



**THIRD ANNUAL MEETING
OF THE INTERGOVERNMENTAL COMMISSION TRACECA**
Yerevan / Republic of Armenia, October 9-10, 2003

**ТРЕТЬЕ ЕЖЕГОДНОЕ ЗАСЕДАНИЕ
МЕЖПРАВИТЕЛЬСТВЕННОЙ КОМИССИИ ТРАСЕКА**
г. Ереван / Республика Армения, 9-10 октября 2003 г.

**STATUTE
OF THE PERMANENT SECRETARIAT
OF THE INTERGOVERNMENTAL COMMISSION TRACECA**

- WHEREAS, the Parties signed the Basic Multilateral Agreement on International Transport for Development of the Europe-the Caucasus-Asia Corridor, in Baky, Republic of Azerbaijan, on September 8, 1998 (hereinafter referred to as “the MLA”), with the assistance of the European Union,
- WHEREAS the MLA provided for the establishment of a Permanent Secretariat, which is based in Baky, Republic of Azerbaijan, and registered as a body with international legal personality in order to implement the actions designated by the IGC and the IGC also adopted the Statute of the Permanent Secretariat, during its First Annual Conference in Tbilisi, on March 11, 2000, which was complemented during the Second Annual Conference in Tashkent on April 25, 2002,
- DETERMINED to entrust to the Permanent Secretariat all powers necessary in order to fulfil all practical and administrative tasks demanded by its missions as defined by the MLA.

NOW THEREFORE on October 10, 2003, during its Third Annual Meeting the IGC has revised the Statute of the Permanent Secretariat and agreed to adopt it as set out below:

ARTICLE 1

Definitions

1.1 For the purpose of this Statute:

“MLA” means the Basic Multilateral Agreement on International Transport for Development of the Corridor Europe - the Caucasus – Asia, signed September 8, 1998 in Baky, Republic of Azerbaijan;

“PARTIES” means the States-participants of the MLA.

“ASSOCIATE MEMBER” means a Regional Economic Integration Organization, which may accede to the MLA as associate;

“IGC” means the Intergovernmental Commission of the Transport Corridor Europe-the Caucasus-Asia “TRACECA”;

“PRESIDING PARTY” means the Party, which assumes the Chairmanship of the IGC for one-year term.

“CHAIRMAN-IN-OFFICE” means the Head of Delegation of the Party, which assumes the Chairmanship of the IGC or any other High Official designated for this purpose by the Government of that Party.

“PS” means the Permanent Secretariat of the IGC.

“WG” means Working Groups, established by the IGC upon proposals made by the PS.

“National WG” means National Working Groups, established by the Governments of the Parties upon proposals made by the IGC and/or PS.

“SECRETARY-GENERAL” means the Secretary-General of the PS.

“EXECUTIVE SECRETARY” means Executive Secretary of the PS.

“PERMANENT REPRESENTATIONS OF PS” means the Permanent Representations of the PS maintained in each Party.

“NATIONAL SECRETARY” means the head of the Permanent Representation of PS in each Party.

“STAFF MEMBERS” and/or “EXPERTS” mean the persons holding a fixed-term appointment or other position in the PS.

1.2 The abbreviations and expressions defined below shall bear the same meaning when used in other statute and official documents issued or approved by the IGC, including but not limited to the Statute of the PS. In all texts issued by the IGC, unless otherwise specified, the use of the masculine gender includes the feminine and the use of the singular includes the plural and vice versa.

ARTICLE 2

Purposes

The purpose of the PS shall be to implement all practical and administrative operations requested by the IGC and all Decisions and Recommendations made by IGC in accordance with the IGC Rules of Procedure.

2.1 In particular the PS is entrusted with the following tasks employing for that purpose WG established for international road transport, railway transport, commercial maritime navigation, customs and documentation procedures and other fields of international transport as defined in the MLA:

2.1.1 to identify problems linked to the implementation of the MLA and undertake studies to reach solutions and propose to the Parties the measures needed to achieve efficient implementation of the MLA

- 2.1.2 to provide upon request of the Parties its assistance and consulting services on all relevant draft laws and regulations elaborated in accordance with the MLA to implement Decisions and Recommendations of the IGC related to the MLA;
- 2.1.3 to provide upon request of the Parties its assistance and consulting services in their relations with relevant international organisations.
- 2.1.4 to develop and co-ordinate the activities of National WGs, which have been organised by the National Commissions in each Party.

2.2 The PS carries out the following functions:

- a) makes arrangements for the meetings of the IGC and its WG established under the MLA and provides the meetings with administrative and technical services as required;
- b) attends to other relevant meetings
- c) prepares drafts and circulates the IGC documents made available by the Parties;
- d) carries out correspondence pertaining to secretarial services;
- e) maintains the archives and documentation of the IGC;
- f) studies the problems that the IGC charged it with and provides recommendations;
- g) manages the information flow and provides information regarding the IGC, when needed, to the Parties and to third parties;
- h) puts forward appropriate proposals to the IGC for any amendments and changes to the MLA as well as adoption of new technical annexes to the MLA;
- i) carries out its internal operations, such as:
 - Elaboration of the yearly action plan;
 - Coordination with the WG / National Commissions.
- j) prepares Progress Reports on its activities for submission to the IGC;
- k) manages its budget by:
 - Preparing the annual report,
 - Implementing the budget once adopted,
- l) monitors and facilitates in achieving progress in the elaboration and implementation of projects and programs of common interest;
- m) conducts consultations with the Parties, Associate members and WG;
- n) maintains dialogue with international organisations and third countries under mandate given by the IGC;
- o) recruits staff and hires consultants and experts;
- p) carries out other functions and tasks with the approval of the IGC.

ARTICLE 3

Management

- 3.1 The PS is managed by the Secretary-General, who is the Chief Executive Officer of the PS, and by the Executive Secretary, who manages the daily administrative tasks of the PS.
- 3.2 The Secretary-General and the Executive Secretary conduct their duties in accordance with the MLA, the present Statutes and the Rules of Procedure of the IGC and the decisions and recommendations, issued by the IGC.
- 3.3 The Secretary-General is elected by the IGC by consensus, among the candidates proposed by the newly elected Presiding Party for the term of its Chairmanship. The election takes place during the Annual Meeting of the IGC. If appropriate or necessary, the term of duties of the Secretary-General can be prolonged but not beyond the second Annual Meeting of the IGC following his/her election. The Secretary-General can be dismissed by a decision of the IGC.

- 3.4 The Executive Secretary is elected by the IGC by consensus among the candidates of any Party, for a three-year term. The election takes place during the Annual Meeting of the IGC. The Executive Secretary can be re-elected no more than once. He can be dismissed by a decision of the IGC.
- 3.4.1 The Secretary-General and the Executive Secretary shall be a national of any Party.
- 3.5 The Secretary-General:
- Directs the tasks of the PS, according to Article 2 of the present Statute;
 - Coordinates the activities of the National Secretaries in the framework of the MLA and takes measures pertaining to the implementation of all decisions of the IGC;
 - Introduces and develops initiatives of the Presiding Party;
 - Studies tasks and realises decisions and resolutions on problems, with which IGC has charged the PS;
 - Promotes deepening and expansion of cooperation between the Parties in the framework of the MLA;
 - Supports relations with the Depository of the MLA and with international organisations;
 - Speaks for the PS, represents the PS to third parties.
 - May function as Chairman of Meetings of the WG;
- 3.6 The Executive Secretary:
- Manages the daily administrative tasks of the PS;
 - Provides internal organisation of all sessions and meetings in the framework of the MLA, including meetings of the IGC and its WG for the maintenance and qualitative preparation of the above stated actions;
 - Organises preparation and distribution of the information issued by PS among the Parties;
 - Makes together with experts examination of projects for representation to the Secretary-General and further to the IGC;
 - Supervises the work for the updating of the web-site and the ordering and updating of the technical library in the PS;
 - Provides the exchange of appropriate information with the Depository of the MLA and with international organisations;
 - Prepares the draft of the core budget of the PS;
 - Represents the PS in the absence of the Secretary-General from the country of Seat of the PS and on other occasions with the approval of the Secretary-General or the IGC.
 - May Function as Chairman of Meetings of the WG with the approval of the Secretary-General;
- 3.7 Conducting any private business and holding any active public position shall not be compatible with the position of Secretary-General and Executive Secretary.
- 3.8 The Secretary General and Executive Secretary shall not interfere in the internal affairs of the Parties. No Party shall influence them in the performance of their functions.
- 3.9 In order to fulfil their functions the Secretary-General and the Executive Secretary may request the assistance of and appoint Experts by mutual decision.

ARTICLE 4

Permanent Representation and National Secretaries

- 4.1 In accordance with Article 9 of the MLA, the PS maintains Permanent Representation in each of the Parties.
- 4.2 The National Secretary heads the Permanent Representation and shall be a national of the Party, he/she represents. The Government of that Party in agreement/consultation with the PS appoints the National Secretary.
- 4.3 The National Secretary shall assist the PS with coordination, supervision and implementation of projects financed by the EU.
- 4.4 National Secretaries shall ensure that they work in very close liaison with their own National Commissions. They are a focal point for TRACECA information, and ensure that there is a two-way transfer of information between the PS and the National Commission.
- 4.5 National Secretaries shall conduct their day-by-day activities in accordance with the present Statutes.
- 4.6 National Secretaries shall be employed full time in their function and devote sufficient time on a daily basis to fulfil all required tasks.
- 4.7 National Secretaries shall inform the PS and the National Commissions about their activities monthly, in writing using a standard format and where possible by electronic post (e-mail).
- 4.8 National Secretaries shall act as a moderator of TRACECA National WGs of the Party.
- 4.9 National Secretaries shall prepare and send reports of meetings of National WGs to the PS.
- 4.10 National Secretaries shall endeavour to ensure that initiatives from WG are pursued through appropriate channels to obtain implementation.
- 4.11 National Secretaries shall ensure full cooperation and practical support to all relevant TRACECA Projects including full cooperation with EU and Local Experts.
- 4.12 National Secretaries shall cultivate relations with International Funding Agencies, Transport Associations, Chambers of Commerce and similar institutions and where possible include their representatives in the National WGs.

ARTICLE 5

Control over the PS activities

The Chairman-in-office has a permanent right, during the period of Chairmanship, to exercise administrative and financial control over the activities of the PS.

ARTICLE 6

Place of seat of the PS and the Permanent Representations

- 6.1 In accordance with Article 9 of the MLA the seat of the PS is located in Baky, Republic of Azerbaijan. The PS maintains Permanent Representation in each of the Parties.
- 6.2 The Governments of the Parties provide premises on a charge-free basis, for the Permanent Representations in each Party, as part of the contributions from the host Governments.
- 6.3 The Seat of the Secretary-General and the Executive Secretary is located in the office of the PS in Baky, Republic of Azerbaijan.

ARTICLE 7

Finances

- 7.1 The Secretary-General in cooperation with the Executive Secretary shall submit the core budget of the PS and IGC and prepare proposals on the system of joint financing (Article 9 of the MLA) to the IGC for further approval by the Governments of the Parties.
- 7.2 When sending its annual report and statement of accounts to the Parties the PS shall invite them to pay their contributions towards the expenditure of the [past][present][next] financial year as soon as possible and not later than 31 December of the year in which the documents are sent out, after which date the amounts due shall bear interest at [5] per cent per annum. If 2 years after that date a Party has not paid its contributions its right to vote in the IGC shall be suspended until it has fulfilled its obligations to pay.
- 7.3 The salaries and expenses of the PS are covered by the Governments of the Parties within the framework of the approved budget.
- 7.4 The PS is allowed to receive grants from donors or organisations.

ARTICLE 8

Financial Year

- 8.1 Each financial year of the PS is to last a calendar year from January 1st to December 31st.
- 8.2 Exceptionally, the financial year started on the voting day of the first annual Conference of the IGC, held in Tbilisi, Georgia during the first quarter of year 2000 and ended on December 31st of the same year.

ARTICLE 9

Relationship with the host country

The relationship between the Government of the host country and the PS is determined according to the Headquarters Agreement between the Government of the Republic of Azerbaijan and the PS.

ARTICLE 10

Languages

The official and working languages of the PS shall be English and Russian. All documents issued by the PS shall be available in both languages. Fluent knowledge, oral and written, of at least one of the working languages of the PS is a principal requirement for the staff members of the PS.

ARTICLE 11

Entry into force and amendments

- 11.1 The present Statutes shall be approved by decision of the IGC on the basis of consensus.
- 11.2 The present Statutes may be supplemented or amended in accordance with a decision of the IGC on the basis of consensus.
- 11.3 The present Statute shall enter into force 30 days after notification to the Depository of completion of internal state procedures, pursuant to their national legislation by all the Parties.