

**ADDITIONAL PROTOCOL  
ON THE PRIVILEGES AND IMMUNITIES  
OF THE ORGANIZATION OF THE  
BLACK SEA ECONOMIC COOPERATION<sup>1</sup>**

The Founding Members of the Black Sea Economic Cooperation - the Republic of Albania, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, Georgia, the Hellenic Republic, the Republic of Moldova, Romania, the Russian Federation, the Republic of Turkey, and Ukraine;

Whereas Article 1 of the Charter of the Organization of the Black Sea Economic Cooperation provides that the Founding Members establish the Organization of the Black Sea Economic Cooperation;

Whereas Article 28 of the Charter of the Organization of the Black Sea Economic Cooperation provides that the Members shall conclude an Additional Protocol on the Privileges and Immunities of the Organization of the Black Sea Economic Cooperation;

Whereas Article 28 of the Charter of the Organization of the Black Sea Economic Cooperation provides that the BSEC, its Officials and the Representatives of Member States shall enjoy in the territories of Member States the privileges and immunities defined in the “Convention on Privileges and Immunities of the United Nations” adopted by the General Assembly of the United Nations on 13 February 1946, which are necessary for the independent exercise of their functions in accordance with the principles and objectives of the BSEC;

Have agreed as follows:

**CHAPTER I**  
**Definitions**

**Article 1**

For the purposes of the present Protocol:

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<sup>1</sup> The Additional Protocol on the Privileges and Immunities entered into force on 1 May 2004

- a) “Charter” means the Charter of the Organization of the Black Sea Economic Cooperation, done at Yalta on 5 June 1998.
- b) “BSEC” means the Organization of the Black Sea Economic Cooperation.
- c) “Member States” means the States which are parties to the Charter and to this Protocol.
- d) “Council” means the Council of the Ministers of Foreign Affairs of the BSEC Member States.
- e) “Representatives of Member States” means all delegates, alternate delegates, advisers, technical experts and secretaries of the national delegations, participating in the work of BSEC and its organs.
- f) “PERMIS” means the Permanent International Secretariat of the BSEC.
- g) “Secretary General” means the Secretary General of the PERMIS.
- h) “PERMIS Staff” means the Directorial Staff, Professional Staff and Supportive Staff of the PERMIS.
- i) “BSEC Property” means all property, including funds and other properties that belong to, owned and/or supervised by the BSEC in accordance with the official duties performed by the BSEC.
- j) “Premises” means the buildings or parts of buildings including the land ancillary thereto, used only for the purposes of the BSEC, irrespective of ownership.
- k) “Archives” means the records, correspondence, documents, accounting records and all financial documents, manuscripts, still and moving pictures and films, sound recordings, computer programs, written materials, video tapes or discs, discs or tapes containing data belonging to or held by the BSEC.

## **CHAPTER II**

### **Implementation of the Protocol**

#### **Article 2**

For the implementation of this Protocol the Secretary General acts under the authority of the Chairman-in-Office and/or with the consent of the Council.

### **Article 3**

The Secretary General shall cooperate at all times with the competent authorities of the Member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities, exemptions and facilities enumerated in the present Protocol.

## **CHAPTER III**

### **Property**

### **Article 4**

The BSEC, its property and assets, wheresoever located and by whomsoever held, 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 5**

The premises of the BSEC shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference whether by executive, administrative, judicial or legislative action.

### **Article 6**

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

### **Article 7**

The flag and emblem of the BSEC shall be displayed on its premises and means of transport when used on official purposes. The flags of the Member States shall be displayed on the BSEC premises.

### **Article 8**

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

a) the BSEC may hold funds, gold or currency of any kind, and hold and operate bank accounts in any currency for fulfilling its objectives;

b) the BSEC may freely transfer its funds from one country to another or within any country and to convert any currency held by it into any other currency.

### **Article 9**

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

a) from all direct taxes; it is understood, however, that the BSEC 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 BSEC 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 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 10**

While the BSEC will not, as a 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 BSEC is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Member States will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

**CHAPTER IV**  
**BSEC Communications and Publications**

**Article 11**

The BSEC shall enjoy, in the territory of each Member State, for its official communication, treatment not less favorable than that accorded by that State to the diplomatic missions of any other State.

No censorship shall be applied to the official correspondence, and other official communications of the BSEC.

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

**CHAPTER V**  
**The representatives of the Member States**

**Article 12**

Representatives of the Member States shall, while exercising their functions and during their journey to and from the place of the meetings of the BSEC, enjoy the following privileges and immunities:

- a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;
- b) inviolability for all papers and documents including computer programs, video tapes or disks containing data in their possession;
- c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- d) exemption in respect of themselves, spouses and relatives dependent on them from immigration restrictions, alien registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;
- e) the same facilities in respect of currency or exchange restrictions as are accorded to members of comparable rank of diplomatic missions;

f) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions;

In addition to the privileges and immunities specified above, the representatives of the Member States possessing diplomatic rank shall be accorded in respect of themselves, spouses and relatives dependent on them, 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 13**

In order to secure for the representatives of Member States freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

### **Article 14**

Privileges and immunities are accorded to the representatives of the Member States, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the BSEC. Consequently, a Member State not only has the right, but is under a duty to waive the immunity of its representative in any case where, in the opinion of this Member State, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

### **Article 15**

The provisions of Articles 12, 13 and 14 will not apply between a representative and the State of which he or she is or has been the representative.

## **CHAPTER VI**

### **Permanent International Secretariat Staff**

### **Article 16**

The PERMIS 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 BSEC;
- 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 host State to import free of duty their furniture and effects, including a motor vehicle, at the time of first taking up their post in the host State and the right to export them free of duty in termination of their function in the PERMIS. 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 17**

In addition to the immunities and privileges specified in Article 16, the Secretary General and his Deputies shall be accorded in respect of themselves, spouses and relatives dependent on them 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 18**

The PERMIS staff who are nationals of, or permanent residents in the host State shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of their functions.

### **Article 19**

Privileges and immunities are granted to the staff in the interests of the BSEC and not for the personal benefit of the individuals themselves.

The Council shall have the right and the duty to waive the immunity of any member of the Directorial and Professional staff 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 BSEC 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 BSEC.

#### **Article 20**

In order to ensure the due implementation of the present Chapter, the Secretary General shall specify the names and positions of the members of the PERMIS staff on a list that shall be delivered to the Member States.

### **CHAPTER VII** **Settlement of disagreements**

#### **Article 21**

All disagreements arising among the Member States or between the Member States and the BSEC concerning the interpretation or application of the present Protocol will be brought to consultations and if no agreement is reached, the parties concerned shall submit the disagreement to the Council for consideration and appropriate actions.

### **CHAPTER VIII** **Final Provisions**

#### **Article 22**

The present Protocol shall be open for signature by all Founding Members of the BSEC.

The present Protocol is subject to ratification, acceptance or approval.

This Protocol shall be open for accession by any State party to the Charter.

Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository.



### **Article 23**

No reservations may be made to this Protocol.

### **Article 24**

The present Protocol shall enter into force on the first day of the month following the date when nine signatory States have deposited their instruments of ratification, acceptance or approval.

For each State which ratifies, accepts, approves or accedes to this Protocol after the date of its entry into force, this Protocol shall enter into force on the date of the deposit by that State of its respective instruments.

### **Article 25**

Any Member State may propose an amendment to the present Protocol.

The text of any proposed amendment shall be circulated to the Member States through the PERMIS and submitted to the Council for consideration and approval.

Amendments to this Protocol, approved pursuant to paragraph 2 above, shall be subject to ratification, acceptance or approval by the Member States and shall enter into force according to the procedure set forth in Article 24.

### **Article 26**

The PERMIS shall be the depository of this Protocol.

The original of this Protocol in a single copy in the English language shall be deposited with the Depository.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed the present Protocol.

Done at Tbilisi this thirtieth day of April one thousand nine hundred ninety nine.