*Draft*

**Host Country Agreement between**

**the Government of the Republic of Latvia and**

**the Secretariat of the Northern Dimension Partnership on Culture**

The Secretariat of the Northern Dimension Partnership on Culture and the Government of the Republic of Latvia, together hereinafter referred to as the Parties,

RECALLING that the Northern Dimension Partnership on Culture was established on 20 May 2010 in accordance with a Memorandum of Understandingsetting out the modalities of establishing the Northern Dimension Partnership on Culture,

REFERRING to the Agreement between the Government of the Republic of Finland, the Government of the Republic of Latvia, the Government of the Kingdom of Norway, the Government of the Republic of Poland, the Government of the Russian Federation and the Government of the Kingdom of Sweden on the Establishment of the Secretariat of the Northern Dimension Partnership on Culture signed in Riga on 28 May 2018, hereinafter referred to as the Agreement on the Establishment, as well as Terms of Reference for the Secretariat of the Northern Dimension Partnership on Culture contained in Addendum No.1 of the Agreement on the Establishment of the Secretariat, hereinafter referred to as Addendum No.1;

have agreed as follows:

**Article I**

*Definitions*

1. Whenever used in this Agreement, the following words and expressions shall have the meaning assigned to them hereunder:
2. “Government” means the Government of the Republic of Latvia;
3. “Secretariat” means the Secretariat of the Northern Dimension Partnership on Culture;
4. “Head of the Secretariat” means the Head of the Secretariat and any other official specifically designated to act on his or her behalf;
5. “Permanent Personnel” means, as defined in Article 4.3 in Addendum No.1 , the Head of the Secretariat and other professional personnel of the Secretariat who perform as their main employment functions of the Secretariat;
6. “Emoluments” means all sums in respect of employment by the Secretariat, paid to, vested in or accruing to an official in any form whatsoever;
7. “Family Members” means:

i. the spouse of the Permanent Personnel;

ii. the partner of the Permanent Personnel, if the both persons have officially registered their relationship, or in an another way is considered partners in the country of origin;

iii. children of the Permanent Personnel and of his or her spouse or a person defined in point ii. of this Paragraph, who are under the age of 18 years old or dependant on his or her care and living together with the Permanent Personnel.

1. For the purposes of this Agreement, the Seat of the Secretariat shall be in Riga, Latvia, hereinafter referred to as the Host Country. The Seat is further understood as the buildings, installations and land used by the Secretariat in Riga for its official business including, in particular, the office premises and its archives.

**Article II**

*Legal capacity*

The Secretariat shall possess full legal capacity pursuant to Articles 1 and 2 of the Agreement on the Establishment. It shall, in particular, have the capacity as is necessary for the exercise of its functions and possess capacity to contract, acquire and dispose of movable and immovable property and to institute and participate in legal proceedings.

**Article III**

*Property, funds and assets*

1. The Secretariat, its property and assets shall enjoy immunity from any form of legal proceedings. The property and assets held by the Secretariat in order to fulfil its aims and functions shall be exempt from requisition, confiscation, expropriation, and any other form of interference by an executive, administrative or judicial authority. The Head of the Secretariat has the right to waive this immunity in any particular case.
2. The Secretariat, its property and assets, income and revenue shall be exempt from:
	1. all direct taxes. The Secretariat shall not, however, demand exemption from taxes being charged for public services;
	2. indirect taxes on goods purchased or services performed for the benefits of the activities of the Secretariat, in accordance with the rules regarding tax privileges for international organisations stipulated in accordance with the legislation of the Republic of Latvia concerning indirect taxation;
	3. payroll taxes and wage taxes for the Permanent Personnel;
	4. customs and import charges.
3. The Secretariat shall not be subject to any legal provisions concerning import and export restrictions with regard to goods imported or exported by the Secretariat for official use. Goods brought into the Republic of Latvia shall not be sold in the Republic of Latvia, except on conditions approved by the Government.

**Article IV**

*Premises and services*

1. The Government undertakes to assist and if possibleprovide the Secretariat in obtaining suitable premises for its office.
2. The premises of the Secretariat and the living quarters of the Head of the Secretariat shall be inviolable and shall be exempted from house search. Latvian authorities may not gain access to the premises without consent of the Head of the Secretariat. Such consent may, however, be deemed to have been given in the event of an outbreak of fire or some other severe accident necessitating immediate measures.
3. The archives of the Secretariat, as all other documents, manuscripts, information for computer storage and retrieval, recordings, photographs and films belonging to or held by the Secretariat, shall be inviolable.
4. The Latvian authorities concerned shall take appropriate measures to ensure that the Secretariat obtains access to necessary public services and that these services are provided on reasonable terms.

**Article V**

*Communications*

1. The official correspondence of the Secretariat shall be inviolable.
2. The Government shall permit and protect unrestricted communication on the part of the Secretariat for all official purposes.

**Article VI**

*Visa formalities and border control*

1. The Government undertakes to issue visas to the Republic of Latvia without visa charges, in accordance with [Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32010R0265), to the Permanent Personnel and their Family Members for as long as the Permanent Personnel has business at the Secretariat and if that is necessary.
2. The provision of Paragraph 1of this Article shall apply regardless of the relations between the government of the persons concerned and the Government. They shall not preclude neither the stipulation of reasonable proof that persons claiming the abovementioned rights belongs to the categories indicated, nor the reasonable implementation of international rules of quarantine of public health regulations.
3. The Head of the Secretariat shall as early as possible before his or her, or the Permanent Personnel’s or their Family Member’s arrival in the Republic of Latvia, notify the Government to facilitate the implementation by the Government of the provisions of this Agreement.
4. [Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0399) is applicable to the crossing of the external borders and conditions for entry.
5. The Government undertakes to issue visas to the Republic of Latvia without visa charges, in accordance with visa [Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)](https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32009R0810), to the persons according to Article 4.7 of Addendum No.1 for as long as the person has business at the Secretariat and if that is necessary.

**Article VII**

*Notification of appointments, identity cards*

The Secretariat shall inform the Ministry of Foreign Affairs of the Republic of Latvia when the Permanent Personnel take up or relinquish their duties.

The Ministry of Foreign Affairs of the Republic of Latvia shall issue special identity card certifying the position and status of the person to the Head of the Secretariat.

The Ministry of Foreign Affairs of the Republic of Latvia shall issue special identity cards certifying the position and status of the person to the Family Members of the Permanent Personnel and to their Family Members, provided they are not residents of the Republic of Latvia.

The Secretariat shall return the identity cards of the departing Permanent Personnel and their Family Members to the Ministry of Foreign Affairs of the Republic of Latvia within a week of their final departure from the Republic of Latvia or the termination of their functions. The Ministry of Foreign Affairs of the Republic of Latvia may delay the issuance of identity cards to a newcomer until the predecessors and their Family Members have returned their identity cards.

**Article VIII**

*The Permanent Personnel*

1. The Permanent Personnel who are not Latvian citizens shall enjoy pursuant to Article 3.2 of the Agreement on the Establishment:
	1. Immunity from legal act**i**on of any kind in relation to verbal or written statements which they have made in their official capacity and measures which they have taken in that capacity. This immunity shall continue to apply when the persons concerned have left the service of the Secretariat;
	2. Inviolability in respect of all papers, documents, manuscripts, information for computer storage and retrieval, recordings, photographs and films relating to the activities of the Secretariat;
	3. Personal exemptions for themselves and Family Members from immigration restrictions and provisions concerning the registration of foreigners;
	4. The same currency exchange privileges as are accorded to officials holding corresponding positions with diplomatic missions. In particular, Permanent Personnel shall been titled, on terminating their employment at the Secretariat in the Republic of Latvia, legally and without hindrance, to transfer money from the Republic of Latvia in the same currency and up to the same amount as they brought in the Republic of Latvia, together with other money which they can show themselves to be in lawful possessions of;
	5. The same protection and opportunities of repatriation for themselves personally and for the Family Members as during international crises are accorded to official holding corresponding positions with diplomatic missions;
	6. The right, when taking up their appointment, and without liability for customs and other import dues, to import furniture and other personal belongings, including one vehicle per the Permanent Personnel and spouse or partner; importation can be effected in one or more shipments.
2. In addition to the immunities and privileges indicated in Paragraph 1 of this Article, the Permanent Personnel together with his or her Family Members, insofar as he or she is not a Latvian citizen or a resident of the Republic of Latvia when appointed, shall enjoy privileges and immunities comparable to those usually accorded under the Vienna Convention on Diplomatic Relations of 18 April 1961. There shall, however, be no immunity in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to or driven by them, or in respect of a traffic offence involving such a vehicle and caused by them.
3. For the purposes of this Article, a person shall not be considered as resident of the Republic of Latvia if he or she has immediately prior to the employment by the Secretariat been in the employment of an international organisation located in the Republic of Latvia.

**Article IX**

*Purpose of immunities and privileges*

1. Privileges and immunities under this Agreement are granted solely in order for the objectives and purposes of the Secretariat to be achieved efficiently. The Head of the Secretariat may waive the immunity of a Permanent Personnel if, in his or her opinion, the immunity would impede the course of justice and can be suspended without detriment to the interests of the Secretariat. The Committee of Senior Representatives may waive the immunity of the Head of the Secretariat in corresponding circumstances.
2. All persons enjoying immunity and privileges are obliged to respect the legislation of the Republic of Latvia if this does not impinge on the immunities and privileges granted under this Agreement.

**Article X**

*Employment*

1. Permanent Personnel and Family Members shall enjoy access to the labour market without restrictions, while in the Republic of Latvia and for the duration of the employment of Permanent Personnel with the Secretariat.

2. Persons mentioned in Paragraph 1of this Article who obtain gainful employment in the Republic of Latvia shall enjoy no immunity from criminal, civil or administrative jurisdiction with respect to matters arising in the course of or in connection with such employment.

**Article XI**

*Income Tax and Internal Fee*

1. The Permanent Personnel who are not Latvian citizens or who, at the time of taking up their posts are not residents for tax purposes in the Republic of Latvia shall be exempt from mandatory taxation in the Republic of Latvia on salaries and emoluments paid by the Secretariat. The Permanent Personnel will, however, be subject to an Internal Fee imposed by the Secretariat on salaries and emoluments paid by the Secretariat. Such emoluments shall be exempt from the Republic of Latvia income tax from the date as of which this fee is applicable, however, the Government shall retain the right to take these emoluments into account for the purpose of assessing the amount of taxation to be applied to income from other sources. Permanent Personnel who is present in the Republic of Latvia for a period or periods not exceeding in the aggregate 183 (one hundred eighty three) 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 social security contributions of the Republic of Latvia.

2. The amount of the Internal Fee imposed by the Secretariat shall be compatible to the relevant income tax level of the Republic of Latvia including social security contributions and reflected in the Financial and Staff Rules of the Secretariat as prescribed in Article 3.4.7 of Addendum No.1.

1. Internal Fee will be imposed as prescribed in the Financial and Staff Rules of the Secretariat.
2. The Internal Fee imposed by the Secretariat shall be used exclusively for covering expenses of the official functions of the Secretariat and for compulsory social security contributions for the Permanent Personnel.

**Article XII**

*Social security and Pension Rights*

1. The Secretariat shall make arrangements for social security contributions for and on behalf of its Permanent Personnel and Family Members.
2. The Permanent Personnel covered under the social security scheme shall be entitled to medical, social and other applicable benefits including pension rights.
3. The provisions of this Article shall not apply to social security benefits related to income from gainful occupation in the Republic of Latvia outside the Secretariat.
4. In respect of the Permanent Personnel who are to be insured under the social insurance scheme of the Republic of the Latvia, the Secretariat undertakes to ensure that employers' contributions and employee contributions for the Permanent Personnel concerned are paid to the relevant Latvian authorities
5. In respect of Permanent Personnel who are seconded to the Republic of Latvia and remain covered by social security system of the sending country, certificates of coverage are submitted to relevant Latvian authorities.

**Article XIII**

*Health care*

Permanent Personnel and Family Members shall have access to health care on the same terms as Latvian residents. Other additional personnel of the Secretariat and Family Members forming part of their respective households shall be covered by appropriate arrangements made by the Secretariat.

**Article XIV**

*Access to municipal preschool activities and childcare organised by municipalities*

The Family Members shall have access to preschool activities and, school-age childcare organised by Latvian municipalities on the same terms as other children in their home municipality.

**Article XV**

*Access to the Latvian compulsory education and upper secondary education*

The Family Members have access to compulsory education and to upper secondary education in accordance with legislation of the Republic of Latvia.

**Article XVI**

*General provisions*

1. The Secretariat shall establish the terms of contract and necessary employment regulations for its staff and the contract of employment shall proscribe for a legal mechanism to solve any dispute between the Secretariat and its staff regarding the contracts of their employment. The Secretariat undertakes to implement decisions made in accordance with such legal mechanism. In accordance with Article 3.4.7 of Addendum No.1 the Secretariat shall further be entitled to establish any other internal rules and regulations necessary for the execution of the functions of the Secretariat.
2. This Agreement shall be interpreted with reference to its primary purpose of enabling the Secretariat to perform completely and efficiently its duties and achieve its purposes.

**Article XVII**

*Settlement of disputes*

Any dispute, controversy or claims arising out of, or concerning interpretation and application of this Agreement shall be resolved by amicable consultations and negotiations between the Parties to this Agreement.

**Article XVIII**

*Final provisions*

1. This Agreement shall enter into force on the day of the written notification by which the Latvian side notifies the Secretariat on the completion of the internal procedures.
2. This Agreement remains in force three years and will be automatically prolonged unless otherwise decided by the Parties.
3. Consultations on amendments to this Agreement shall be held at the request of either Party. Amendments to this Agreement shall be done in writing by mutual agreement of the Parties.
4. Either of the Parties may terminate this Agreement at any time by giving 6 (six) months’ written notice to the other Party. In the event of the Secretariat being transferred from Latvian territory, the Agreement shall cease to applywith respect to the period following the transfer after the length of time reasonably required for such relocation and for disposal of the Secretariat’s property in the Republic of Latvia.

Done at \_\_\_\_\_\_\_\_ on \_\_\_\_ \_\_\_\_\_\_\_\_ 201\_ in duplicate in the English language.

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| On behalf of the Government of the Republic of Latvia | On behalf of the Secretariat of the Northern Dimension Partnership on Culture |
|  |  |
| *Name, Surname* | *Name, Surname* |
|  | Head of the Secretariat |

Kultūras ministrs N.Puntulis

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