

**PROTOCOL
CONCERNING THE PRIVILEGES AND IMMUNITIES
OF THE PARLIAMENTARY ASSEMBLY
OF THE BLACK SEA ECONOMIC COOPERATION**

The Member States of the Organization 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 20 of the Charter of the Organization of the Black Sea Economic Cooperation provides that the Parliamentary Assembly of the Black Sea Economic Cooperation representing national parliaments of the Member States, provides consistent support to the Black Sea cooperation process on a consultative basis as PABSEC closely cooperates with BSEC in promoting the BSEC objectives on the basis of the principles of the “Summit Declaration on Black Sea Economic Cooperation” of 25 June 1992, in Istanbul, the subsequent Summit Meetings’ decisions, as well as the “Declaration on the Establishment of the Parliamentary Assembly of the Black Sea Economic Cooperation” adopted on 26 February 1993 in Istanbul;

Taking into consideration the role Parliamentary Assembly of the BSEC can play in mobilization of public support in streamlining cooperation and interaction, in promoting stability and peace in the region and in facilitating realization of the principles and goals of the Black Sea Economic Cooperation;

Convinced that the conclusion of a Protocol Concerning the Privileges and Immunities of the Parliamentary Assembly of the Organization of the Black Sea Economic Cooperation will facilitate the functions of the Assembly 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:

- a) “Charter” means the Charter of the Organization of the Black Sea Economic Cooperation, done at Yalta on 5 June 1998.
- b) “The Council” means the Council of Ministers of Foreign Affairs of the Organization of the BSEC.
- c) “Member States” means the States which are parties to the BSEC Charter, done at Yalta on 5 June 1998 and to the present Protocol.
- d) “PABSEC” means the Parliamentary Assembly of the Black Sea Economic Cooperation.
- e) “Representatives of the Parliaments of the Member States” means members of the national delegations, appointed by the respective national parliaments, as well as alternate delegates, advisers, technical experts and secretaries of the national delegations, participating in the work of PABSEC and its organs.
- f) “The BSEC PERMIS” means the Permanent International Secretariat of the Organization of the Black Sea Economic Cooperation.
- g) “International Secretariat Staff” means the directorial staff, professional staff and technical staff of the PABSEC International Secretariat.
- h) “PABSEC Property” means all property, including funds and other properties that belong to, owned and/or supervised by the PABSEC in accordance with the official duties performed by the PABSEC.
- i) “Premises” means the buildings or parts of buildings including the land ancillary thereto, used only for the purposes of the PABSEC, irrespective of ownership.
- j) “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 PABSEC.

CHAPTER II

Property

Article 2

PABSEC, its property and assets, wherever 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 3

The premises of PABSEC shall be inviolable.

Article 4

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

CHAPTER III

The Representatives of the Parliaments of the Member States

Article 5

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

- a) immunity from personal arrest or detention and from seizure of their personal baggage, and immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives;
- 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 through the diplomatic missions of the Member States;
- d) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations in the BSEC Member State they are visiting or through which they are passing in the exercise of their functions;
- e) in the matter of customs and exchange control, be accorded:
 - by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official duty;

- by the governments of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official duty.

Article 6

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

Article 7

Privileges and immunities are accorded to the representatives of the Parliaments 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 PABSEC. Consequently, a Member State has the right to waive the immunity of its Parliament's 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 8

The provisions of Articles 5, 6 and 7 will not apply between a representative of the Parliament of a Member State and this State.

CHAPTER IV

International Secretariat Staff

Article 9

The provisions of Articles 5, 6, 7 and 8 shall apply to the International Secretariat Staff, while exercising their functions during the meetings of the PABSEC and their journey to and from the place of these meetings.

CHAPTER V

Settlement of Disagreements

Article 10

All disagreements arising among the Member States 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 in compliance with the international law.

CHAPTER VI

Final Provisions

Article 11

Nothing in this Protocol 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 Charter.

Article 12

1. The present Protocol shall be open for signature or accession by all Member States of the Organization of the Black Sea Economic Cooperation.
2. The present Protocol is subject to ratification, acceptance or approval.
3. Instruments of ratification, acceptance, approval or accession shall be deposited with the BSEC PERMIS.

Article 13

No reservations may be made to this Protocol with the exception to the provisions of Articles 8 and 9.

Article 14

1. 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.
2. 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 15

1. Any Member State may propose an amendment to the present Protocol.
2. The text of any proposed amendment shall be circulated to the Member States of the Organization through the BSEC PERMIS and submitted to the Council for consideration and approval.
3. 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 14.

Article 16

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 Baky this thirtyfirst day of October two thousand and three.

For the Republic of Albania

For the Republic of Armenia

For the Republic of Azerbaijan

For the Republic of Bulgaria

For Georgia

For the Hellenic Republic

For the Republic of Moldova

For Romania

For the Russian Federation

For the Republic of Turkey

For Ukraine