

Host Country Agreement
between
the Government of the Kingdom of Norway
and
The International Barents Secretariat for the Cooperation
in the Barents Euro-Arctic Region

on the Legal Status of the Secretariat and the Privileges and Immunities of the Secretariat and its Permanent Staff Members

The Government of the Kingdom of Norway, hereinafter referred to as the Government, and the International Barents Secretariat for the Cooperation in the Barents Euro-Arctic Region, hereinafter referred to as the Secretariat;

Referring to the Agreement concluded by the Government of the Republic of Finland, the Government of the Kingdom of Norway, the Government of the Russian Federation and the Government of the Kingdom of Sweden on the Establishment of an International Barents Secretariat for the Cooperation in the Barents Euro-Arctic Region;

Considering that the Agreement has been supported by the Barents Regional Council;

Noting that the establishment of the Secretariat will make the Barents cooperation more coherent and efficient; and

Desiring to regulate the legal status of the Secretariat in Norway as well as the privileges and immunities of the Secretariat and its Permanent Staff Members necessary for the efficient functioning of the Secretariat;

Have agreed as follows:

ARTICLE 1

Definitions

In the present Agreement,

1. "Head of the Secretariat" means the person appointed as the Head of the Secretariat and during his or her absence, any other Permanent Staff Member specially designated to act on his or her behalf.
2. "Permanent Staff Members" means the Head of the Secretariat and the professional and administrative personnel of the Secretariat who perform functions of the Secretariat as defined in the Terms of Reference as their main employment. Permanent Staff Members do not include persons who are seconded, or perform part time work or temporary missions, or persons performing functions of a general, supportive character (e.g. clerical and technical work), or persons recruited on internship.

ARTICLE 2

Legal Capacity of the Secretariat

The Secretariat shall possess a legal personality in Norway. It shall have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes, including the capacity to contract, to acquire and dispose of movable and immovable property and to institute and participate in legal proceedings.

ARTICLE 3

Location

The Secretariat shall be located in Kirkenes.

ARTICLE 4

Flag and Emblem

The Secretariat shall be entitled to display its flag and emblem on the premises and means of transport of the Secretariat.

ARTICLE 5

Immunity of the Secretariat

The Secretariat and its property and assets located in Norway shall enjoy immunity from every form of legal process, except:

1. in so far as in any particular case this immunity is expressly waived by the Head of the Secretariat in accordance with the view expressed by the Barents Euro-Arctic Council

(BEAC) represented by the Committee of Senior Officials (CSO), it thereby being understood, however, that no waiver of immunity shall extend to any measure of execution;

2. in the case of a civil action by a third party for damages arising from an accident caused by a motor vehicle belonging to, or operated on behalf of the Secretariat, or in the case of a motor traffic offence involving such a vehicle.

ARTICLE 6

Funds, Currencies and Securities

Without being restricted by financial controls, regulations or moratoria of any kind, the Secretariat may freely acquire, hold, dispose of and transfer any kind of funds, currencies or securities for any of its functions.

ARTICLE 7

Inviolability of Premises

1. The premises of the Secretariat in Norway shall be inviolable.
2. The premises and the property and assets of the Secretariat in Norway shall be immune from search, requisition, confiscation, expropriation and any other form of interference whether by executive, administrative, judicial or legislative action.
3. The competent Norwegian authorities shall take appropriate measures for the protection of the premises of the Secretariat.

ARTICLE 8

Inviolability of Archives

The archives of the Secretariat, and all its official documents in Norway, shall be inviolable.

ARTICLE 9

Commercial Activity

The Secretariat shall not engage in any commercial activity, or have such activity as a purpose.

ARTICLE 10
Exemption for the Secretariat from Taxes and Duties

1. Within the scope of the official functions of the Secretariat its assets, income and property shall be exempt from taxes and duties to the extent that such exemption is granted by the Norwegian authorities to diplomatic missions in Norway pursuant to the relevant rules of the Vienna Convention on Diplomatic Relations.
2. The Secretariat shall be exempt from value added tax (VAT) for such acquisitions which are necessary for carrying out its official functions.
3. Goods acquired under the exemption referred to in paragraph 2 above shall not be sold or otherwise disposed of, except under conditions agreed with the appropriate authorities.
4. No exemption shall be accorded in respect of taxes and duties which relate to charges for public utility services rendered.

ARTICLE 11
Facilities in Respect of Communications

All official communications directed to the Secretariat, or to any of its personnel, and all outward official communications of the Secretariat, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy.

ARTICLE 12
Permanent Staff Members

1. Permanent Staff Members of the Secretariat, irrespective of nationality, shall be accorded immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity
2. No immunity from legal process shall apply in the case of a motor traffic offence committed or damage caused by a motor vehicle belonging to or driven by a Permanent Staff Member.
3. Permanent Staff Members of the Secretariat who are not of Norwegian nationality or who, at the time of taking up their post, are not permanent residents in Norway shall:
 - a) be exempt from any obligations in respect of military service and their spouses and dependent children shall enjoy the same exemption;
 - b) be exempt from all measures restricting immigration and from charges for visas and their spouses and dependent children shall enjoy the same exemption;

c) be accorded the same privileges in respect of facilities regarding the exchange of currency as are accorded to diplomatic agents accredited to Norway;

d) together with their spouses and relatives dependent on them, be given the same repatriation facilities in time of international crisis as diplomatic agents accredited to Norway;

e) have the right to import free of duty furniture and personal effects that they have owned, possessed or ordered before taking up their posts and that are intended for their personal use. Such goods shall normally be imported within three months of the first entry into Norway, but in exceptional circumstances an extension of this period may be granted. This privilege shall be subject to the same conditions governing the disposal of goods imported into Norway free of duty as are accorded to diplomatic agents accredited to Norway; and

f) have the right to import one motor vehicle at the time of their arrival, and one once every three years, free of duty it being understood that no permission to sell or dispose of the vehicle in the open market shall normally be granted until three years after its importation.

4. Privileges and immunities are granted to Permanent Staff Members in the interest of the Secretariat and not for personal benefit of the individuals themselves. The Head of Secretariat as agreed with the Barents Euro-Arctic Council and the Committee of Senior Officials shall have the right and the duty to waive the immunity of any Permanent Staff Member in any case where, in his/her opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Secretariat. Privileges and immunities related to the Head of Secretariat can only be waived by the Barents Euro-Arctic Council-Committee of Senior Officials.

5. The Head of the Secretariat shall on a regular basis, through the Norwegian Ministry of Foreign Affairs, communicate to the Government of Norway the names of those Permanent Staff Members to whom the provisions of this Article shall apply and, without delay, inform the Ministry of Foreign Affairs of any changes and additions to the list of those names.

ARTICLE 13

Income Tax

1. The Permanent Staff Members of the Secretariat who are not Norwegian nationals or who, at the time of taking up their posts are not residents for tax purposes in Norway, shall be exempt from taxation in Norway on salaries and emoluments paid by the Secretariat These Permanent Staff Members shall, however, be subject to an internal fee imposed by the Secretariat on salaries and emoluments paid by the Secretariat

Such salaries and emoluments shall be exempt from Norwegian income tax from the date as of which this fee is applicable but the Government shall retain the right to take these salaries

and emoluments into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

A Permanent Staff Member who is present in Norway for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned shall not be liable to pay internal fee and shall pay only that part of internal fee which is compatible to relevant Norwegian social security contributions.

2. The amount of the fee imposed by the Secretariat shall be compatible to the relevant Norwegian income tax level including social security contributions and reflected in the Financial and Staff Rules of the Secretariat

3. The fee imposed by the Secretariat shall be used exclusively for covering expenses of the official functions of the Secretariat and for compulsory contributions to the social security scheme for the Permanent Staff Members

4. The accounts of the Secretariat shall annually be subject to an independent audit by an external auditor.

5. The provisions of this Article shall not apply to the payment of pensions and annuities to the former Permanent Staff Members of the Secretariat.

ARTICLE 14

Social Security

1. All Permanent Staff Members of the Secretariat and their families with residence permits in Norway shall be covered by the Norwegian social insurance scheme subject to the payment of ordinary social security contributions in Norway, in so far as they are not exempt from compulsory coverage and contributions to the Norwegian social security scheme according to national legislation or an applicable agreement on social security.

2. Persons compulsorily covered under that scheme shall be entitled to medical, social and other applicable benefits including pension rights.

3. The Secretariat shall arrange such affiliation of the Permanent Staff Members to the Norwegian social insurance scheme. In respect of Permanent Staff Members who are to be insured under the Norwegian social insurance scheme, the Secretariat undertakes to ensure that employers' contributions and contributions from the Permanent Staff Members concerned are paid as required under the National Insurance Act.

ARTICLE 15
Norwegian Law

Without prejudice to their privileges and immunities, the Secretariat and all persons enjoying privileges and immunities under this Agreement shall respect the laws and regulations of Norway.

ARTICLE 16
Co-operation

The Secretariat shall cooperate at all times with the appropriate authorities in Norway in order to prevent any abuse of the privileges, immunities and facilities provided for in this Agreement.

ARTICLE 17
Settlement of Disputes

1. The Secretariat shall make provisions for appropriate modes of settlement of disputes involving any of the Permanent Staff Members, who by reason of his/her official position enjoys immunity, unless the immunity has been waived in accordance with the provisions of Article 12.

2. Any disagreement between the Secretariat and the Government arising out of the interpretation or application of the present Agreement or any supplementary arrangement or agreement shall be settled by negotiations.

ARTICLE 18
Entry into Force

This Agreement shall enter into force upon signature.

ARTICLE 19
Amendments

Consultations with respect to the modifications or amendments of this Agreement shall be entered into at the request of the Government or the Secretariat. Any modification or amendment shall be made by mutual consent.

ARTICLE 20
Termination

This Agreement shall cease to be in force:

- a) by mutual consent between the Government and the Secretariat, or
- b) if the Secretariat is removed from the territory of Norway, after a period reasonably required for such removal and the disposal of the property of the Secretariat in Norway.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Agreement.

Done at Rovaniemi, on the 15th November 2007 in duplicate in the English language

For the Government of the Kingdom of Norway:

For The International
Barents Secretariat for the
Cooperation in the Barents
Euro-Arctic Region:

Minister for Foreign Affairs of Norway

BEAC Chair, Minister for
Foreign Affairs of Finland,