

July 12, 1995.

AGREEMENT
between
THE GOVERNMENT OF THE REPUBLIC OF HUNGARY
and the
BOARD OF DIRECTORS
of the
**REGIONAL ENVIRONMENTAL CENTER
FOR CENTRAL AND EASTERN EUROPE**
on
THE LEGAL STATUS OF THE REGIONAL CENTER IN BUDAPEST

The Government of the Republic of Hungary and the Board of Directors of the Regional Environmental Center for Central and Eastern Europe (hereinafter called "the Parties to the Agreement"),

WELCOMING the activity of the Regional Center in Budapest to promote environmental cooperation in the States of Central and Eastern Europe,

ACKNOWLEDGING that the Foundation Charter of the Regional Center has been signed on June 20, 1990 by the representatives of Hungary, the United States of America, the European Communities and the Netherlands, with representatives of further fourteen States having joined as signatories to the present day,

CONSIDERING it necessary to conclude a formal agreement in order to determine the legal status of the Regional Center and of its staff and to promote for the efficient operation thereof,

HEREBY AGREE as follows:

Article 1

1. Status of the Regional Center

The Parties to the Agreement confirm that Regional Center is an independent, non-partisan, non-advocacy, not-for-profit international environmental organisation. To sustain its activities, the Regional Center is entitled to accept donations from signatory countries, from organisations and individuals supporting its mission.

2. Mission of the Regional Center

The Parties to the Agreement confirm that the mission of the Regional Center remains for the future to assist in solving the environmental problems in Central and Eastern Europe through the promotion of the international cooperation of

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governments and environmental experts, the free exchange of information and public participation in environmental decision making.

The Regional Center participates in the assessment of the current environmental needs of the region, and offers financial and professional support for the environment protection activity of the civil society. In doing so, it aids the international exchange of data relevant to environment protection and nature conservancy, promotes the dialogue between countries, organisations and all sectors of society as well as broadens the environmental awareness of society and expertise of professionals and decisionmakers.

3. The activity of the Regional Center

Pursuing its mission described in paragraph 2 of Article 1, the Regional Center will

- follow the development of global environmental problems;
- gather and distribute environmental data on the countries of the region as well as in reference to the region as a whole;
- regularly assess strategic environmental needs in Central and Eastern Europe and serve as consultant in their solution;
- offer the opportunities for mutual exchange of experiences for interested countries, organisations and individuals;
- promote environmental cooperation between governments, academia, and non-governmental organisations including members of the business community;
- offer in kind as well as financial support towards the solution of certain environmental issues, and
- award fellowships and organize educational, training and scientific programs on the field of environmental protection, management as well as nature conservancy in the region.

Article 2

The Government of Hungary provides for suitable premises to support the activities as described in Article 1.

Article 3

In order to exercise its functions and to fulfil its mission, the Regional Center shall possess, on the territory of the Republic of Hungary, juridical personality with the full capacity to contract, to acquire and dispose of immovable and movable property and to institute legal proceedings.

Article 4

1. The Regional Center shall be free to carry out, on the territory of the Republic of Hungary, such activities as may be necessary for the exercise of its environmental mission.
2. The Regional Center shall be entitled to extend its activities to the territories of other States of Central and Eastern Europe with the consent of the Government of those States.
3. The Government shall facilitate, to the maximum extent possible, the environmental activities of the Regional Center. It shall, in particular, allow and facilitate all transnational operations, contacts and communications of the Regional Center.

Article 5

1. In the Republic of Hungary, the Regional Center shall act in conformity with the laws and regulations of that country.

Article 6

1. The Regional Center, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case the Regional Center has expressly waived its immunity. The property and assets of the Regional Center, including its vehicles, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by judicial, executive or administrative action or procedure.
2. The premises and archives of the Regional Center, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Article 7

Without being restricted by financial controls, regulations or moratoria of any kind,

1. the Regional Center may hold any funds or currency of any kind and operate accounts in any currency,

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2. the Regional Center shall be free to transfer its funds or currency from one country to another and to convert any currency held by it into any other currency.

Article 8

1. The Regional Center, its assets, premises, income and other property shall be:
 - exempt from all direct taxes (except for local taxes and dues which are, in fact, no more than charges for public utility services);
 - exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Regional Center for its official use and in respect of its publications.
2. The Regional Center is entitled to the reimbursement of the value-added-tax included in the price of goods and services required for pursuing its mission as outlined in Article 1, in accordance with the relevant Hungarian laws and regulations.

Article 9

1. The official mail and other communications of the Regional Center shall not be restricted by any means.
2. The Regional Center shall have free access to the national and international written and audiovisual media.

Article 10

1. The members of the Regional Center and their legal status:
 - a) Main governing and decision making body of the Regional Center is the Board of Directors. Members of the Board of Directors are appointed in accordance with the Charter.
 - b) The General Assembly is the advisory body to the Board of Directors. Members to the General Assembly are invited to serve by the Board of Directors.
 - c) Representative of the Regional Center is the Executive Director, in charge of the management and staff of the Regional Center.

The Executive Director is appointed by the Board of Directors.

d) The Managers leading the operational units of the Regional Center, as well as the administrative and technical personnel of the Regional Center are employed by the Executive Director.

e) Based on paragraph 3 of Article 1, the activities of the Regional Center are supported by the Fellows invited by the Regional Center. Fellowships are awarded by the Executive Director.

Activities of the Regional Center are carried out according to the Administrative Manual approved by the Board of Directors.

2. The Executive Director shall communicate the names of the Members of the Board of Directors, the Executive Director, the Managers, as well as the administrative and technical personnel of the Regional Center - except for nationals of the Republic of Hungary or persons that are permanently resident in that country - to the Ministry of Foreign Affairs of the Republic of Hungary as soon as they take up their post at the Regional Center.
3. Upon the receipt of this communication, the Ministry of Foreign Affairs of the Republic of Hungary will issue appropriate identity cards to the officials concerned.

Article 11

1. The members of the Board of Directors of the Regional Center, the Executive Director and the Managers as well as the administrative and technical personnel of the Regional Center shall, in respect of themselves, their spouses and relatives dependent on them, enjoy the following privileges and immunities in accordance with the principles of international law regarding the treatment of officials of international organizations:
 - a) immunity from legal process in respect of all words spoken or written and all acts done by them in their official capacity;
 - b) exemption from taxation on the salaries; benefits and compensations paid to them by the Regional Center;
 - c) immunity, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration, and free visa if they fall under visa obligation;
 - d) the same preferential exchange facilities as members of other international organisations in Hungary;
 - e) repatriation facilities, together with their spouses and relatives dependent on them, enabling them, if they so wish, to leave at the earliest possible moment in time of international or internal crisis;

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- f) the right to import free of duty their furniture and effects at the time of first taking up their post in the Republic of Hungary.
2. Sub-sections b) - f) of paragraph 1 of this Article shall not apply to nationals of the Republic of Hungary or to persons that are permanently resident in that country.
3. As these privileges and immunities are accorded not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of its environmental mission, the Regional Center shall be under a duty to waive the immunities and privileges of any of the members mentioned in paragraph 1 of Article 11, in any case where, in its opinion, they would impede the course of justice and can be waived without prejudice to the interests of the Regional Center

The Regional Center shall take all measures to secure that all the persons enjoying such privileges and immunities respect the laws and regulations of the Republic of Hungary.

4. Fellows mentioned in paragraph 1/e of Article 10 are entitled to the following immunities and facilities:
 - a) For the duration of their Fellowship, they are entitled to free multiple visas, free residence permit, are exempt from the obligation to submit their visa applications in person.
 - b) exemption from taxation on the fellowship award, benefits and compensations paid to them by the Regional Center;
 - c) the right to import and export free of duty their furniture and effects needed for their study in the Republic of Hungary.
5. Personal data of the Fellows mentioned in paragraph 4.a of Article 11 will be provided in appropriate time to the relevant police station.
6. The Regional Center will provide persons travelling on its mission with identity cards.

Article 12

Any matter not provided for in the present Agreement shall be decided in accordance with general principles of international law regarding the treatment of officials of international organizations.

Article 13

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1. The provisions of this Agreement shall be provisionally applied from the date of its signature and they shall definitively enter into force upon notification by the Government to the Chairman of the Board of Directors of the Regional Center that the necessary internal procedure for its coming into effect has been duly completed.
2. This Agreement may be terminated by either Party by written notice. Such termination enters into force twelve months after the receipt of the written notification.