AGREEMENT

between

THE REPUBLIC OF MOLDOVA

and

THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

concerning

THE LEGAL STATUS OF THE INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES IN THE REPUBLIC OF MOLDOVA

The REPUBLIC OF MOLDOVA, on the one hand,

and

the International Federation of Red Cross and Red Crescent Societies, on the other hand,

RECALLING the Statutes of the International Red Cross and Red Crescent Movement, adopted by the XXVth International Conference of the Red Cross (Geneva, 1986), according to which the general object of the International Federation of Red Cross and Red Crescent Societies is "to inspire, encourage, facilitate and promote at all times all forms of humanitarian activities by the National Societies, with a view to preventing and alleviating human suffering and thereby contributing to the maintenance and the promotion of the peace in the world", its functions are in particular to carry out humanitarian activities, including providing relief in case of disaster and providing assistance to the development of Red Cross or Red Crescent National Societies in accordance with its Constitution, as amended,

NOTING the common will of the Republic of Moldova and the International Federation of Red Cross and Red Crescent Societies to specify the legal status of the latter and its personnel on the territory of the Republic of Moldova, in particular if, for fulfilling its statutory functions, the International Federation of Red Cross and Red Crescent Societies were to establish a Delegation on the territory of the Republic of Moldova,

CONSIDERING it necessary to conclude a formal agreement to determine this legal status and to provide for the effective operation thereof,

HEREBY AGREE as follows:

ARTICLE 1
DEFINITIONS

For the purposes of the present Agreement:

a) "the Agreement" means the present Agreement;
b) "the Host State" means the Republic of Moldova;
c) "the Government" means the Government of the Republic of Moldova;
d) "the Territory" means the territory of the Republic of Moldova;
e) "the IFRC" means the International Federation of Red Cross and Red Crescent Societies;
f) "the Parties" means the Republic of Moldova and the IFRC, jointly;
g) "the Secretary General" means the Secretary General of the IFRC;
h) "the President" means the President of the IFRC;
i) "the Delegation" means the office that the IFRC has opened in the Territory and any office that the IFRC may open in the Territory, subject to the consent referred to in Article 15;
j) "officer" means any IFRC staff but does not include members of the Delegation;
k) "office bearer" means any IFRC official who is entitled to represent IFRC without being IFRC staff;

l) "the Head of Delegation" means the highest-ranking member of the Delegation, or the person officially acting on his/her behalf in his/her absence, fully empowered to represent the IFRC in the Territory;

m) "the Delegates" means the staff of the IFRC assigned to undertake their duties in the Delegation with the exception of the staff locally employed;

n) "the staff locally employed" means the administrative and technical staff recruited by the IFRC on the Territory, among nationals of the Host State or people permanently residing on the Territory;

o) "the members of the Delegation" means the Head of Delegation, the Delegates and the staff locally employed;

p) "the expert" means individuals who are not IFRC staff performing services or undertaking temporary missions on behalf of the IFRC in the Territory;

"the Family Members and Dependents" of Delegates means the husband or wife, registered partner, children up to the age of 18, as well as those up to the age of 23, who follow general or professional secondary education in the Territory, who are not married, as well as other persons dependent of the IFRC Delegates working in the Territory, regardless of age.

TITLE I - PROVISIONS CONCERNING THE STATUS OF THE IFRC

ARTICLE 2
LEGAL PERSONALITY OF THE IFRC

1. The host State recognizes the international legal personality of the IFRC, the mandate of which is laid down in the Statutes of the International Red Cross and Red Crescent Movement, adopted by the XXVth International Conference of the Red Cross (Geneva, 1986).

2. In order to exercise its functions and to fulfil its purposes, the IFRC shall possess, on the Territory, legal personality with the full capacity to contract, to acquire and dispose of immovable and movable property and to institute legal proceedings.

3. Recognizing that the IFRC, similar to intergovernmental organisations, is subject to its own legal framework including comprehensive data protection rules, the status of the IFRC shall be, and its treatment shall in any case be not less favourable than, that of an intergovernmental organization.

ARTICLE 3
FREEDOM OF ACTION AND FIELD OF OPERATION OF THE IFRC

1. The IFRC shall be free to carry out, on the Territory, such activities as may be necessary for the exercise of its humanitarian mission, in conformity with its own Constitution and with the Fundamental Principles of the International Red Cross and Red Crescent Movement.

2. On the Territory, the IFRC shall act through or in agreement with the Society of the Red Cross of the Republic of Moldova and in conformity with its mandate and any applicable laws of the Host State.

3. The IFRC, its officials including officers, office bearers and experts shall be entitled to make use at all times of the red cross, red crescent and red crystal emblems.

ARTICLE 4
FACILITIES

The Republic of Moldova shall facilitate, proportionate to the capabilities of the Host State, the humanitarian activities of the IFRC. It shall, in particular, allow and facilitate to the extent possible transnational operations, contacts, and communications of the IFRC. It shall, to the maximum extent possible, apply to the IFRC the "Measures to Expedite International Relief" adopted by Resolution VI of the XXIIIrd International Conference of the Red Cross (Bucharest, 1977) and subsequently reaffirmed by Resolution A/RES/32/56 (1977) of the United Nations General Assembly.

ARTICLE 5
LOGISTICS REQUIREMENTS

The Government shall facilitate, according to the provisions of the present Agreement the deployment in extraordinary situations by the IFRC, of ad hoc logistics capacities from the Territory for the support of its operations in the region. The Government shall facilitate the IFRC to receive, stock, distribute, dispatch or transfer within reasonable time, articles intended for official use and articles intended for IFRC assistance programmes within the country or in another country.

ARTICLE 6
FREEDOM OF FINANCIAL TRANSACTIONS

The Government shall facilitate, within its authority, that the IFRC, without being restricted by financial controls, regulations, or moratoria of any kind:

a) may hold any funds or currency of any kind and operate accounts in any currency; and
b) shall be free to transfer its funds or currency within the Republic of Moldova, from one country to another and to convert any currency held by it into any other currency.

ATRICLE 7
TAX AND CUSTOMS DUTIES EXEMPTIONS

1. The IFRC, its assets, premises, income, and property shall be exempt from all forms of direct taxation, except for dues that constitute charges for public utility services.

2. The Government shall make appropriate administrative arrangements, according to the national law, for the remission or return of valued added tax imposed in connection with the procurement or provision of goods and services, intended for the IFRC's official use within the Territory or in another country.

3. The IFRC shall be exempt from all import and export duties and charges having equivalent effect and from all taxes, prohibitions and restrictions on the import, export, or transit through the Territory of all goods, services and materials (including IFRC publications, audio-visual materials and medical items) intended for official use or for IFRC assistance programmes within the Territory or in another country.

4. In case of transit, the IFRC shall be exempt from customs obligations.

ATRICLE 8
PUBLIC FEES EXEMPTIONS

The IFRC shall be granted air-traffic and harbour rights and be exempt of all related public fees, including overflying, landing, parking and loyalties fees for all transports over, through or to the Territory as well as port and quays dues covering inter alia pilotage, mooring and berthing. The IFRC shall be granted the usage of public seaport facilities for reception and dispatch of humanitarian cargo.

ARTICLE 9
FREEDOM OF COMMUNICATION

1. The IFRC shall be free to use, for official purposes and without any interference, the means of communication it deems most appropriate, particularly when communicating with IFRC headquarters in Geneva and its offices around the world, with other international agencies and organisations, with government departments, and with bodies corporate or private individuals.

2. In particular, the IFRC shall, without restrictions, have the right to purchase and install on its premises all types of telecommunication equipment and to use mobile equipment within the national territory. It shall be exempt from licensing fees and from all other related fees, rates, taxes and charges. The IFRC shall use frequencies assigned to it by the competent national authority, in accordance with relevant international instruments, including Resolution No. 10 (Rev.WRC-2000) of the International Telecommunication Union.

3. In all matters relating to official communications, the IFRC shall enjoy treatment not less favorable than that accorded to international intergovernmental organizations or diplomatic missions.

4. The IFRC shall have free access to the national and international print and broadcast media.

5. The IFRC shall have the right to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags. The bags shall be properly marked with the emblem of the red cross and red crescent accompanied by the name of the IFRC. The courier shall be provided with an official document indicating his or her status and the number of packages in the bag.

6. The Government shall not interfere with IFRC communications, including data in transit, through interception, censorship, or any other means.

ARTICLE 10
STATUS OF OFFICERS, OFFICE BEARERS AND EXPERTS OF THE IFRC

1. Officers and office bearers of the IFRC, holding the IFRC identity card accompanied by a certificate that they are travelling on the business of the IFRC and experts shall enjoy, while exercising their functions and during their mission on the Territory:
   a) personal inviolability;
   b) immunity from legal process in respect of words spoken or written and all acts or omissions performed by them, including in their official capacity, even after the end of their mission; this immunity from jurisdiction will include the exemption to testify on facts that they might have learned due to the exercise of their functions;
   c) exemption from taxation in respect of the salaries and emoluments paid to them by the IFRC;
   d) the Government will provide free of charge and as quickly as possible the appropriate visas;
   e) the same repatriation facilities in time of national, regional, or international crisis as officials of comparable rank of diplomatic missions and intergovernmental organisations; and
   f) freedom of movement and travel;
   g) for purposes of communication with the IFRC, the right to use codes and to receive papers or correspondence by courier or in sealed bags.

2. In addition to the status specified in paragraph 1 of the present article, the President and the Secretary General of the IFRC or any office bearer or official acting on their behalf during their absence from duty, shall be accorded in respect to themselves, their Family Members and Dependents, the immunities, facilities, exemptions and privileges accorded to diplomatic envoys in accordance with international law.

3. The number of officers, office bearers and experts should be reasonably proportionate to the fulfilment of the IFRC's mandate. In case the Government finds the number to be excessive, it shall consult IFRC and the Parties will discuss and agree on the appropriate number of officers, office bearers and experts.

ARTICLE 11
WAIVER OF PRIVILEGES AND IMMUNITIES

The immunities, facilities, exemptions and privileges set out in Article 10are accorded not for the personal benefit of the individuals themselves, but in order to safeguard the effective exercise of their humanitarian mission in strict compliance with the Fundamental Principles of the International Red Cross and Red Crescent Movement. Therefore, the Secretary General (or any official acting on his/her behalf during his/her absence from duty) shall have the right and the duty to waive the immunity of any person concerned in any case where, in the opinion of the Secretary General, the immunity would impede the course of justice and can be waived without prejudice to the interests of the IFRC, in accordance with Article 32 of the Vienna Convention on Diplomatic Relations of 18 April 1961.

ARTICLE 12
IMMUNITY OF THE IFRC, ITS PROPERTY, AND ASSETS

The IFRC, its property and assets, including its vehicles, wherever located in the Territory and by whomsoever held, shall enjoy immunity from every form of legal and administrative process, except insofar as in any particular case the Secretary General has expressly waived this immunity.

ARTICLE 13
INVIOLABILITY OF IFRC PREMISES, PROPERTY, ASSETS AND ARCHIVES

1. The premises of the Delegation shall be inviolable. The property and assets of the IFRC, wherever located in the Territory and by whomsoever held shall be immune from search, requisition, confiscation, expropriation, and any other form of interference, whether by executive, administrative, judicial, or legislative action.

2. The archives of the IFRC, and in general, all documents, including electronic documents, belonging to it or held by it, shall be inviolable wherever located in the Territory.

ARTICLE 14

PROTECTION OF PERSONAL DATA

1. The IFRC shall have the right to process personal data which are necessary for the performance of a task incumbent upon the IFRC in the exercise of its mandate and humanitarian action.

2. The processing of personal data by the IFRC shall be covered by the privileges and immunities foreseen in the present Agreement. In particular, the IFRC processes personal data in accordance with the IFRC Policy on the Protection of Personal Data and the IFRC's data processing is supervised by the IFRC's Data Protection Office.

3. The IFRC shall ensure adequate safeguards with respect to its processing activities, including by its processors and sub-processors with regard to the processing activities in relation to which the IFRC is a data controller.

4. In all cases of processing of personal data transmitted by the other party, the parties will ensure a level of personal data protection, including appropriate security and confidentiality measures, at least equivalent to those resulting from the application of the principles of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), with subsequent amendments and additions to it.

TITLE II - PROVISIONS CONCERNING THE STATUS OF THE DELEGATION

ARTICLE 15
FUNCTIONS OF THE DELEGATION

1. The IFRC may, at any time, transform its Delegation into a Regional Delegation and shall consequently be entitled to extend its activities to the territories of other States in the region, with the consent of the Government of those States.

2. The Delegation shall be based in the capital of the Host State. With the consent of the Government the IFRC may establish further offices in the Territory.

ARTICLE 16
MEMBERS OF THE DELEGATION

1. The Secretary General shall communicate the name of the Head of Delegation to the Competent Authority responsible for foreign affairs as soon as he/she takes up his/her post at the Delegation.

2. The Head of Delegation shall communicate to the same authority the names of the other members of the Delegation as soon as they take up their post. The number of the Members of the Delegation should be reasonably proportionate to the fulfilment of the IFRC's mandate. In case the Government finds the number to be excessive, it shall consult IFRC and the Parties will discuss and agree on the appropriate number of the members of the Delegation.

3. Information concerning the end of the functions of the members of the Delegation will be transmitted in the same conditions.

ARTICLE 17
STATUS OF THE MEMBERS OF THE DELEGATION

1. The Head of Delegation and the Delegates shall enjoy:
   a) immunity from personal arrest or detention and from seizure of their personal baggage;
   b) immunity from legal process in respect of words spoken or written and all acts and or omissions performed by them, including in their official capacity as representatives, even after they have left the service of the Delegation, this immunity from jurisdiction will include the exemption to testify on facts that they might have learned due to the exercise of their functions;
   c) inviolability of private residences, vehicles, documents, manuscripts and all other personal effects;
   d) exemption from taxation in respect of the salaries and emoluments paid to them by the IFRC or received by them from outside the Territory in general;
   e) preferential treatment, also accorded to accompanying Family Members and Dependents, regarding entry into and exit out of the Territory, including the accelerated issuance of appropriate visas and recognition of the right to temporary residence;

f) the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions and intergovernmental organisations;
g) together with their Family Members and Dependants, the same repatriation facilities in time of national or international crisis as officials of comparable rank of diplomatic missions and intergovernmental organisations;
h) freedom of movement and travel;
i) the right to import/export their furniture and personal effects, including vehicles, with exemption of import/export duties;
j) exemption from national service obligations;
k) family members and dependents who accompany delegates will be granted the right to work subject to applicable national labour legislation.

In addition to the above-mentioned privileges and immunities the Delegates and their family members and dependants shall benefit from the same status that is accorded under the Vienna Convention on Diplomatic Relations of 16 April 1961 to diplomatic agents.

2. The locally employed staff shall exclusively enjoy the following immunities, during the exercise of their functions:
   a) in respect of words spoken or written and all acts done by them in their official capacity as representatives, immunity from legal process of every kind even after the end of their mission – this immunity from jurisdiction will include the exemption to testify on facts that they might have learned due to the exercise of their functions;
   b) freedom of movement and travel, when they assume their official functions;
   c) limited exemption from public service obligations regarding military service and the provisions of any other public services. The IFRC will provide necessary information to support exemption from national service to relevant authorities as requested. The limited exemption will be formulated by the relevant Government authority, taking into account the IFRC's needs to fulfil its mandate;
   d) The incomes of resident employees of the host State are taxed in the general manner established by the tax legislation of the host State.

3. The IFRC shall co-operate with the authorities at all times with a view to preventing any form of abuse of the privileges, immunities and facilities provided for in this Agreement. These immunities, facilities, exemptions and privileges are accorded not for the personal benefit of the individuals themselves, but in order to safeguard the effective exercise of their humanitarian mission in strict compliance with the Fundamental Principles of the International Red Cross and Red Crescent Movement. Therefore, the Secretary General or any official acting on his/her behalf during his/her absence from duty, shall have the right and duty to waive the immunity of any member of the Delegation in any case where, in the opinion of the Secretary General, the immunity would impede the course of justice and can be waived without prejudice to the interests of the IFRC. In addition, the Government may, at any time

and without having to explain its decision, notify IFRC that a member of its staff is declared persona non grata or not acceptable.

ARTICLE 18
HOUSING AND OFFICE

1. The Host State shall advise on the acquisition or utilisation of appropriate office premises for the Delegation, as well as suitable housing accommodation for the Head of Delegation and the Delegates.

2. The Host State shall take all appropriate steps to protect the premises of the Delegation against any intrusion or damage and to prevent any disturbance of the peace of the Delegation or impairment of its dignity.

ARTICLE 19
VEHICLES REGISTRATION

The Host State shall facilitate registration of the vehicles of the Delegation as vehicles of diplomatic missions. All members of the Delegation in the Territory, as well as officers, office bearers or experts, regardless of their nationality or place of permanent residency, shall be authorised to drive the so-registered vehicles of the IFRC in the Territory in accordance with legislation of the Host State regarding traffic rules and in accordance with IFRC's internal rules and procedures, and such persons will be covered by the IFRC's insurance thereof.

TITLE III - FINAL PROVISIONS

ARTICLE 20
IMPLEMENTATION MEASURES

1. The Government shall take all necessary measures to secure the implementation of the provisions of this Agreement.

2. The Secretary General will take all necessary measures to ensure that the IFRC, its representatives and staff, including the members of the Delegation, will comply with the provisions of the present Agreement, alongside the observance of national legislation of the Host State.

ARTICLE 21
INTERPRETATION

1. The Agreement shall be interpreted in the light of its primary objectives, which are to enable the IFRC to assume its responsibilities, to discharge its duties and to carry out its programmes fully and efficiently.

2. Any matter not provided for in the present Agreement shall be decided in accordance with the Convention on the Privileges and Immunities of the Specialized Agencies, of 21 November 1947, or in accordance with general principles of international law.

ARTICLE 22
DISPUTE SETTLEMENT

1. Any dispute between the Parties to this Agreement arising out of the interpretation or application of the Agreement shall be subject to negotiations between the Parties.

2. Any difference concerning the interpretation or application of the present Agreement, which is not settled by negotiation, may, at the request of one of the Parties, be submitted to an arbitral tribunal composed of three members, including one member serving as chair. The Government and the IFRC will each designate one member of the arbitral tribunal; the members so designated will nominate a chair. In case of disagreement between the members concerning the selection of a chair, the latter will be designated by the President of the International Court of Justice, upon request of the members of the tribunal. The arbitral tribunal, whose decision will be final and binding on both Parties, will establish its own procedure.

ARTICLE 23
AMENDMENTS

By the mutual consent of the Parties, the present Agreement may be amended. The amendments shall constitute an integral part of the present Agreement and shall be done by concluding respective Protocols, entering into force in accordance with the procedure stipulated by Article 24 of the present Agreement.

ARTICLE 24
APPLICATION, ENTRY INTO FORCE AND TERMINATION

1. The present Agreement shall constitute an international treaty, which enters into force on the date the IFRC receives a written notification stating that Republic of Moldova has completed the internal procedure provided for in the legislation and required for the Agreement to enter into force.

2. This Agreement will be applied provisionally from the day of its signature.

3. The provisions under Title II of this Agreement will apply, after the signature of the Agreement, as soon as the Secretary General informs the Authority, responsible for foreign affairs of his/her will to open a Delegation in the Republic of Moldova. Should the Delegation be closed for any reason, the closing date will be communicated in due time by the Secretary General to the same authority, and the provisions of Title II of this Agreement shall become dormant. At such time as the Secretary General informs the respective Authority of his/her will to re-open the Delegation, the provisions of Title II of this Agreement shall, again, apply without modification.

4. This Agreement shall remain in force unless terminated by either Party by written notice, which shall be given at least six months in advance.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed and sealed this Agreement.

DONE on July 25, 2023 in Chisinau, in two original copies, in Romanian and English languages, both texts being equally authentic. In the event of any discrepancy between the two, the English text shall prevail.

For the Republic of Moldova

Alexei BUZU

Minister of Labour and Social Protection

For the International Federation of Red Cross and Red Crescent Societies

Stéphane MICHAUD

Head of Country Cluster Delegation for Ukraine, Poland, Moldova, Lithuania, Latvia and Estonia