FIFTEENTH ANNUAL MEETING OF THE INTERGOVERNMENTAL COMMISSION TRACECA
Sofia, Bulgaria, October 21, 2021

ПЯТНАДЦАТОЕ ЕЖЕГОДНОЕ ЗАСЕДАНИЕ МЕЖПРАВИТЕЛЬСТВЕННОЙ КОМИССИИ ТРАСЕКА
г. София, Болгария, 21 октября 2021 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, as modified from time to time and in view of the existing and following Technical Annexes;

"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";

"CHAIRMAN PARTY" means the Party, which assumes the Chairmanship of the IGC for one-year term.

"CHAIRMAN OF THE IGC" 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 in order to provide the effective implementation of the MLA and realization of 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 Parties' Governments on the actions needed to achieve the effective 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 the 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 the 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;
2.3.2. studying the problem issues, as well as developing drafts of the recommendations and decisions related to ensuring the effective implementation of the MLA, within the competence of the IGC;
2.3.3. carrying out research, analysis and recommendations on the issues related to the development of international traffic;
2.3.4. putting forward and/or preparing appropriate proposals to the IGC for any amendments and additions to the MLA, promoting the achievement of the MLA objectives, as well as developing new technical annexes to the MLA;
2.3.5. developing sector programme documents satisfying the MLA objectives;
2.3.6. monitoring of the MLA provisions implementation, including the implementation of Technical Annexes to it;
2.3.7. monitoring of the realization by the Parties of the IGC decisions and recommendations, developing recommendations for achieving their efficient realization;
2.3.8. working out, maintaining and using the TRACECA information system (web-portal) to process electronic documents and distributing the information on the activity within the framework of the MLA presenting public interest,
2.3.9. carrying out its internal operations, such as:

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

2.3.10. preparing Progress Report on the Permanent Secretariat activities for submission to the IGC;
2.3.11. managing the PS IGC budget which implies:

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

2.3.12. initiating, monitoring and carrying out the activity related to the elaboration and implementation of joint projects and programmes meeting the aims and objectives of the MLA together with international organizations, structures and partner organizations;
2.3.13. conducting consultations with the Parties, Associate members, competent bodies and WG on the issues related to the MLA implementation;
2.3.14. preparing and distributing the draft documents for the IGC submitted to the Parties;
2.3.15. maintaining a dialogue with international organizations and third countries guided by the MLA objectives and TRACECA programme documents; participating in international and regional events related to transport to promote the MLA objectives;
2.3.16. maintaining correspondence related to the activities of the Permanent Secretariat;
2.3.17. maintaining the IGC archives and documentation;
2.3.18. recruiting staff and hiring short-term consultants and experts;
2.3.19. assisting with financial control as well as submitting of all the relevant documents concerning audit;
2.3.20. 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 shall be regulated by the Headquarters Agreement.

ARTICLE 3

Secretary General

3.1. The Permanent Secretariat is headed by the Secretary General, who is the highest official 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 no more than two chairmanships in the IGC. The same person may not hold the position of the Secretary General for more than two consecutive terms of office.

3.3. The election of the Secretary General shall be held in the course of the IGC Meeting in compliance with the Rules of Procedure of the IGC TRACECA.

3.4. Candidates for the position of the Secretary General of the PS IGC TRACECA shall:
a) be nationals of one of the MLA Parties;
b) have expertise for more than 5 years in the field of transport and/or economy, experience in the attraction of investments, projects management, international relations is an asset
c) be proficient in one of the TRACECA official languages, knowledge of the second official language is an asset

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, of which the SG is the national, from the MLA Parties' membership;

- on the initiative of no less than one third of the MLA Parties, subject to relevant IGC decision in the event, that the Secretary General violated the provisions of international law and/or the IGC normative documents, and caused harm by action or inaction to the TRACECA interests.
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 Policy Development and Monitoring Division of the PS IGC TRACECA.

3.6. The powers of the Secretary General shall be valid since the date of election at the IGC Meeting for the position and till the time of election at the IGC Meeting of a new Secretary General.

3.7. After the election of a new Secretary General, the previous Secretary General shall manage the PS as an acting SG before the arrival of a new Secretary General to the premises of the PS Headquarters.
A newly elected Secretary General shall arrive to the premises of the PS Headquarters no later than 30 days after his election.
After the arrival of a new Secretary General to the premises of the PS Headquarters, the acting Secretary General shall hand over to him the PS material assets and financial means. The transfer shall be drawn up in the presence of the representative of the Depositary by delivery and acceptance act.

3.8. The Secretary General shall exercise his/her 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. performs effective 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 Chairman Party supported by the PS;
4.1.5. studies tasks and ensures practical implementation of the decisions and resolutions on the issues, which the IGC has charged the PS with;
4.1.6. promotes developing, deepening and expansion of cooperation between the Parties in the framework of the MLA;
4.1.7. establishes the relations with the Ministry of Foreign Affairs of the MLA Depositary 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. in the absence of objections of the Parties and authorization of the Chairman Party, signs the Memorandums of Understanding with international organizations and International Financial Institutions;
4.1.10. may function as a Chairman of the WG Meetings established by the decision of the IGC;
4.1.11. reports to the IGC about his activity;
4.1.12. informs the Chairman Party on the Annual Plan of Events of the PS IGC TRACECA;
4.1.13. 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 perform effective 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 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 order approve the list of members of staff and job descriptions.

5.3. According to the PS structure and the PS staff members list, and based on the results of the PS Competition Committee meeting to fill vacancies, the Secretary General shall make agreements with the PS experts and officers, having appropriate professional skills and experience, for the period of 2 years with their following extension for 2 years. Upon the expiration of the agreement, PS experts and employees have the right to participate in competitive procedures for filling vacancies.

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 and sent to the Parties at least 20 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 an employment 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 of the Parties, 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 existing internal legislation of the Party. A corresponding act shall be sent by the Party to the PS not later than 15 calendar days from the day of his/her nomination.

6.5. The National Secretary shall send to the PS the bank details for receiving the salary and office expenses within the approved annual budget of the PS IGC TRACECA.

6.6. The National Secretaries of TRACECA shall:
6.6.1. ensure effective cooperation with the PS Headquarters and the National Commissions in their country;
6.6.2. promote the MLA implementation, the IGC decisions, programme and other TRACECA documents in their country;

6.6.3. ensure bilateral information exchange between the Permanent Secretariat and the National Commission;
6.6.4. favour the increase of the PS IGC TRACECA effectiveness;
6.6.5. promote the PS initiatives in their countries on the issues of the MLA implementation, IGC decisions, TRACECA programme documents;
6.6.6. submit the responses to the PS inquiries and applications of other MLA Parties in due time;
6.6.7. provide collection of the information for the TRACECA database on request of the PS;
6.6.8. provide assistance to the PS in coordination and implementation of the projects financed by the external partners and financial institutions;
6.6.9. ensure cooperation and practical support to all on-going TRACECA projects in their countries, including third party cooperation with the local experts;
6.6.10. establish 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 WG;
6.6.11. take part in the PS meetings;
6.6.12. act as moderators of National WG meetings of their countries;
6.6.13. send to the PS Headquarters the reviews of the results of technical assistance projects implemented in their countries, corresponding to the MLA aims and objectives;
6.6.14. ensure the content of the country page of the TRACECA web-site in their countries, including distribution of the information relevant for the corridor;
6.6.15. maintain close contacts with mass media.

6.7. The National Secretaries shall follow in their day-to-day activities the present Statute and the Internal Regulations of the PS.

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

6.9. The National Secretaries shall once a year before 31 January, forward to the PS Headquarters the written reports on the activities of the Permanent Representation for the past period, in a format suggested by the PS. Each report shall necessarily include the information on:

- implementation of the IGC meetings' Final Resolutions and the PS meetings' Final Recommendations;
- activities of the NS, like for example, held working meetings and conferences, meetings of the national WG,
- statistics of publications on a country page of the TRACECA web-site,
- activity on strengthening the communication, publications in mass media;
- projects progress, when those are implemented;
- proposals on the corridor development.

6.10.1. The National Secretary administers the funds allocated to the Representation within the budget of the PS IGC TRACECA according to Article 3.2 (b) "Office costs" of the Agreement on Joint Financing of the PS IGC TRACECA.
6.10.2. The funds indicated in p. 6.10.1. may be spent for the Representation staff services fees, utility costs, communication costs, stationeries, a car maintenance and/or travel expenses, hospitality expenses, other expenses required for stable functioning of the Representation.

6.11. 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.

6.12. When a new National Secretary is appointed, the former one shall hand over the material assets and financial means, and documents of the Representation in accordance with the internal legislation of his/her country.

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 composition 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 shall have the inalienable right during the period of Chairmanship of his country in TRACECA to exercise monitoring of the PS activities, including administrative and financial monitoring in compliance with the Agreement on Joint Financing of the PS IGC TRACECA.

Article 8
Meetings of the Permanent Secretariat

8.1.1. The meetings of the PS shall be to implement the decisions of the IGC and to prepare for the regular annual meetings of the IGC, and shall be of a productive and advisory nature.
8.1.2. The PS shall hold its meetings on a regular basis, as often as twice a year in-person or in case of need in the web-conference format.
8.1.3. The meetings shall be held under the presidency of the Secretary General of the PS IGC.
8.1.4. The meetings shall be attended by the National Secretaries, experts and PS officials, representatives of the associate members, observers, European Commission and other TRACECA partner organizations subject to the scope of the discussed issues (or according to the agenda of the meeting).
8.1.5. The expenses for each meeting shall be envisaged in the PS annual budget.

8.2. The issues to be discussed by the meetings shall include:

- study of the problems within the competence of the IGC, as well as drafting the recommendations and decisions on these issues;
- elaboration of the relevant proposals on any amendments to the MLA and adoption of new Technical Annexes to the MLA to be discussed by the IGC;
- development of the drafts of intergovernmental and interagency agreements, corresponding to the MLA aims and objectives, TRACECA programme documents;
- elaboration of the PS annual Plan of Events;
- drafting the annual report on the PS activities, to be submitted to the IGC;
- monitoring of implementation of the Strategy of the IGC TRACECA for Development of the international transport corridor «Europe-the Caucasus-Asia» and other TRACECA programme documents, assistance in the activities related to elaboration and implementation of the projects and programmes within the framework of the MLA.

8.3. The Secretary General shall carry out drafting of the agenda of the meeting and draft documents to be discussed according to this agenda, and send these documents to the National Secretaries with the invitation to participate in the meeting by e-mail or fax, not later than 45 days before the meeting, for their consideration and approval.

8.4. The National Secretaries shall submit to the PS Headquarters the position of their respective Parties on the draft documents not later than 15 days before the meeting for consideration and elaboration of the final draft documents.

8.5. The Secretary General shall send the final draft documents to the National Secretaries not later than 5 days before the meeting.

8.6.1. The meeting of the PS is held in case of the presence of two thirds of the participants (National Secretaries) on behalf of the Parties to the MLA. The appropriate decisions adopted at the meetings are obligatory for the absent Parties.
8.6.2. During the PS meeting the draft agenda, prepared by the Permanent Secretariat shall be discussed and approved. At the opening of the meeting a new item may be included in the agenda by consensus, in case its consideration does not require special internal approval procedures.

8.7.1. The PS meeting shall be completed by adopting the recommendations of the PS within the scope of its competence to be signed by the Chairman of the meeting.
8.7.2. The recommendations elaborated according to the results of the PS meetings shall be addressed to the IGC and each Party to the MLA in order to ensure adoption of the relevant decisions to be implemented.
8.7.3. The PS shall document the minutes of each meeting including primarily the discussions, as well as the recommendations adopted by the meeting.
8.7.4. The Secretary General shall within 2 weeks after the PS Meeting send to the National Secretaries and the concerned Parties the final documents of the meetings: recommendations, draft documents either for approval by the Parties with further reconsideration at the next meeting of the PS, or for official coordination in each Party to the MLA for further consideration at the IGC meeting.

ARTICLE 9
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 10
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 11
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.

Adopted on October 21, 2021, at the Fifteenth Annual Meeting of the IGC TRACECA.