSEC Permanent International Secretariat of its ratification.
3. Any amendment to the Agreement, agreed upon between BSEC and the Government, shall enter into force in accordance with the procedure set forth in the paragraph 2 of this article.
4. All disputes concerning the interpretation and implementation of the present Agreement shall be settled through negotiations between BSEC and the Government.
5. The Annex to this Agreement forms an integral part of it. Any reference to the Agreement includes the Annex.
6. This Agreement may be revised at the request of BSEC or the Government. To do so, the two parties shall consult on the modifications in question and come to mutual consent. In the event that their negotiations should fail to produce an agreement within the period of one year, this Agreement may be terminated by either party, upon giving notice of one year.

In witness thereof the respective representatives, being duly authorized to that effect have signed the present Agreement.

**Done at Kyiv, on this 25th day of April 2002, in two copies in the English language,**

**For the Organization of the  
Black Sea Economic Cooperation**

(signed)

H.E. Mr. Valeri CHECHELASHVILI

Secretary General of the BSEC PERMIS

**For the Government of  
the Republic of Turkey**

(signed)

H.E. Mr. Alev KILIC

Deputy Undersecretary for Economic  
Affairs, Ministry of Foreign Affairs of the  
Republic of Turkey

## **ANNEX**

The Bureau of the Turkish Grand National Assembly temporarily allocates the “Imperial Administrative Quarter of the Harekat Pavilions” to the Parliamentary Assembly of the Black Sea Economic Cooperation for its use as the official premises of its International Secretariat. The Government in future may request its removal to another location.