CARTA ORGANIZAȚIEI PENTRU COOPERAREA ECONOMICĂ A MĂRII NEGRE*

ADOPTATĂ LA IALTA, LA 5 IUNIE 1998

CHARTER OF THE ORGANIZATION OF THE BLACK SEA ECONOMIC COOPERATION

ADOPTED AT YALTA ON JUNE 5, 1998

*În vigoare pentru Republica Moldova din 1 mai 1999.

The Founding Members of the Black Sea Economic Cooperation – the Republic of Albania, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, Georgia, the Hellenic Republic, the Republic of Moldova, Romania, the Russian Federation, the Republic of Turkey and Ukraine,

HAVING signed on 25 June 1992 in Istanbul the "Summit Declaration on Black Sea Economic Cooperation",

CONFIRMING their adherence to the principles and objectives of cooperation stated therein as well as in the "Bosphorus Statement" of 25 June 1992, the "Bucharest Statement of the High Level Meeting of the BSEC Participating States" of 30 June 1995, and the "Moscow Declaration of the Heads of State or Government of the Participating States of the BSEC" of 25 October 1996,

REAFFIRMING their adherence to the principles of the United- Nations Charter, the Helsinki Final Act, the Paris Charter for a New Europe as well as the generally recognized, principles and rules of international law,

DETERMINED to promote a lasting and closer cooperation among the states of the BSEC Region,

CONSCIOUS of the growing role and-importance of regional initiatives in promoting progress and shaping contemporary international life,

REITERATING their determination to achieve through joint efforts, the constant improvement of the well-being of their peoples,

AWARE of the potential of the-Founding Members and the opportunities for enhancing, the mutually advantageous economic cooperation,

SHARING the common vision of their regional cooperation as a part. of the integration- process in Europe, based on human rights and fundamental freedoms, prosperity through economic liberty, social justice, and equal security and stability which is open for interaction with other countries, regional initiatives and international organizations and financial institutions,

RESOLVED to develop economic cooperation as a contribution to the achievement of a higher degree of integration of the Founding Members into the world economy,

EXPRESSING the desire of their countries and peoples for constructive and fruitful collaboration in wide ranging fields of economic activity with the aim of turning the BSEC Region into one of peace, stability and prosperity,

RECOGNIZING that the progress of the Black Sea Economic Cooperation

since its inception increased the need to consolidate the international legal personality of the Black Sea Economic Cooperation,

DETERMINED to transform the Black Sea Economic Cooperation into a regional economic organization,

HAVE AGREED *as follows:*

CHAPTER I

GENERAL PROVISIONS

Article 1

Establishment of the Organization

The Founding Members establish the Organization of the Black Sea Economic Cooperation, 05 a regional economic organization, hereinafter referred to as the *BSEC.*

Article 2

Definitions

For the purpose of the present Charter

a) "Organization" means the Organization of the Black Sea Economic Cooperation, which may also be referred to *as* "BSEC".

b) "Founding Members" are the States which signed the "Summit Declaration on Black Sea Economic ' Cooperation" on 25 June 1992 in Istanbul.

c) "Observer" means States or International Organizations which are granted Observer status by the BSEC.

d) "International Organizations" means those organizations which are intergovernmental or nongovernmental.

e) "BSEC Region" means the territories of the Member States.

f) "Subsidiary Organs" means any Working Group, Group of Experts, Task Force, Committee or service established by the Council of the Ministers of Foreign Affairs or under its authority.

g) "Secretary General" means the Secretary General of the BSEC Permanent International Secretariat.

h.) "Chairman-in-Office" means the Minister of Foreign Affairs of the Member State which assumes the Sessional Chairmanship of the BSEC or any other Minister designated for this purpose by the Government of State in question.

i) "Troika" means the System which consists of the Chairman-in-Office, the previous and the next Chairmen of the BSEC or their representatives.

j) "Rules of Procedure" means the Rules of Procedure of the BSEC.

CHAPTER II

PRINCIPLES AND AREAS OF COOPERATION

Article 3

Principles and Objectives

The following principles and objectives shall be promoted through the BSEC activities' at various levels:

a) to act in a spirit of friendship and good neighborliness and enhance mutual respect and confidence, dialogue and cooperation among the Member States;

b) to further develop and diversify bilateral and multilateral cooperation on the basis of the principles and rules of international law;

c) to act for improving the business environment and promoting individual and collective initiative of the enterprises and companies directly involved in the process of economic cooperation;

d) to develop economic collaboration in a manner not contravening the international obligations of the Member States including those deriving from their membership to international, organizations or institutions of an integrative: or other nature and, not preventing the promotion of their relations with third parties;

e) to take into account the specific, economic conditions, and interests of the Member States involved;

f) to further encourage the participation in the BSEC process of economiccooperation of other interested states; international economic and financial institutions as well as enterprises and companies.

Article 4

Areas of cooperation

In accordance with the agreed principles and. with the aim of utilizing more effectively their human, natural and other resources for attaining a sustained, growth of their national economies and the social well being of their peoples, the Member States shall cooperate in the following areas: *trade and economic, development; banking and finance; communications; energy; transport; agriculture*

and agro-industry; health care and pharmaceutics; environmental protection; tourism; science and technology; exchange of statistical data and economic information; collaboration between customs and other border authorities; human contacts; combating organized crime, illicit trafficking of drugs, weapons and radioactive materials, all acts of terrorism and illegal migration, or in any other related area following a decision of the Council.

CHAPTER III

PARTICIPATION

Article 5

Membership

Members of the BSEC are the States which are Parties to this Charter.

Article 6

Admission

The BSEC is open to any State which desires to become a Member and is deemed, to be able and willing to fulfill the principles and objectives of the BSEC as set forth in the present Charter.

Applications for new membership shall be submitted to the Council of Ministers of Foreign Affairs, hereinafter referred to as the Council for consideration and approval according to the Rules of Procedure.

Article 7

Withdrawal

Any Member State may withdraw from the BSEC by formally notifying the Secretary General of the BSEC Permanent International Secretariat of its decision thereof.

Withdrawal shall become effective on the date specified in the notification as far as the financial obligations are concerned, such withdrawal shall take effect at the end of the financial year in which it is notified.

Article 8

Observer Status

Observer status in the BSEC shall be open, upon request, to any State or international organization which expresses its readiness to make practical and valuable contribution to the work of the BSEC.

Observer status may be granted, suspended, or terminated by the Council in accordance with the Rules of Procedure.

Article 9

Relations with Third Parties

The BSEC shall promote a relationship with third parties (states, international organizations and institutions) interested to cooperate on various matters of mutual concern through;

a) dialogue partnership, within a frame of periodic exchanges and consultations;

b) sectoral dialogue partnership; possibility of attending meetings on specific subjects;

c) invitation of guests; possibility of attending sessions of the BSEC upon the invitation of the Chairman-in-office and with the consent of all the Member States.

Dialogue partnership and sectoral dialogue partnership may be granted following the resolution of the Council.

CHAPTER IV

SUMMIT MEETINGS

Article 10

The Heads of State or Government of the Member States may meet, when the need arises.

CHAPTER V

PRINCIPAL AND SUBSIDIARY ORGANS

Article 11

Council of Ministers of Foreign Affairs

The Council is the principal regular decision making organ of the BSEC. The Council, in the framework of the BSEC objectives, shall:

a) decide on all issues pertaining to the functioning of the BSEC;

b) consider all matters submitted by the Subsidiary Organs and to take accordingly appropriate decisions;

c) take the decisions on membership and observer status;

d) adopt and modify the Rules of Procedure;

e) establish Subsidiary Organs within the BSEC, to assign tasks to them, to define,. modify or terminate their mandates;

f) consider any other related matters it may deem appropriate.

Article 12

Subsidiary Organs

The Council may establish Subsidiary Organs.

The Subsidiary Organs shall carry out their mandate defined by the Council, draw up joint projects as well as pursuing the implementation of such projects/activities in their respective areas.

The Subsidiary Organs shall submit to the Council reports on the progress of their activities, as well as relevant recommendations.

Article 13

Chairman-in-office

The Chairman-in-office shall coordinate all activities carried out within the framework of the BSEC and ensure the proper conduct of the BSEC proceedings as well as the implementation of the Resolutions and Decisions adopted.

The Chairmanship shall rotate every six months according to the English alphabetical order.

Should the Chairmanship be waived by a Member State, it will be assumed by the next Member State in line.

Article 14

Troika System

Upon request of the Chairman-in-office, the Troika convenes at the appropriate level in order to exchange views on current and prospective activities of the BSEC and on its relations with other international organizations and institutions.

Article 15

Committee of Senior Officials

The Committee of Senior Officials, representing the Ministers of Foreign Affairs of the Member States and acting on their behalf is entrusted with the following competencies:

a) reviews activities of the Subsidiary Organs, evaluates the implementation of decisions and recommendations of the Council and elaborates recommendations and proposals to be presented to the Council.

b) considers issues related to coordination and cooperation with BSEC

related bodies, informs the Council about these issues and works out, if necessary, pertinent recommendations and. proposals;

c) studies organizational aspects of the BSEC activities, participates in the elaboration of preliminary calendar of events, takes decisions an relevant matters except the issues under the competence of the Council and the Chairman-in-office;

d) submits to the Council for approval the annual budget of the BSEC;

e) nominates experts to a specialized sub-group for carrying out the budget auditing.

Article 16

Permanent International Secretariat

The Secretarial services of the BSEC shall be carried out by the Permanent. International. Secretariat called hereinafter PERMIS, established-for this purpose.

The PERMIS of the BSEC is located, in Istanbul, Republic of Turkey.

The PERMIS will function under the authority of the Chairman-in-office of the BSEC. That authority shall bé executed by the Secretary General.

The staff of the PERMIS shall perform their duties as international officials with due regard to the principles and objectives of the BSEC. Their conduct shall always conform to the principles of integrity and impartiality required for their work.

In the performance of their duties the staff of the PERMIS shall not seek or receive instructions from any government or from any authority external to the BSEC. They shall refrain from any action which might reflect on their position as international officers responsible only to the Organization.

CHAPTER VI

QUORUM AND DECISION MAKING

Article 17

Quorum

Quorum for the Council shall be 2/3 majority of the Member States.

Article 18

Decision-making

The decision making mechanism is set forth in the Rules of Procedure.

The Council shall endeavor to achieve consensus on all issues. On some issues, as defined in the Rules of Procedure, consensus is mandatory.

CHAPTER VII

BSEC RELATED BODIES

Article 19

General Terms

The BSEC related bodies that have their own budgets shall perform their functions in accordance with their basic instruments and with due respect to the principles of the B SEC set forth in the "Summit Declaration on Black Sea Economic Cooperation" of 25 June 1992 and in this Charter.

Article20

Parliamentary Assembly of the-Black Sea Economic-Cooperation

The Parliamentary Assembly of the Black Sea- Economic Cooperation, called hereinafter PABSEC, representing national Parliaments of the Member States, provides consistent support. to the Black Sea cooperation process on a. consultative basis.

The BSEC will closely cooperate with the PABSEC in promoting the BSEC objectives.

The BSEC-PABSEC relations shall be based on the principles of the "Summit Declaration on Black Sea Economic Cooperation" of 25 June 1992 signed in Istanbul, the subsequent Summit Meetings decisions, as well as the "Declaration on the Establishment of the Parliamentary Assembly of the Black Sea Economic Cooperation", adopted on 26 February 1993 in Istanbul.

Article 21

BSEC Business Council

The BSEC Business Council, an international non-governmental organization, consists of representatives of the business communities of the BSEC Member States.

The Reports of the Business Council may be submitted to the Council for information and, if necessary, appropriate action.

Article 22

Black Sea Trade and Development Bank

The Member States, by the "Agreement Establishing the Black Sea Trade

and Development Bank" (BSTDB) done in Tbilisi on 30 June 1994, setup the BSTDB.

The purpose of the Bank shall be to effectively contribute to the transition process of the Member States towards the economic prosperity of the people of the region and to finance and promote regional projects and provide other banking services to projects of the public and private sectors in the Member States and trade activities among the Member States in conformity with the provisions of the Agreement Establishing the BSTDB.

Article 23

Academic cooperation

The BSEC will promote the cooperation among academic communities, scholars and scientists of the Member States, with the aim to promote the principles and objectives of the BSEC within their competence.

Article 24

BSEC affiliated centers

The BSEC affiliated centers are established upon approval of the Council to serve all the interested. Member States on specific areas of cooperation.

The respective centers should work in close relationship with the relevant Subsidiary Organs of the BSEC, in accordance with their specific areas of activity.

The results of the centers activities are of consultative nature.

CHAPTER VIII

FINANCIAL PROVISIONS

Article 25

Budget of the Organization

The Budget of the BSEC is composed of the financial contributions from the Member States determined according to relevant resolutions of the Council.

The budget shall be authorized and audited on an annual basis. The financial year shall run from 1 January to 3 1 December.

Failure of fulfillment of financial obligations shall be submitted to the Council for consideration.

Article 26

Voluntary contributions to the Organization

Special funds may be created upon the resolutions of the Council. To this purpose, contributions on voluntary basis from the BSEC Member States, group of States, Observers, third parties-donors shall be welcomed, provided that the conditions attached to such voluntary contributions are consistent with the principles and objectives of the BSEC.

Each special fund shall be governed by specific rules and regulations adopted for such fund by the Council.

CHAPTER IX

LEGAL PROVISIONS

Article 27

Legal capacity

The BSEC shall possess juridical personality. It shall have the capacity:

a) to contract;

b) to acquire and dispose of movable and immovable property;

c) to initiate legal proceedings.

Article 28

Privileges and Immunities

The BSEC, its Officials and the Representatives of Member States shall enjoy in the territories of Member States the privileges and immunities, defined in the: "Convention on Privileges and Immunities of the United Nations", adopted by the General Assembly of the United Nations on 13 February 1946, which are necessary for the independent exercise of their functions in accordance with the principles and. objectives of the BSEC.

Officials of the PERMIS and the Representatives of Member States who are nationals of, or permanent residents in the Host country shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of their functions.

The Members shall conclude an Additional Protocol regarding the privileges and immunities of the BSEC and the PERMIS staff.

Article 29

Settlement of disagreements

In case of a disagreement between two or more Member States concerning the interpretation or application of this Charter, the Parties concerned shall consult and, if necessary, they shall submit the disagreement to the Council for consideration and appropriate actions.

Article 30

Amendments

Any Member State may propose an amendment to this Charter.

The text of any proposed amendment shall be circulated to the Member States through the PERMIS and submitted to the Council for consideration and approval.

Amendments to this Charter, approved pursuant to paragraph 2 above, shall be subject to ratification, acceptance or approval by the Member States and shall enter into force according to the procedure set forth in Article 33.

CHAPTER X

FINAL PROVISIONS

Article 31

Signature, ratification, acceptance, approval, accession.

The present Charter shall he open for signature by all Founding Members of the BSEC.

This Charter is subject to ratification, acceptance or approval by the signatory Founding Members of the BSEC.

This Charter shall be open for accession, by any non-signatory state in accordance with the provisions of this Charter.

Instruments of ratification, acceptance, approval or accession, shall be deposited with the Depository.

Article32

Reservations

No reservations may be made to this Charter.

Article 33

Entry into force

This Charter shall enter into force on the first day of the month following the date when nine Founding Members have deposited their instruments of ratification, acceptance or approval.

For each State which ratifies, accepts, approves or accedes to this Charter after the date of its entry into force, as provided in paragraph 1, this Charter shall enter into force on the date of the deposit by that State of its respective instruments.

Article 34

Depository

The PERMIS shall be the depository of this Charter.

The original of this Charter in a single copy in the English language shall be deposited with the PERMS, as Depository.

IN WITNESS WHEREOF, the undersigned being duly authorized to that effect have stoned this Charter.

Done at Yalta this fifth day of June one thousand nine hundred ninety eight.