

On approval of the “Host Country Agreement between the Government of the Republic of Azerbaijan and the Secretariat of Parliamentary Assembly of Turkic-Speaking Countries (TURKPA Secretariat)”

The Milli Majlis of the Republic of Azerbaijan d e c i d e s:

To approve “Host Country Agreement between the Government of the Republic of Azerbaijan and the Secretariat of Parliamentary Assembly of Turkic-Speaking Countries (TURKPA Secretariat)” signed on 30 March, 2010 in Baku.

Baku, 20 April 2010
No. 990-IIIQ

**HEADQUARTERS
AGREEMENT**

**BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF AZERBAIJAN
AND
THE SECRETARIAT OF THE PARLIAMENTARY ASSEMBLY OF
TURKIC SPEAKING COUNTRIES (TURKPA SECRETARIAT)**

Preamble

The Government of the Republic of Azerbaijan and the Secretariat of the Parliamentary Assembly of Turkic Speaking Countries,

Taking into consideration the Agreement on the Parliamentary Assembly of Turkic Speaking Countries (TurkPA) signed on 21 November 2008 in Istanbul, and the Regulation of the Parliamentary Assembly of Turkic Speaking Countries adopted at the plenary meeting of the Parliamentary Assembly of Turkic Speaking Countries on 29 September 2009 in Baky,

Considering that the Secretariat shall be permanently located in the Republic of Azerbaijan, the city of Baky, as mentioned in Article 7 of the Charter on the Secretariat of the Parliamentary Assembly of Turkic Speaking Countries adopted at the plenary meeting of the Parliamentary Assembly of Turkic Speaking Countries on 29 September 2009 in Baky,

have agreed on the followings:

Article 1

DEFINITIONS

1.1. For the purposes of this Agreement:

“Government” – means the Government of the Republic of Azerbaijan;

“Secretariat” – means the Secretariat of the Parliamentary Assembly of Turkic Speaking Countries;

“TurkPA” – means the Parliamentary Assembly of Turkic Speaking Countries established on the basis of the Agreement on the Parliamentary Assembly of Turkic Speaking Countries (TurkPA) signed on 21 November 2008 in Istanbul;

“Agreement” – means the present Agreement between the Government and the Secretariat;

“Parties” – means the Government and the Secretariat, being parties to the present Agreement;

“Secretary General” – means the Secretary General of the Secretariat;

“Family members of the staff members of the Secretariat” – spouse and minors of the staff member of the Secretariat living together with him;

“Relevant governmental authorities” – means the competent state authorities of the Republic of Azerbaijan;

“Building of the Secretariat” – means the premises, including buildings, being at disposal of the Secretariat, or rented, maintained or used by the Secretariat in the Republic of Azerbaijan and notified as such to the Government.

Article 2

PURPOSE OF THE AGREEMENT

- 2.1. The purpose of the Agreement is to create opportunities for TurkPA Secretariat to efficiently exercise its functions and duties in accordance with the Charter on the Secretariat of the Parliamentary Assembly of Turkic Speaking Countries.

Article 3

THE STATUS AND RIGHTS OF THE SECRETARIAT

- 3.1. The Secretariat is located in the Republic of Azerbaijan, the city of Baku and possesses the status of juridical person. The Secretariat has the right to conclude contracts, to rent, acquire, use and dispose of movable and immovable property and to apply to the courts of the Republic of Azerbaijan, in accordance with the legislation of the Republic of Azerbaijan.
- 3.2. For the accomplishment of its purposes the Secretariat may possess any kind of currency and open bank accounts in any currency.

Article 4

STAFF OF THE SECRETARIAT, IMMUNITIES AND PRIVILEGES

- 4.1. The Secretariat, as well as its staff members and members of their families (except citizens of the Republic of Azerbaijan or persons permanently residing in the Republic of Azerbaijan) shall enjoy the same rights and status, immunities and privileges, granted to the diplomatic representations situated in the territory of the Republic of Azerbaijan, as well as their staff members and members of their families in accordance with the 1961 Vienna Convention on Diplomatic Relations.

- 4.2. Secretary General and his deputies, in case of being a citizen of the Republic of Azerbaijan or a person permanently residing in the Republic of Azerbaijan, shall enjoy immunity from jurisdiction, and inviolability, only in respect of official acts performed in the exercise of his professional functions.
- 4.3. Staff members of the Secretariat and members of their families (except those that are holders of the Azerbaijani citizenship from among family members of the Secretariat's staff members) shall be accredited in the Ministry of Foreign Affairs of the Republic of Azerbaijan. The number of the staff members of the Secretariat shall be determined upon agreeing with the receiving state within the limits considered to be reasonable and normal.
- 4.4. Goods imported or exported for the official uses of the Secretariat shall be exempted from the customs taxes and duties in accordance with the temporary import (export) customs regime.
- 4.5. Relevant governmental authorities may enter the building of the Secretariat to perform their official competences only by the permission of the Secretary General or his substitute.
- 4.6. Privileges and immunities granted in accordance with the present Agreement is for the due performance of functions and duties attached by the Secretariat to concerned persons, and not for their personal benefit.
- 4.7. The staff members of the Secretariat and their family members living together with them shall respect and maintain the legislation of the Republic of Azerbaijan, while being in the territory of the Republic of Azerbaijan.
- 4.8. The Secretary General may waive the immunity of any staff member of the Secretariat, where such immunity accorded to the staff members of the Secretariat on the basis of the Agreement, impedes the course of justice or can be waived without prejudice to the interests of the Secretariat.
- 4.9. In case of discrepancies concerning the use of privileges and immunities accorded on the basis of the Agreement, consultations between the Parties shall take place.

Article 5

LABOUR ACTIVITY

- 5.1. Non-holders of the Azerbaijani citizenship from among spouses and children of the staff members of the Secretariat, that are residing in the territory of the Republic of Azerbaijan, may be engaged in labour activity in accordance with the relevant legislation of the Republic of Azerbaijan. The immunities and privileges mentioned in Article 4 of the Agreement shall not apply in respect of the labour activity of non-holders of the

Azerbaijani citizenship from among spouses and children of the staff members of the Secretariat.

Article 6

COMMUNICATION

- 6.1. The Secretariat shall enjoy the same privileges related to official communications, granted by the Government to other international organizations in accordance with the legislation of the Republic of Azerbaijan, in respect of establishing and operating, tariffs, charges on mail, cablegrams, teleprinter, facsimile, electronic mail, telephone and other communications, as well as rates for information broadcast in media and radio.
- 6.2. The Secretariat shall take necessary measures to protect exchanged confidential information in accordance with the legislation of the Republic of Azerbaijan and it is obliged not to disseminate that information. The present provision shall also apply after the termination of the Agreement.

Article 7

FLAG, EMBLEM AND MARKING OF THE SECRETARIAT

- 7.1. Unless the Parties otherwise agreed, the Secretariat may perform its flag and/or its emblem on the building of the Secretariat, official transport vehicle belonging to the Secretary General or his substitute.

Article 8

IDENTIFICATION

- 8.1. Ministry of Foreign Affairs of the Republic of Azerbaijan shall issue to the staff members of the Secretariat and members of their families (except those that are holders of the Azerbaijani citizenship from among family members of the Secretariat's staff members) the appropriate cards in accordance with the provisions of the Agreement.

Article 9

ADDITIONS AND AMENDMENTS

- 9.1. By mutual consent of the Parties additions and amendments may be made to the present Agreement in the form of separate protocols being an integral part of the Agreement and entering into force in accordance with Article 11 of the Agreement.

Article 10

SETTLEMENT OF DISPUTES

- 10.1. Any dispute arising from the interpretation and application of the Agreement shall be settled by negotiations and consultations between the Parties.
- 10.2. The Secretary General shall closely cooperate with the Government to ensure the effective implementation of the Agreement.

Article 11

ENTRY INTO FORCE AND TERMINATION

- 11.1. The present Agreement shall enter into force on the date of receipt by the Secretariat the notification confirming the fulfilment of all necessary procedures required for its entry into force as set out in the legislation of the Republic of Azerbaijan.
- 11.2. Either of the Parties can terminate the Agreement by sending to the other Party a relevant written notification of its intention to terminate the Agreement. The Agreement shall be terminated one year later than the receipt of such written notification.

The present Agreement is signed on “30” March 2010 in the city of Baky in two original copies, each in Azerbaijani and English languages. All texts have equal force.



**On behalf of the Government of
the Republic of Azerbaijan**



**On behalf of the Secretariat of the
Parliamentary Assembly of
Turkic Speaking Countries**