

**HEADQUARTERS AGREEMENT
BETWEEN THE ORGANIZATION OF
THE BLACK SEA ECONOMIC COOPERATION
AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY ***

PREAMBLE

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

Taking into consideration the provisions of the Charter of the Organization of the Black Sea Economic Cooperation, done at Yalta on 5 June 1998,

Noting the provisions of the Additional Protocol on the Privileges and Immunities of the Organization of the Black Sea Economic Cooperation, done at Tbilisi on 30 April 1999,

Taking into consideration that the Article 16 of the Charter provides that the Permanent International Secretariat of the BSEC is located in Istanbul, the Republic of Turkey,

Whereas the Government of the Republic of Turkey agrees to ensure the availability of all the necessary facilities to enable the Headquarters of the BSEC to perform fully and effectively its functions and to fulfill its purposes in cooperation and harmony with the Government and the people of Turkey,

Whereas the Government of the Republic of Turkey shall apply to the BSEC, the Representatives of Member States, the BSEC PERMIS and the BSEC PERMIS Staff and the BSEC Headquarters the relevant provisions of the Charter of the Organization of the Black Sea Economic Cooperation and of the Additional Protocol on the Privileges and Immunities of the Organization of the Black Sea Economic Cooperation and of the present Agreement, whereas the BSEC and the Government of the Republic of Turkey act in a spirit of friendly cooperation, have agreed as follows:

** The Headquarters Agreement between the Organization of the Black Sea Economic Cooperation and the Government of the Republic of Turkey entered into force on 24 August 2000*

Article I **Definitions**

1. For the purposes of this Agreement:
 - a) "the Government" means the Government of the Republic of Turkey.
 - b) "BSEC" means the Organization of the Black Sea Economic Cooperation.
 - c) "BSEC PERMIS" means the Permanent International Secretariat of the Organization of the Black Sea Economic Cooperation.
 - d) "Secretary General" means the Secretary General of the BSEC PERMIS.
 - e) "Charter" means the Charter of the Organization of the Black Sea Economic Cooperation, done at Yalta on 5 June 1998.
 - f) "Member States" means the states which are parties to the Charter.
 - g) "Additional Protocol" means the Additional Protocol on the Privileges and Immunities of the Organization of the Black Sea Economic Cooperation, done at Tbilisi on 30 April 1999.
 - h) "Headquarters of the BSEC" means the Seat of the BSEC Organization, including the Secretariat premises, allocated to BSEC by the Government and accepted by BSEC as explicitly specified in the Annex.
 - i) "Representatives of Member States" means permanent representatives, delegates, alternate delegates, advisors, technical experts and secretaries of the national delegations, participating in the work of the BSEC and its organs.
 - j) "BSEC PERMIS Staff" means members of the Directorial Staff, Professional Staff and Supportive Staff.

k) "BSEC Property" means all the property, including funds and other properties that belong to, owned and /or supervised by the BSEC for the official functioning of the BSEC. l) "Premises" means the building or the parts of buildings including the land ancillary thereto, used only for purposes of the BSEC, irrespective of ownership as explicitly specified in the Annex.

Article II

Objective

1 The objective of this Agreement is to determine the legal status of the headquarters of the BSEC, in addition to the provisions of the Charter and the Additional Protocol, and to allow the BSEC PERMIS to discharge its duties and functions efficiently.

Article III

Legal Personality and Legal Capacity

1 The Government reaffirms the international legal personality and legal capacity of the BSEC within the Republic of Turkey to conclude contracts, to acquire and dispose movable and immovable property and to institute legal proceedings.

Article IV

Application

1 The Agreement shall be applicable to the BSEC, the Representatives of Member States, the BSEC PERMIS Staff and the BSEC Headquarters.

Article V

The Headquarters of the BSEC

1. The Headquarters of the BSEC is located in Istanbul, the Republic of Turkey.
2. The premises allocated by the Government and accepted by the BSEC shall be used by the BSEC PERMIS under the conditions agreed upon and described in the Annex.

3. The premises of the BSEC shall be used for the sole purpose of attaining the objectives of the BSEC as stipulated in the Charter and in intergovernmental Agreements concluded between the Member States under the aegis of the BSEC.

4. The Government shall take every necessary action to ensure that the BSEC is not disposed of all or any part of its premises without its prior consent.

5. The Government recognizes the right of the BSEC to adopt its own rules in accordance with the BSEC procedures applicable in the BSEC premises.

Article VI **Permanent Representation**

1 Each Member State may appoint a permanent representative or establish a permanent mission to the BSEC.

2 Delivery of goods and services to Representatives of Member States possessing diplomatic rank and a diplomatic passport and their spouses, who are neither Turkish nationals nor permanent residents in Turkey, shall be exempted from Value Added Tax and Special Consumption Tax.**

Article VII **Privileges and Immunities**

1 The Headquarters of the BSEC shall be inviolable and shall be under the authority of the Secretary General acting in accordance with the Article 16 of the Charter. Its property and assets shall be immune from search, requisition, confiscation or any other form of interference whether by executive, administrative, judicial, or legislative action. The Secretary General shall cooperate at all times with the Government 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 this Agreement and in

*** The new para 2 of Article VI and the new para 4 of Article VII entered into force on 11 July 2007.*

the Additional Protocol.

2 For the matters not covered by the paragraph 1 of this Article and for the purposes of this Agreement, the provisions of Chapters III to VI of the Additional Protocol shall be applicable in the relations between the BSEC and the Government.

3 Access into the BSEC Premises will be granted only by the Secretary General of the PERMIS.

4 Delivery of goods and services to the Secretary General, his Deputies, and their spouses, who are neither Turkish nationals nor permanent residents in Turkey, shall be exempted from Value Added Tax and Special Consumption Tax.**

Article VIII **The allocation of the premises**

1 The allocation of premises by the Government, accepted by the BSEC, shall be of unlimited duration for the period of the operation of the BSEC PERMIS.

2 The allocation of the premises shall be without any rent or charge.

3 The Secretary General acting in accordance with the Article 16 of the Charter will undertake the necessary arrangements in cooperation with the Ministry of Foreign Affairs of the Republic of Turkey in covering the expenses required for the operation and the maintenance of the PERMIS premises.

4 Repairs due to damages caused by neglect and carelessness of the staff of the BSEC PERMIS shall be borne by the BSEC PERMIS. Repairs required as a result of damages originating from natural disasters and other causes shall be the responsibility of the Government.

5 The BSEC PERMIS shall not make any changes to the premises; neither shall add nor detract from it unless the written permission of the Government is duly obtained.

6 The BSEC shall respect the relevant local legislation and regulations relating to the preservation of the premises.

7 The BSEC shall be responsible for the return of the premises in

good condition if and when the BSEC decides to leave its premises. The return in good condition shall be understood as a state of normal wear and tear.

8 The BSEC 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.

9 The Government Property Tax of the premises shall be borne by the Government.

10 The Government shall be under special obligation to take all appropriate measures to protect the premises of the BSEC against any intrusion or damage. When deemed necessary, additional protection measures for the premises may be requested from the Government.

11 The Government shall facilitate the installation and supply of utility services, such as water, electricity, sewerage, fire protection services and other services, for the BSEC premises.

Article IX **Notification**

1 The Secretary General will notify to the Government names and designations of all categories of the BSEC PERMIS staff and their families, and changes made thereto.

Article X **Identification**

1 The Government shall issue to each of the members of the PERMIS Staff and their families appropriate identity cards in accordance with the 1961 Vienna Convention on Diplomatic Relations.

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 BSEC PERMIS shall, upon termination of employment or reassignment of its Staff, ensure that all identity cards are returned promptly to the Government.

Article XI
Entry, Residence and 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 following persons:

- Representatives of Member States;
- Members of the PERMIS Staff and their family members within the meaning of the paragraph 3 below;
- Experts participating in the BSEC meetings and other activities;
- Official and personal guests.

2 Application for visas from representatives of Member States, BSEC PERMIS Staff and their families shall be dealt with as speedily as possible and the visas shall be issued free of charge.

3 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 XII
Access to the Labor Market

1 Under special conditions and within the limits of the relevant Turkish legislation, the spouses and children of members of the PERMIS Staff, 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 XIII
Final Provisions

1 This Agreement shall enter into force on the date of notification by the Government to the Secretary General of its ratification.

2 Any amendments to this Agreement, agreed upon between the BSEC and the Government, shall enter into force in accordance with the procedure set forth in paragraph 1 of this Article.

3 Wherever this Agreement imposes obligations on appropriate Turkish authorities, the ultimate responsibility for the fulfillment of such obligations shall rest with the Government.

4 This Agreement shall remain in force as long as the Charter is in force.

5 All disputes concerning the interpretation and the implementation of the present Agreement shall be settled through negotiations.

6 The Annex to this Agreement forms an integral part of it. Any reference to the Agreement includes the Annex.

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

Done at Chisinau this twenty seventh day of April two thousand in two copies in the English language.

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

**For the Government of
Republic of Turkey**

ANNEX

The Government allocates the historical building "Müşir Fuad Paşa Yalısı", hereinafter called "the Building", at the address "İstinye Caddesi, Eski Tersane 80860 İstinye-Istanbul" as the premises of the BSEC in a manner as stated hereunder:

- The first floor of the Building is allocated to the BSEC for its use as premises.

- The second floor of the Building which includes a Meeting hall and its connected rooms is allocated to the BSEC for BSEC meetings. The BSEC PERMIS will make available the said meeting premises in agreement with the Ministry of Foreign Affairs of the Republic of Turkey if and when the latter wishes to hold a meeting therein.