



**EIGHTH ANNUAL MEETING
OF THE INTERGOVERNMENTAL COMMISSION TRACECA**
Brussels, Belgium , 13 October 2010

**ВОСЬМОЕ ЕЖЕГОДНОЕ ЗАСЕДАНИЕ
МЕЖПРАВИТЕЛЬСТВЕННОЙ КОМИССИИ ТРАСЕКА**
Брюссель, Бельгия, 13 октября 2010 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 on September 8, 1998 in Baku, the Republic of Azerbaijan;

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

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

“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 the presiding 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 Group, 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.

“EU” means the European Union

“EC” means the European Commission

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

“STAFF MEMBERS” and/or “EXPERTS” mean the persons holding appointments on a contract basis or other positions in the PS.

1.2 The abbreviations and expressions defined below shall bear the same meaning when used in other statutes and official documents issued or approved by the IGC, including but not limited to the Statute of the PS. In all official 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, Tasks 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 shall be entrusted with the following main tasks:

2.2.1. to identify problems linked to the implementation of the MLA and to undertake studies to reach solutions, to put forward proposals to the MLA Parties' Governments on the actions needed to achieve efficient implementation of the MLA;

2.2.2. to provide upon request of the Parties its assistance and consulting services on the issues regarding:

- all relevant draft laws and by-laws elaborated in accordance with the MLA provisions to implement Decisions and Recommendations of the IGC on the issues regulated by the MLA;
- initiatives undertaken in the relations with relevant international organizations;

2.2.3. to develop and to co-ordinate the activities of National Working Groups.

2.3. The PS shall carry out the following functions:

2.3.1. making arrangements for the meetings of the IGC and its WG established under the MLA, providing the meetings with administrative and technical services as required;

2.3.2. attending to other relevant meetings of the PS;

2.3.3. preparing and circulating the IGC draft documents made available by the Parties;

2.3.4. carrying out correspondence pertaining to the services of the Permanent Secretariat;

2.3.5. maintaining the archives and documentation of the IGC;

2.3.6. studying the problems that the IGC charged it with, and designing drafts of recommendations and resolutions about them ;

2.3.7. managing the information flow and providing the information regarding the IGC, when needed, to the Parties and to the third parties;

2.3.8. putting forward and/or preparing appropriate proposals to the IGC for any amendments and additions to the MLA as well as adopting new technical annexes to the MLA;

2.3.9. carrying out its internal operations, such as:

- elaboration of the yearly action plan of the PS;
- coordination with the WG / National Commissions;

2.3.10. preparing Progress Reports on the PS activities for submission to the IGC;

2.3.11. managing the IGC budget by:

- preparing a draft of the annual budget,
- executing the budget once adopted,
- making the Budget Execution Report after the financial year;

2.3.12. monitoring and facilitating progress in the elaboration and implementation of projects and programmes of common interest;

2.3.13. conducting consultations with the Parties, Associate members, bodies and WG;

2.3.14. maintaining a dialogue with international organizations and third countries under a mandate given by the IGC;

- 2.3.15. recruiting staff and hiring consultants and experts;
- 2.3.16. assisting with financial control as well as submitting of all the relevant documents concerning financial audit;
- 2.3.17. carrying out other functions and tasks with the approval of the IGC.

2.4. The Permanent Secretariat shall submit the final documents of the IGC TRACECA meetings to the Ministries of Foreign Affairs of the Parties and the Permanent Representations of the PS within 2 weeks for further urgent 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

Secretary General

3.1. The Permanent Secretariat is headed by the Secretary General, who is the High 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 shall be elected by the IGC on the basis of a consensus among the candidates proposed by the MLA Parties for the period of two terms of presidency in the IGC. The term of office of the Secretary General may be extended for one more term of presidency of an MLA Party in the IGC.

3.3. The election of the Secretary General shall be held in the course of the IGC Meeting.

3.4. The Secretary General shall be a national of one of the MLA Parties.

3.5. The Secretary General may be dismissed before the appointed time from the position according to the IGC Decision in the following cases:

- at personal request;
- in view of health condition (impossibility to work for more than 3 months);
- in case of withdrawal of the state, which the SG is the national of, from the MLA Parties' membership;
- on the initiative of no less than one third of the MLA Parties, subject to relevant IGC decision.

In such situation the IGC shall convene an extraordinary meeting in the order envisaged by point 6 of the Rules of Procedure of the IGC TRACECA. Prior to an extraordinary meeting of the IGC the powers of the Secretary General shall be delegated to the head of the experts' group of the PS IGC TRACECA.

3.6. The SG powers shall be valid since the date of election/re-election by the IGC for the position till the time by the IGC election of a new SG.

3.7. After the election of a new SG the previous SG shall manage the PS as an acting SG before the arrival of a new SG to the premises of the PS Headquarters.

A newly elected SG shall arrive to the premises of the PS Headquarters no later than 30 days after his election.

After the arrival of a new SG to the premises of the PS Headquarters the acting SG shall hand over to a new SG the PS material assets and financial means. The title document shall be drawn up and signed in the presence of the MLA depositary representative.

3.8. The Secretary General shall exercise its duties in accordance with Article 9 of the MLA, the present Statute and the Rules of Procedure of the IGC as well as the Decisions and Recommendations, issued by the IGC.

ARTICLE 4 Management of the PS

4.1. The Secretary General:

4.1.1. Ensures the fulfillment of the tasks of the PS, set forth in Article 2 of the present Statute;

4.1.2. Effects operational management of the PS;

4.1.3. 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;

4.1.4. Introduces and develops initiatives of the Presiding Party supported by the PS;

4.1.5. Studies tasks and realizes decisions and resolutions on the issues, which the IGC has charged the PS with;

4.1.6. Promotes deepening and expansion of cooperation between the Parties in the framework of the MLA;

4.1.7. Supports the relations with the Ministry of Foreign Affairs of the MLA Depository as well as with international organizations;

4.1.8. Speaks for the PS, represents the PS to the Member-States and third parties;

4.1.9. Signs the Memorandums of Understanding with international organizations and International Financial Institutions by the decision of the IGC;

4.1.10. May function as a Chairman of Meetings of the WG established by the decision of the IGC;

4.1.11. Reports to the IGC about his activity.

4.1.12. Distributes financial means according to and within the framework of approved PS budget.

4.2. To exercise his authorities and duties the Secretary General shall issue the following regulating acts:

4.2.1. „instructions” or “orders” - to effect operational management of the PS

4.2.2.. „rules” - for the implementation of the IGC decisions and establishment of the internal administrative procedure of the PS.

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

4.2.4. The Secretary General shall not interfere in the internal affairs of the Parties. No Party shall exert pressure on him in the performance of his functions.

ARTICLE 5 Structure and the PS staff

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

5.2. 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.

5.3. On the basis of the structure, the PS list of staff members, and the results of the PS Competition Committee meeting to fill vacancies, the Secretary General shall make an agreement with the PS experts and officers, having appropriate professional skills and experience, for the period of 2 years with the following contract extension for 2 years with no restrictions of a number of extensions.

5.4. The Regulations for Competition Procedures to Fill Vacancies shall be elaborated and approved by the SG. The vacancy announcement shall be placed on the PS web site at least 30 days before the date of the competition.

5.5. The Secretary General is entitled for the purpose of performing his duties by his decision to involve the experts being not on the regular staff (short-term experts). The rights and duties of these experts shall be regulated by a labour contract.

ARTICLE 6

Permanent Representations of the PS and National Secretaries

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

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

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

6.4. The National Secretary shall be nominated in accordance with the internal legislation in force of the Party and the act on his/her nomination shall be sent by the Party to the PS.

6.5. The TRACECA National Secretaries shall ensure close liaison of the PS with the National Commissions in their countries, as they are a focal and coordinating point for TRACECA and ensure that there is a two-way exchange of information between the Permanent Secretariat and the National Commission.

6.6. The National Secretaries shall follow in their day-to-day activities the present Statute.

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

6.8. The National Secretaries shall:

6.8.1. ensure all-round cooperation and practical support to all relevant TRACECA Projects in their Country, including all-round cooperation with Local Experts;

6.8.2. provide assistance to the PS in coordination and implementation of the projects financed by the EU and financial institutions;

6.8.3. cultivate relations with the representatives of International Financial Institutions, Transport Associations, Chambers of Commerce and similar institutions in their countries and where possible include these representatives in the National WGs;

6.8.4. take part in the PS meetings;

6.8.5. act as moderators of National WG meetings of the Party;

6.8.6. ensure that initiatives from WG are forwarded to the appropriate authorities to obtain implementation;

6.8.7. ensure the best liaison with the PS, including the timely answers to the PS' requests;

6.8.8. promote higher level of efficiency of the activities of the PS IGC TRACECA;

6.8.9. hold working meetings with the relevant public authorities and transport companies;

6.8.10. carry out regular survey of mass media, maintain close contacts with mass media agencies;

6.9. The National Secretaries shall two times a year before the date of 15th of the month following the financial month forward to the PS the written reports on the activities of the Permanent Representation for the period of six months, in a standard format and using as well the electronic post (e-mail) as far as possible. Each report shall include the information on:

- specific activities of the NS, such as but not only working meetings, conferences, national WG meetings, correspondence, mass media surveys;
- on-going projects' progress data;
- proposals.

6.10. Activities of the Permanent Representations shall be coordinated by the Secretary General who reports to the IGC, including the account on the PS activities and partially on the activities of the Permanent Representations.

ARTICLE 7

Control over the activities of the Permanent Secretariat

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

7.2. The IGC shall approve the PS budget, determine the personnel and competence (within the framework of the corresponding regulatory documents) of the Auditing Team effecting control over its execution and adopt the Financial Report of the Secretary General on budget execution and the Auditors' Report.

7.3. The IGC Chairman-in-office shall have the inalienable right during the period of Chairmanship of his country in TRACECA to exercise administrative and financial control over the activities of the PS.

ARTICLE 8

Finance

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 as of 21 April 2005.

ARTICLE 9

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 10

Entry into force and amendments

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

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

Approved on 13 October 2010, at the Eighth Annual Meeting of the IGC TRACECA.