

**HOST COUNTRY AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF TURKEY AND THE SECRETARIAT OF THE COOPERATION
COUNCIL OF TURKIC SPEAKING STATES REGARDING THE
SECRETARIAT OF THE COOPERATION COUNCIL OF TURKIC SPEAKING
STATES**

Preamble

The Government of the Republic of Turkey and the Cooperation Council of Turkic Speaking States (hereinafter referred to as "the Turkic Council"),

Taking into account the provisions of the Nakhchivan Agreement on the Establishment of the Cooperation Council of Turkic Speaking States, done in Nakhchivan on 3 October 2009 (referred hereinafter to as "Nakhchivan Agreement"),

Taking into consideration that Article 10 of the Nakhchivan Agreement provides that the location of the Secretariat of the Cooperation Council is in Istanbul, the Republic of Turkey,

have agreed as follows:

Article 1 – Definitions

For the purposes of this Agreement:

- a) "the Host Country" means the Government of the Republic of Turkey;
- b) "the Secretariat" means the Secretariat of the Turkic Council as stipulated in Article 10 of the Nakhchivan Agreement;
- c) "the Member States" means the States which are parties to the Nakhchivan Agreement;
- d) "the Council of Elders" means the Council of Elders of the Turkic Speaking States established in accordance with Article 9 of the Nakhchivan Agreement;
- e) "Staff of the Secretariat" comprises the members of the Directorial staff (Category-D), Professional staff (Category-P) and General Services staff (Category-G) of the Secretariat;
- f) "Directorial Staff" comprises Secretary General, Deputies of the Secretary General and Directors as defined in the Regulations for the Staff of the Secretariat of the Cooperation Council of Turkic Speaking States;
- g) "Permanent Representatives" means the Permanent Representatives of the Member States appointed pursuant to Article 13 of the Nakhchivan Agreement;

AD

h) "Premises of the Secretariat" means the buildings or part of buildings and the land ancillary thereto, used by the Secretariat to carry out its functions;

i) "Property of the Secretariat" means all the property, including funds and other properties owned and/or supervised by the Secretariat for its official functioning;

j) "Archives and documents" means records, correspondence, accounting records and all financial documents, manuscripts, still and moving pictures and films, sound records, computer programs, written materials, video tapes or discs, discs or tapes containing data belonging to or held by the Secretariat;

k) "Dependants" means the spouse, unmarried children up to 18 years of age as well as wholly dependent parents of the Staff as well as the Permanent Representatives.

Article 2 - Objective

The objective of this Agreement is to define the status, privileges and immunities of the Secretariat, its premises and its staff during their activities in the Republic of Turkey.

Article 3- The Secretariat

1. The Secretariat of the Turkic Council is located in Istanbul, in premises allocated by the Republic of Turkey.

2. The Host Country recognizes the right of the Secretariat to adopt its own rules in accordance with procedures of the Turkic Council applicable to its staff.

Article 4 – Legal Personality and Legal Capacity

The Secretariat shall possess international legal personality. In accordance with the Turkish legislation and the Nakhchivan Agreement, the Secretariat shall have legal capacity to:

- a) conclude contracts,
- b) acquire and dispose of movable and immovable property,
- c) open accounts and make transactions in cash assets,
- d) to institute legal proceedings in this regard,

within the boundaries of the Republic of Turkey.

Article 5- Immunity from Legal Proceedings

1. The Secretariat shall enjoy immunity from any form of legal proceedings related to its functions, except the cases specified here below:

10

7

a) Civil action lodged by a third party for the damages arising out of an accident caused by a vehicle belonging to or operated on behalf of the Secretariat, where these damages are not recoverable from insurance,

b) Civil action relating to death or personal injury caused by an act or omission of the Secretariat or its staff member.

2. The Council of Foreign Ministers of the Turkic Council may decide the waiver of this immunity. No waiver of immunity, however, shall extend to any measures of confiscation or expropriation of property.

3. The property of the Secretariat as well as its premises shall be immune from search, requisition, confiscation, expropriation and any other form of interference, based on executive, administrative, judicial or legislative action.

4. The Host Country shall not assume any responsibility for any act or omission, including acts of criminal nature, resulting from the activities of the Turkic Council, its Secretariat or personnel in the Republic of Turkey.

Article 6 – Inviolability of the Premises

1. The premises of the Secretariat shall be inviolable.

2. The premises of the Secretariat allocated by the Host Country shall be used for the sole purpose of attaining the objectives of the Turkic Council as stipulated in the Nakhchivan Agreement.

3. Relevant governmental authorities may enter the premises of the Secretariat to perform their official competences only by the permission of the Secretary General or his/her substitute. The permission of the Secretary General or his/her substitute may, however, be assumed in case of fire or other disaster requiring prompt protective action.

Article 7- Inviolability of the Archives

The archives and documents of the Secretariat shall be inviolable.

Article 8– Flag and Emblem of the Turkic Council

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

Article 9 – Funds and Currencies

In accordance with the Turkish legislation and the purposes of the Turkic Council, without being restricted by financial controls, regulations or moratoria of any kind, the Secretariat,

to 71

a) may hold funds, gold or currency of any kind, and hold and operate bank accounts in any currency,

b) may freely transfer its funds within the Republic of Turkey or to another country or convert any currency hold by it into another currency.

Article 10 – Exemption from Customs Duties and Taxes

1. The Secretariat, its assets, income or other property shall be exempt:

a) from all direct taxes including Income Tax and Corporate Tax as well as from Value Added Tax, Special Consumption Tax, Motor Vehicles Tax and other similar indirect taxes. It is understood, however, that the Secretariat shall not claim exemption from taxes, rates and dues which are no more than charges for public utility services;

b) from all customs duties and additional financial obligations, prohibitions or restrictions on imports and exports in respect of articles including its publications, imported or exported by the Secretariat for its official use, except the charges for storing, customs clearance of goods outside the places specified for this purpose and the fees to be paid to the customs employees for possible overtime work. The articles imported under such exemption shall not be disposed of in the Host Country, except through payment of dues and taxes by the buyer or under the conditions agreed with the Host Country.

2. While the Secretariat 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, the Host Country will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article 11- Communications and Publications

1. The Host Country shall permit and protect free communication on the part of the Secretariat for all official purposes.

2. The official correspondence and other official communication of the Secretariat shall be inviolable.

3. The Secretariat shall have the right to use cipher, and to send and receive documents and letters in sealed bags by couriers for official communication. The bags must bear visibly the Secretariat's emblem and may contain only documents or articles intended for official use, and the courier shall be provided with a courier certificate issued by the Secretariat.

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

5. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Host Country and the Secretariat.

Article 12- Allocation and Security of the Premises

1. The allocation of premises of the Secretariat by the Host Country shall be without any rent or charge.
2. Repairs due to damages caused by neglect and carelessness of the staff of the Secretariat shall be borne by the Secretariat. Repairs required as a result of damages originating from natural disasters and other causes shall be the responsibility of the Host Country.
3. The Secretariat shall not make any changes to the premises: neither shall add nor detract from it unless the written permission of the Host Country is duly obtained.
4. The Turkic Council shall respect the relevant local legislation and regulations relating to the preservation of the premises.
5. The Turkic Council shall be responsible for the return of the premises in good condition if and when it decides to leave its premises. The return in good condition shall be understood as a state of normal wear and tear.
6. The Turkic Council 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.
7. The Government Property Tax of the premises shall be borne by the Host Country.
8. The Host Country shall be under special obligation to take all appropriate measures to protect the premises of the Secretariat against any intrusion or damage. When deemed necessary, additional protection measures for the premises may be requested from the Host Country.

Article 13- Directorial Staff and Permanent Representatives

1. Directorial Staff and Permanent Representatives and their dependants, who are neither Turkish nationals nor permanent residents in Turkey, shall enjoy the same privileges and immunities accorded to diplomatic agents in the Republic of Turkey, in accordance with the stipulations of the Vienna Convention on Diplomatic relations of 18 April 1961.
2. Members of Directorial Staff in case of being a citizen of the Republic of Turkey or a person permanently residing in the Republic of Turkey, shall enjoy immunity from jurisdiction, and inviolability, only in respect of official acts performed in the exercise of his professional functions.

Handwritten initials or marks at the bottom right of the page.

Article 14 - Staff of the Secretariat

1. The staff of the Secretariat shall be immune from the jurisdiction of the Host Country in respect of words spoken or written and all acts performed by them in their official capacity and within the limit of their authority.
2. Staff of the Secretariat who are neither Turkish nor permanent residents in Turkey shall be exempt from taxation on the salaries and emoluments paid to them by the Secretariat.
3. The staff of the Secretariat, except the Turkish citizens or permanent residents in Turkey, shall enjoy the following privileges and immunities:
 - a) be immune, together with dependants, from immigration restrictions and obligations relating to aliens' registration,
 - b) be granted the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of international organizations.
 - c) be given, together with dependants, the same repatriation facilities in time of international crisis as accorded to officials of comparable rank of international organizations.
 - d) have the right in accordance with the laws and regulations of the Republic of Turkey, to import free of duty their furniture, personal and household effects, including a motor vehicle, at the time of first taking up their post in the Republic of Turkey and the right to export them free of duty in termination of their function in the Secretariat. However, in accordance with such laws and regulations, the products that are granted this privileged status cannot be passed on, rented, lent and sold temporarily or permanently to third persons without paying relevant taxes.
4. Privileges and immunities accorded to the staff of the Secretariat are granted solely to ensure in all circumstances the unimpeded functioning of the Secretariat and not for the personal benefit of individuals themselves.
5. The Council of Foreign Ministers of the Turkic Council has the right and duty to waive the immunity of any official of the staff of the Secretariat, including the Secretary General and Deputies of the Secretary General in case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interest of the Secretariat. The Host Country may also demand the Council of Foreign Ministers of the Turkic Council to waive the immunity of any official of the staff of the Secretariat who has grossly violated the laws and regulations of the Republic of Turkey.
6. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying privileges and immunities under this Agreement and the Nakhchivan Agreement to respect the laws and regulations of the Host Country.

Handwritten signature

7

7. The Secretary General shall inform the Host Country the names and positions of the members of the staff of the Secretariat and their families and changes made thereto.

8. The Host Country shall issue appropriate identity cards to all members of the staff of the Secretariat and dependants in accordance with its national legislation.

9. Under special conditions and within the limits of the relevant Turkish legislation, the dependants of the members of the staff of the 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. If they engage in gainful occupation, privileges and immunities shall be waived.

10. The Secretary General shall make provision for the health insurance of the staff members and their dependants of the Secretariat. The staff members shall be reimbursed by the Secretariat for compulsory fees to preserve their membership in their respective national pensions schemes.

Article 15 - Social Security and Labor Legislation

The staff of the Secretariat who are Turkish nationals or permanent residents in the Republic of Turkey shall be subject to laws and regulations of the Republic of Turkey with respect to social security and labor legislation.

Article 16- Entry, Residence and Departure

The Host Country shall take all the necessary measures to facilitate the entry to, departure from and residence in the Republic of Turkey for the following persons:

- a) Staff of the Secretariat and their dependants.
- b) Permanent Representatives and dependants.
- c) Experts participating in the activities of the Turkic Council including the activities of the Council of Elders or the Secretariat.
- d) Official guests.

Article 17- Final Provisions

1. This Agreement shall enter into force on the date of notification through diplomatic channels by the Host Country to the Secretariat of its ratification.

2. Any amendments and additions to this Agreement, agreed upon between the Turkic Council and the Host Country in writing, shall enter into force in accordance with the procedure set forth in paragraph 1 of this Article. Such amendments will be enacted in the form of additional protocols, which shall constitute an integral part of the present Agreement.

AD 72

3. All disputes and disagreements concerning the interpretation and implementation of the present Agreement shall be settled through negotiations between the Host Country and the Secretariat.

4. This Agreement shall remain in force for an indefinite period until either of the parties expresses its wish to terminate the Agreement, by giving six months written notice to the other party.

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


Done at Ankara, on the 27th day of December 2011, in two copies in the Turkish and English languages and all texts are equally authentic.

In case of occurrence of disagreements in the interpretation of this Agreement, the Parties will address to the text in English.



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

**Ahmet DAVUTOĞLU
Minister of Foreign Affairs**



**For the Cooperation Council of
Turkic Speaking States**

**Halil AKINCI
Secretary General**