



**SIXTH ANNUAL MEETING
OF THE INTERGOVERNMENTAL COMMISSION TRACECA**
Astana/ Republic of Kazakhstan, 12-13 December, 2007

**ШЕСТОЕ ЕЖЕГОДНОЕ ЗАСЕДАНИЕ
МЕЖПРАВИТЕЛЬСТВЕННОЙ КОМИССИИ ТРАСЕКА**
г. Астана/ Республика Казахстан, 12-13 декабря 2007 г.

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

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 Baku, 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.

“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

Purpose and Functions of the PS

2.1. The purpose of the PS shall be to implement all practical and administrative functions as defined in the Decisions and Recommendations of the IGC in accordance with the IGC Rules of Procedure.

2.2. In particular, the PS is entrusted with the following tasks:

- a) to identify problems linked to the implementation of the MLA and to undertake studies to reach solutions and to propose to the Parties the measures needed to achieve efficient implementation of the MLA;
- b) 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;
 - initiatives undertaken in the relations with relevant international organizations;
- c) to develop and co-ordinate the activities of National WGs.

2.3. 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 of the PS;
- c) prepares drafts and circulates the IGC documents made available by the Parties;
- d) carries out correspondence pertaining to the PS services;
- e) maintains the archives and documentation of the IGC;
- f) studies the problems that the IGC charged it with and design drafts of recommendations and resolutions about them ;
- g) manages the information flow and provides information regarding the IGC, when needed, to the Parties and to third parties;
- h) puts forward and/or prepares 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 of PS;
 - 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 draft of the annual budget,
 - implementing the budget once adopted,
 - budget Implementation Report after the financial year;
- l) monitors and facilitates progress in the elaboration and implementation of projects and programs of common interest;
- m) conducts consultations with the Parties, Associate members, bodies and WG;
- n) maintains dialogue with international organizations and third countries under mandate given by the IGC;
- o) recruits staff and hires consultants and experts;
- p) assists with financial control as well as submission of all the relevant documents concerning financial audit;
- q) carries out other functions and tasks with the approval of the IGC.

2.4. The Permanent Secretariat submits the final documents of the IGC TRACECA meetings to the Ministries of Foreign Affairs and Permanent Representations of the PS within 2 weeks for further urgently transfer of these documents to the relevant ministries and authorities.

2.5. In accordance with Article 9 of the MLA the Permanent Secretariat is based in Baku, the Republic of Azerbaijan. The relations between the Government of the Republic of Azerbaijan and the PS IGC TRACECA are regulated by the Headquarters Agreement.

ARTICLE 3

Management of the PS

3.1. The PS is managed by the Secretary-General, who is the Chief Executive Officer of the PS. The Seat of the Secretary General is located at the PS Headquarters in Baku, the Republic of Azerbaijan.

3.2. The Secretary-General is elected by the IGC on the basis of consensus out of the candidates proposed by the newly assigned Presiding Party for the period of its Chairmanship.

3.3. The election is hold in the course of the Annual Meeting of the IGC.

3.4. The term of office of the Secretary-General can be extended but only up to the second Annual Meeting of the IGC after his/her election. The Secretary-General can be dismissed before the appointed time by a decision of the IGC.

3.5. The Secretary-General shall be a national of any Party.

3.6. The Secretary-General shall conduct its duties in accordance with the article 9 of the MLA, the present Statute and the Rules of Procedure of the IGC and the Decisions and Recommendations, issued by the IGC.

3.7. The Secretary-General:

- a) Directs the tasks of the PS, put in to Article 2 of the present Statute;
- b) Effects operational management of the PS;
- c) 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;
- d) Introduces and develops initiatives of the Presiding Party supported by the PS;
- e) Studies tasks and realizes decisions and resolutions on problems, which the IGC has charged the PS with;
- f) Promotes deepening and expansion of cooperation between the Parties in the framework of the MLA;
- g) Supports relations with the Ministry of Foreign Affairs of Depository of the MLA and with international organizations;
- h) Speaks for the PS, represents the PS to States-participants and third parties;
- i) Signs the Memorandum of Understanding with international organizations and international financial institutions by the decision of the IGC;
- j) May function as a Chairman of Meetings of the WG by the decision of the IGC;
- k) Reports to the IGC about his activity.

3.8. To exercise its authorities and obligations the Secretary General shall issue the following regulating acts:

- a) „rules” - for the implementation of the IGC decisions and establishment of the internal administrative procedure of the PS, and
- b) „directions” or “orders” - to effect operational management of the PS.

3.9. Conducting any private business and holding any active public position shall not be compatible with the position of the Secretary-General.

3.10. The Secretary General shall not interfere in the internal affairs of the Parties. No Party shall influence them in the performance of their functions.

ARTICLE 4 Structure and the PS staff

4.1. The internal structure of the PS is established by the IGC decision.

4.2. On the basis of the IGC decisions on the PS structure, the Secretary General shall by a special decision approve the list of members of staff and job descriptions.

4.3. On the basis of the structure and the list of members of staff, the Secretary General shall make an agreement with an expert or an employee, having appropriate professional skill and experience.

4.4. Employment of the staff on a vacant position shall be effected according with the results of a contest, held by the Evaluation Committee. The vacancy announcement shall be made on the PS web site at least 30 days before the date of the contest. The Regulations of contest shall be adopted by the Secretary General.

4.5. The Secretary General may require assistance for the purpose of performing his duties and he is entitled to involve by his decision experts being not on the regular staff to provide such assistance. The rights and duties of these experts shall be regulated by a service contract.

ARTICLE 5 Permanent Representations of PS and National Secretaries

5.1 In accordance with Article 9 of the MLA, the PS has Permanent Representation in each of the Parties.

5.2. The Governments of the Parties provide premises on a free of charge basis, for the Permanent Representations in each Party, as part of the contributions from the host Governments.

5.3. The National Secretary heads the Permanent Representation and shall be a national of the Party, he/she represents.

5.4. The National Secretary is nominated based on the internal legislation in force of the Party and the act on his nomination shall be sent by the Party to the PS.

5.5. The National Secretaries shall ensure the close liaison of PS with their own National Commissions as 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.

5.6. National Secretaries shall conduct their day-by-day activities in accordance with the present Statute.

5.7. National Secretaries shall in their function devote sufficient time on a daily basis to fulfill all required tasks.

5.8. National Secretaries shall:

- a) ensure all-round cooperation and practical support to all relevant TRACECA Projects including full cooperation with Local Experts;
- b) provide assistance to the PS in coordination and implementation of the projects financed by the EU and financial institutions;

- c) cultivate relations with International Financial Institutions, Transport Associations, Chambers of Commerce and similar institutions and where possible include their representatives in the National WGs;
- d) take part in the PS meetings;
- e) act as a moderator of TRACECA National WGs of the Party;
- f) endeavour to ensure that initiatives from WG are pursued through appropriate channels to obtain implementation;
- g) ensure the best activity relations with PS, including the timely answer to the PS' requests;
- h) promote the higher level of efficiency of the activities of the PS IGC TRACECA;
- i) hold the working meetings with the relevant public authorities and transport companies;
- j) carry out regular survey of mass media, maintain close liaisons with mass media representatives.

5.9. National Secretaries shall inform the PS two times per year about their activities before the date of 15th day after the term of each six months, with report in writing using a standard format and where possible by electronic post (e-mail). Each report shall include information on:

- specific activities of the NS, such as working meetings, national WG meetings; correspondence, but not restricted by that;
- progress development of the projects under implementation;
- financial accounting on the funds provided to the Permanent Representation by the PS;
- proposals and initiatives.

5.10. Activities of the Permanent Representations are **coordinated** by the Secretary General reporting to the IGC, including in his report the information on the PS activities and partially on the activities of the Permanent Representations.

ARTICLE 6

Control over the PS activities

6.1. The IGC at its annual meetings shall listen to the report of the Secretary General on the PS activities.

6.2. The IGC shall approve the PS budget, determine the personnel and competence (within the framework of the regulating documents) of the audit group effecting control over its execution and adopt the Financial Report of the Secretary General on budget execution and the Auditors' Report.

6.3. The IGC 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 7

Finances

Financing of the Permanent Secretariat shall be provided on the grounds and in accordance with the Agreement on Joint Financing of the Permanent Secretariat of the IGC TRACECA between the Governments of the Parties to the Basic Multilateral Agreement on International Transport for the Development of the Europe-the Caucasus-Asia Corridor.

ARTICLE 8

Official 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 9

Entry into force and amendments

9.1 The present Statute shall enter into force by a Decision of the IGC.

9.2 The present Statute may be supplemented or amended in accordance with a Decision of the IGC on the basis of consensus.

Approved on 13 December, 2007, during the Sixth Annual Meeting of the IGC TRACECA.