

AGREEMENT

BETWEEN

THE KINGDOM OF BELGIUM

AND

THE REPUBLIC OF ALBANIA,

BOSNIA AND HERZEGOVINA,

THE REPUBLIC OF CROATIA,

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA,

THE REPUBLIC OF MOLDOVA,

~~THE REPUBLIC OF~~ MONTENEGRO,

THE REPUBLIC OF SERBIA

AND

**THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO
ON BEHALF OF KOSOVO IN ACCORDANCE WITH UNITED NATIONS
SECURITY COUNCIL RESOLUTION 1244**

ON

**THE PRIVILEGES AND IMMUNITIES OF THE SECRETARIAT OF
THE CENTRAL EUROPEAN FREE TRADE AGREEMENT**

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BETWEEN
THE KINGDOM OF BELGIUM
AND
THE REPUBLIC OF ALBANIA,
BOSNIA AND HERZEGOVINA,
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THE REPUBLIC OF SERBIA
AND
THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO
ON BEHALF OF KOSOVO IN ACCORDANCE WITH UNITED NATIONS
SECURITY COUNCIL RESOLUTION 1244
ON
THE PRIVILEGES AND IMMUNITIES OF THE SECRETARIAT OF
THE CENTRAL EUROPEAN FREE TRADE AGREEMENT**

THE KINGDOM OF BELGIUM,
(hereinafter referred to as "Belgium",
on the one side)

AND

**THE REPUBLIC OF ALBANIA,
BOSNIA AND HERZEGOVINA,
THE REPUBLIC OF CROATIA,
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA,
THE REPUBLIC OF MOLDOVA,
~~THE REPUBLIC OF~~ MONTENEGRO,
THE REPUBLIC OF SERBIA**

and

**THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO ON
BEHALF OF KOSOVO IN ACCORDANCE WITH UNITED NATIONS SECURITY
COUNCIL RESOLUTION 1244,**

(hereinafter referred to as "the CEFTA Parties",
on the other side)

HAVING regard to Articles 40, 41 and 42 of Annex 1 to the Agreement on the Amendment of and the Accession to the Central European Free Trade Agreement done in Bucharest on 19 December 2006 (hereinafter "CEFTA 2006"), establishing a Joint Committee composed of the representatives of the CEFTA Parties;

CONSIDERING in particular Article 40.2 of Annex 1 to CEFTA 2006 according to which the Joint Committee will be supported by a permanent secretariat, located in Brussels, and will decide on the functions and administrative rules of the secretariat;

CONSIDERING Article 5 of Decision No 7/2007 of the Joint Committee of the Central European Free Trade Agreement, adopted on September 28, 2007, on the legal status of the secretariat, and in particular its paragraph 3 according to which the CEFTA Parties will negotiate and conclude a "headquarters" or similar agreement with the host country;

WISHING to conclude such an agreement to determine the privileges and immunities necessary for the functioning of the secretariat of the Central European Free Trade Agreement and for the successful accomplishment of the mission of its staff,

HAVE AGREED as follows :

CHAPTER I

Personality, privileges and immunities of the secretariat

ARTICLE 1

For the purpose of this Agreement:

- a) "Host Country" means the Kingdom of Belgium;
- b) "CEFTA Parties" means the Parties of the Agreement on Amendment of and the Accession to the Central European Free Trade Agreement, done at Bucharest on 19 December 2006;
- c) "Secretariat" means the Secretariat of the Central European Free Trade Agreement pursuant to the Article 40.2 and Article 41.5 of Annex 1 to the Agreement on the Amendment of and the Accession to the Central European Free Trade Agreement;
- d) "Director" means a person appointed as the Head of the Secretariat of the Central European Free Trade Agreement;
- e) "Staff" means the members of the Secretariat as notified to the Protocol Service of the Federal Public Service Foreign Affairs in accordance with Article 19.3 of this agreement.

ARTICLE 2

The Secretariat shall have international legal personality and capacity. The Secretariat will have such legal capacity as is necessary for the exercise of its functions, including the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute and participate in legal proceedings.

ARTICLE 3

The Secretariat, as well as its properties and assets used for the exercising of the official functions of the Secretariat, shall enjoy legal immunity except where expressly renounced by the Secretariat.

ARTICLE 4

1. The properties and assets of the Secretariat used for the exercising of its official functions may not be subject to any form of requisition, confiscation, sequestration nor to any other form of seizure or constraint.

2. Should any form of expropriation be necessary, all appropriate action will be taken to prevent the exercising of the functions of the Secretariat being impeded in any way. In this case Belgium will give its assistance to enable relocation of the Secretariat.

ARTICLE 5

The archives of the Secretariat, and, in a general way, all documents of the Secretariat or those held by it shall be inviolable.

ARTICLE 6

1. The premises used exclusively for the exercising of the official functions of the Secretariat are inviolable. Permission by the representative of the Secretariat shall be required for access to its premises.
2. This permission, however, shall be assumed to be given in case of emergencies requiring prompt protective action.
3. Belgium shall take all appropriate measures to prevent invasion or damage to the Secretariat premises, to prevent the peace of the Secretariat being disturbed or its dignity being diminished in any way.

ARTICLE 7

1. Without prejudice to the international provisions and to the relevant provisions of the European Community the Secretariat may hold in Belgium currency of any kind and operate accounts in all currencies insofar as necessary for the execution of operations corresponding to its aim.
2. Belgium undertakes to grant the Secretariat all authorisations necessary to freely transfer, according to the modalities provided for in the applicable national regulations and international agreements, funds necessary for the setting up and operation of the Secretariat.

ARTICLE 8

The Secretariat, its properties, its incomes and other goods destined for its official use shall be exempt from all direct taxes.

ARTICLE 9

When the Secretariat makes substantial purchases of movable or immovable goods or has substantial services performed that are strictly necessary for the exercising of its official activities and where the price includes indirect taxes or VAT, appropriate measures shall be taken whenever possible with a view to the remission or reimbursement of the amount of these taxes.

ARTICLE 10

No exemption from direct and indirect taxes shall be granted for incomes of the Secretariat which originate from an industrial or commercial activity exercised by the Secretariat or by one of its members for the Secretariat.

ARTICLE 11

The Secretariat shall be exempt of all indirect taxes regarding goods imported, acquired or exported by it or in its name for its official use.

ARTICLE 12

Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and the application of legal and regulatory provisions regarding public order, security, health or morals, the Secretariat may import all goods and publications destined for its official use.

ARTICLE 13

The Secretariat shall be exempt from all indirect taxes regarding the official publications that it receives or sends abroad.

ARTICLE 14

The goods belonging to the Secretariat cannot be disposed of in Belgium except under conditions provided by Belgian laws and regulations.

ARTICLE 15

The Secretariat shall not be exempt from taxes and duties that are, in fact, no more than charges for public utility services.

ARTICLE 16

Freedom of communication for its official purposes shall be guaranteed to the Secretariat. Its official correspondence shall be inviolable.

ARTICLE 17

Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and the application of laws and regulations, the conditions and procedures for the application of Articles 8, 9, 10, 11, 12, 13 and 14 shall be determined by the competent Minister of Finance.

CHAPTER II

Legal position of the director and staff

ARTICLE 18

1. The Director and one additional staff member who replaces the Director in case of his/her absence shall enjoy the immunities, privileges and facilities granted to the members of the diplomatic personnel of diplomatic missions. Their spouse and dependent minor children, living under the same roof, shall enjoy the privileges granted to the spouses and to the minor children of the diplomatic personnel.
2. For the application of taxes on income and taxes on capital, elements of income or of capital of the Director and the staff member mentioned in paragraph 1 of this article shall be taxable in the country where they are considered as resident at the time of their taking up their duties, in accordance with the provisions of the conventions on the avoidance of double taxation.

ARTICLE 19

1. The staff of the Secretariat shall enjoy:
 - a) legal immunity for acts performed in their official capacity, including words written or spoken; such immunity shall apply even after they have left the service;
 - b) inviolability of all official papers and documents.
2. The staff of the Secretariat, as well as their legal spouse and their dependent minor children, living under the same roof, shall enjoy exemption from measures restricting immigration and from aliens registration formalities. This exemption shall be given in accordance with Belgian legislation on the matter.
3. The Secretariat shall notify the Protocol Service of the Federal Public Service Foreign Affairs of the arrival and final departure of its staff and shall also provide the following specific information about the staff such as:
 - a) surname and first name
 - b) place and date of birth
 - c) sex
 - d) nationality
 - e) permanent residence (town, street, number)
 - f) civil status
 - g) composition of the family
 - h) the social security scheme chosen by the staff member.

The Protocol Service of the Federal Public Service Foreign Affairs shall be notified, within two weeks, of any changes to the above-mentioned data.

ARTICLE 20

1. Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and to the application of laws and regulations, the staff members of the Secretariat, except the persons referred to in Article 18, shall enjoy the right, during a period of twelve months following their first taking up their duties in Belgium, to import or purchase, in exemption of import duties and value added tax (VAT), furniture and a motor vehicle for their personal use in Belgium.
2. The competent Minister for Finance shall determine the limits and conditions under which this Article applies.

ARTICLE 21

Belgium shall not be bound to extend to its own nationals or to permanent residents the advantages, privileges and immunities granted under this Agreement.

ARTICLE 22

For the exercising of their official functions within the Secretariat, the staff of the Secretariat shall not be subject to Belgian legislation on employment of foreign workers and on the exercising of professional self-employed activities by foreigners.

ARTICLE 23

The Secretariat shall issue, before the 1st of March of each year, to all beneficiaries a form specifying, besides their names and addresses, the amount of the salaries, emoluments and indemnities, pensions or annuities paid to them by the Secretariat during the course of the previous year.

Besides, the Secretariat shall send before the same date a duplicate of this form directly to the competent Belgian Fiscal Administration.

ARTICLE 24

1. The staff members of the Secretariat who are not Belgian nationals or who are not permanently residing in Belgium and are not exercising in Belgium any other gainful activity except that required by their functions, can choose to be covered by the social security schemes applicable to the staff members of the Secretariat under the rules provided for by those schemes. This right of option must be exercised by the staff member within two weeks of his first taking up his duties, and must be notified, within the same delay, in accordance with Article 19.3.
2. The Secretariat will ensure coverage by the Belgian social security system of its Belgian staff members or permanent residents, as well as of its staff members who have not opted for coverage by the social protection schemes provided by the Secretariat itself.
3. The Secretariat undertakes to guarantee its staff members posted in Belgium who are covered by its own social security schemes, as well as their legal spouse and their dependent children, living under the same roof, referred to in Article 19.2, advantages equivalent to those provided by the Belgian social security system.

4. Servants engaged by the Secretariat who do not occupy a permanent position considering the mission and the statutory regulations of the Secretariat will be covered by the Belgian social security system.
5. Belgium can obtain from the Secretariat the repayment of costs incurred for any aid having a social character it may have to provide to staff members posted to the Secretariat who are covered by the social security schemes applicable to staff members of the Secretariat.

CHAPTER III

General provisions

ARTICLE 25

The privileges and immunities are granted to the staff of the Secretariat only in the interest of the Secretariat and not for their personal advantage. The Director or the Joint Committee, as the case may be, shall waive all immunity whenever the immunity would impede the course of justice and such waiver does not prejudice the proper functioning of the Secretariat.

ARTICLE 26

Without prejudice to the rights conferred upon the Secretariat and its staff by this Agreement, Belgium reserves the right to take all necessary precautions in the interest of its security.

ARTICLE 27

1. The persons referred to in Articles 18 and 19 shall not enjoy any legal immunity regarding motor traffic offences or damages caused by a motor vehicle.
2. The Secretariat and its staff shall comply with all obligations imposed by Belgian legislation concerning civil liability insurance for the use of any motor vehicle.

ARTICLE 28

The Secretariat and its staff shall co-operate at all times with the appropriate Belgian authorities to facilitate the proper administration of justice, to ensure observation of police regulations and to prevent the occurrence of any abuse in connection with the immunities and privileges provided for in this Agreement.

ARTICLE 29

The Secretariat and its staff shall comply with Belgian laws and regulations and with judgments rendered against them.

ARTICLE 30

Belgium shall have no international responsibility whatsoever for the activities of the Secretariat on its territory as regards the acts or omissions of the Secretariat or of its staff acting or failing to act in the exercise of their functions.

ARTICLE 31

1. Any difference of views regarding the application or interpretation of this Agreement, which cannot be resolved through direct negotiations between Belgium and the CEFTA Parties, may be submitted, by one of the Parties, to an arbitral tribunal composed of three members.
2. Belgium and CEFTA Parties shall each appoint one arbitrator.
3. The third arbitrator shall be appointed by both Belgium and the CEFTA Parties upon consultation.
4. The third arbitrator shall be the President of the arbitral tribunal.
5. In case of disagreement on the choice of the third arbitrator, the third arbitrator shall be appointed by the President of the International Court of Justice at the request of Belgium and the CEFTA Parties.
6. The dispute shall be brought to the arbitral tribunal upon application of either Belgium or the CEFTA Parties.
7. The arbitral tribunal shall determine its own procedure.

CHAPTER IV

Final provisions

ARTICLE 32

This Agreement shall be subject to ratification, acceptance or approval by the Parties in accordance with their internal constitutional and legal procedures.

The instruments of ratification, acceptance or approval shall be deposited with the Government of the Kingdom of Belgium (Federal Public Service Foreign Affairs, Foreign Trade and International Cooperation).

This Agreement shall enter into force on the thirtieth day following the date of the receipt of the instruments of four signatory CEFTA Parties, in addition to the Kingdom of Belgium, to the effect that the internal formalities required for entry into force have been observed. The Agreement shall enter into force with respect to the other CEFTA Parties at the respective dates of the deposit of their instrument of ratification, acceptance or approval.

This Agreement can be revised at the request of both Belgium and the Joint Committee of the CEFTA Parties. Amendments to this Agreement shall enter into force in accordance with the provisions of the above paragraphs.

The Agreement shall be considered as denounced by a CEFTA Party from the date of this Party's withdrawal from CEFTA.

ARTICLE 33

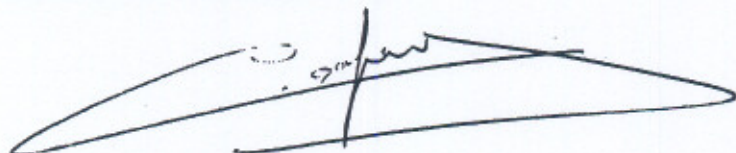
The Government of the Kingdom of Belgium shall be the depositary of this Agreement.

The original for the CEFTA Parties will be filed with the Government of the Kingdom of Belgium, depositary of this Agreement, which shall send a certified and authenticated copy thereof to all Parties.

IN WITNESS WHEREOF, the Representatives of the Kingdom of Belgium and of the Republic of Albania, of Bosnia and Herzegovina, of the Republic of Croatia, of the former Yugoslav Republic of Macedonia, of the Republic of Moldova, of the Republic of Montenegro, of the Republic of Serbia and of the United Nations Interim Administration Mission in Kosovo on behalf of Kosovo in accordance with United Nations Security Council Resolution 1244, have signed this Agreement in a single authentic copy in the English language.

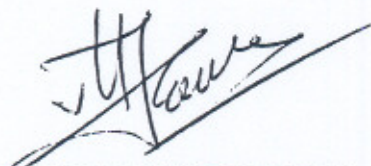
DONE in Brussels, on26th.....June 2008

FOR THE KINGDOM OF BELGIUM,



"This signature engages also the German-speaking Community, the Flemish Community, the French Community, the Walloon Region, the Flemish Region and the Brussels-Capital Region"

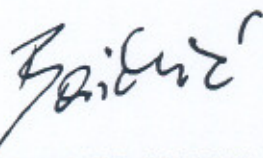
FOR THE REPUBLIC OF ALBANIA,



FOR BOSNIA AND HERZEGOVINA,



FOR THE REPUBLIC OF CROATIA,



FOR THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA,

FOR THE REPUBLIC OF MOLDOVA,

D. Cujba-

~~FOR THE REPUBLIC OF~~ MONTENEGRO,

S. Nikčević

FOR THE REPUBLIC OF SERBIA,

L. Đinđić

FOR THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO ON
BEHALF OF KOSOVO IN ACCORDANCE WITH UNITED NATIONS SECURITY
COUNCIL RESOLUTION 1244,

Albin Kurti