AGREEMENT BETWEEN THE GOVERNMENT OF UKRAINE AND THE EUROPEAN PUBLIC LAW ORGANIZATION FOR THE ESTABLISHMENT OF AN OFFICE OF THE EUROPEAN PUBLIC LAW ORGANIZATION IN UKRAINE

The Government of Ukraine (hereinafter referred to as "Government") and the European Public Law Organization (hereinafter referred to as "EPLO"), hereinafter referred to as the "Parties":

bearing in mind the will of the Parties in establishing an Office of the EPLO in the Ukrainian territory, under the provisions set in article III of the Agreement for the Establishment and Statute of the European Public Law Organization, done in Athens, on 27 October 2004 (hereinafter referred to as "EPLO Statute") according to which "the organization may establish offices and branches in other places or countries as necessary to support its programs and activities";

considering that Ukraine joined the European Public Law Organization on October 21, 2022;

having in mind that article V, paragraph 3, of the Statute of the European Public Law Organization provides that "other countries may grant comparable rights, privileges and immunities in support of the activities of the European Public Law Organization in such countries", as are granted by the Hellenic Republic to EPLO;

whereas the Government shall apply to the European Public Law Organization, the representatives of Member States, the experts of EPLO, the European Public Law Organization Personnel and premises of the EPLO the relevant provisions of the Statute and of the present Agreement;

wishing to set out the conditions regarding the status, privileges, immunities and services in relation to the EPLO in Ukraine which are necessary to fulfill the objectives of the EPLO;

have agreed as follows:

Article 1
Purpose

This Agreement shall establish the legal capacity of the Organization in Ukraine as may be necessary for the fulfillment and efficient discharge of its responsibilities and purposes. This Agreement shall also regulate matters relating to or arising out of the opening and maintaining by EPLO of an office (hereinafter referred to as the "EPLO Office") in Ukraine through which EPLO shall base its operations in Ukraine.

Article 2
Definitions

For the purpose of this Agreement,

1. "Archives" of the Office shall mean all records and correspondence, documents and other materials, including sound and photographic film, sound recordings, computer software and written materials, videotapes and disks, owned by the Organization or maintained or managed by or on behalf of the Organization;

2. "Director-General" means the Director-General of the Organization and, during his or her absence, any other Official specifically designated to act on his or her behalf;

3. Emoluments" means all sums in respect of employment by the Organization paid to, vested in, or accruing to an Official or Expert in any form whatsoever;

4. "Experts" means persons, other than Officials, with specialized skills, who are performing missions for EPLO or carrying out one or more specific activities or projects;

5. "Family members forming part of the household" means any person forming part of the household of EPLO Office Personnel recognized as such by EPLO;

6. "the EPLO Office" means the office of the Organisation, established in Ukraine;

7. "Head of Office" means the EPLO Official who has been designated by the Director-General to be in charge of the EPLO Office in Ukraine;

8. "Host Country" means Ukraine;

9. "Officials" means persons, however denominated and at whatever level of seniority, including the Director-General, who are employed by EPLO for its regular functions;

10. "Personnel" means Officials, Experts, interns, secondees, and pro bono consultants;

11."Premises" means buildings or parts thereof, including any ancillary land plot, which are permanently or temporarily used by the Organisation in connection with the performance of its functions and the fulfillment of the Organization's objectives;

12. "Property" means all property (be it material, real, or intellectual), assets, and funds owned, leased, held or administered by the Organization in furtherance of its functions;

13. "Residents of Ukraine" means nationals of Ukraine and foreigners who permanently reside in Ukraine in accordance with the legislation of Ukraine.

Article 3
Legal status and juridical personality

EPLO shall be recognized by Ukraine as an intergovernmental organization. EPLO shall possess juridical personality. It shall have the capacity, *inter alia*, to

contract, acquire and dispose of movable and immovable property, and institute legal proceedings.

Article 4
Immunity from legal process

The Organization shall enjoy immunity from every form of legal process, except insofar as in any particular case the Organization has expressly waived its immunity. It is understood, however, that no waiver of immunity shall extend to any measure of execution.

Article 5
Premises

1. The Premises occupied by EPLO in Ukraine shall be under the control and authority of EPLO as provided for in this Agreement.

2. The location of the Premises of EPLO in Ukraine shall be agreed with Ukraine, consistent with the legal requirements established by the national legislation of Ukraine regarding the location of foreign diplomatic missions and representative offices of international organizations in Ukraine.

3. The Premises of EPLO shall be inviolable. The competent authorities shall ensure that the Organization is not dispossessed or deprived of all or any part of its Premises without its proper written consent.

4. No person may enter the Premises without the prior express authorization of the Head of Office, who has the right to request any person to leave the Premises immediately.

5. In case of emergency requiring prompt protective action, the consent by the Head of Office or another Official of the Organization so designated by him or her, to any necessary entry into the Premises shall be presumed if neither of them can be contacted in time.

6. The Host Country shall exercise due diligence to ensure that the security and tranquility of the Premises are not impaired by any person, the amenities of the Premises are not prejudiced, and the purposes for which the Premises is required are not obstructed by any use made of the land or buildings in the vicinity of the Premises.

7. The Organization shall have the power to make regulations, including but not limited to those governing employment of EPLO Personnel, operative on the Premises for the purpose of establishing therein the conditions in all respects necessary for the full execution of its functions.

Article 6
Immunities in respect of communications

1. The Government shall permit EPLO to communicate freely, confidentially, and without a need for special permission, for all official purposes and shall protect the right of the Organization to do so, regardless of whether such communications are addressed to the EPLO Premises or any other location in Ukraine. Such treatment shall be no less favorable than that accorded by the Government to any diplomatic mission.

2. No restrictions or restraints shall be applied to the official communications or correspondence of EPLO.

Article 7
Inviolability of Archives

The Archives of the Organization in whatever form and whether being sent from or to the Organization, held by the Organization or belonging to it, wherever located and by whomsoever held, shall be inviolable.

Article 8
Freedom of financial assets from restrictions

1. Without being subject to any financial controls, regulations, or notification requirements in respect of financial transactions or moratoria of any kind, EPLO may freely:

a) purchase, hold, and use any currency;

b) operate foreign or local accounts, funds, endowments, or other financial facilities of a similar nature in any currency;

c) purchase, hold, and use funds and securities;

d) transfer its funds, securities, and currencies to or from the Host Country, to or from any other country, or within the Host Country, and convert any currency held by it into any other currencies.

Article 9
Funds, assets, and other property

1. EPLO, its funds, assets, and other property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process and execution in the Host Country, except insofar as in any particular case the Organization has expressly waived its immunity. It is understood, however, that no waiver of immunity shall extend to any measure of execution.

2. Funds, assets, and other property of the Organization, wherever located and by whomsoever held, shall be immune from search, seizure, requisition, confiscation, expropriation, and any other form of interference, whether by executive, administrative, judicial, or legislative action.

3. To the extent necessary to carry out the functions of the Organization, funds, assets, and other property of EPLO, wherever located and by whomsoever held, shall be exempt from restrictions, regulations, control, or moratoria of any nature.

Article 10
Exemption from taxes and duties

The Organization and its property shall be exempt from:

a) any form of direct taxation including charges for pension or social security purposes. However, the Organization shall not claim exemption from rates and taxes which constitute no more than payment for public utilities;

b) customs duties, taxes, fees or other obligatory payments, restrictions or prohibitions in respect of import or export of goods intended for official use, on the understanding that such imported goods shall not be sold in Ukraine except under conditions agreed with the Government;

c) customs duties, taxes, fees or other obligatory payments, restrictions or prohibitions in respect of import and export of publications or other goods produced by it, as well as any taxes in respect of the sale or diffusion free of charge of its publications or other goods produced or services provided by it;

d) any form of indirect taxation, including taxes forming part of the price to be paid, on goods and services purchased by the Organization for its own functioning or in pursuance of its activities;

e) customs inspection and payment of customs' fees for motor vehicles intended for official use of the Organization which are imported into the territory of Ukraine in the manner and quantity established in Ukraine for diplomatic missions of foreign states in Ukraine.

Article 11
Entry, stay, and departure

1. The Government shall facilitate, if required, the entry, stay, and departure for purposes of official business of: EPLO Member Party representatives; members Of EPLO's Board of Directors; the Director-General; the Head of Office; Officials and Experts of EPLO; other persons invited to the Office or to meetings of EPLO; and Family members forming part of the household for any aforementioned persons.

2. Visas that may be required by persons referred to in this Article shall be granted without charge and as promptly as possible.

3. All aforementioned persons entitled to privileges and immunities under this Agreement shall enjoy them from the moment they enter the territory of Ukraine to take up their posts or to undertake official EPLO-related duties and shall come to an end within a reasonable period after the expiry or termination of their contracts of employment with EPLO or when such persons have completed their EPLO-related duties from the moment of departure from Ukraine or after a reasonable period of time to do so, with the exception of immunity from legal

process in respect to acts performed in their official capacities, which shall continue after completion of their official functions.

Article 12
Privilèges and immunities of Officials

1. Officials who are not Residents of Ukraine shall:

a) enjoy immunity from arrest and detention for acts performed in their official capacity and from seizure of their baggage and other belongings;

b) enjoy immunity from legal process for words spoken or written and acts performed in their official capacity and, excluding civil liability for damages arising from road traffic accidents caused by them, they shall continue to be so immune after completion of their functions as Officials of the Organization;

c) enjoy inviolability for all official papers and documents;

d) be exempt from any form of direct taxation, including charges for pension or social security purposes, on salaries, emoluments and indemnities, pensions or other element of remuneration paid to them by the Organization;

e) be exempt, together with their Family members forming part of the household, as recognised by the Organization, from immigration restrictions and alien registrations;

f) enjoy, together with their Family members forming part of the household, as recognised by the Organization, the same benefits in respect of repatriation in cases of international crisis as members of diplomatic missions;

g) enjoy the right, for acts performed in their official capacity, to use codes and send and receive correspondence and other papers and documents;

h) have the right, free of any customs duties, to import into Ukraine goods intended for personal use, including upon first taking up their functions in Ukraine, and to export from Ukraine goods intended for personal use, including those purchased in the customs territory of Ukraine;

i) have the same right to import free of duty a motor vehicle in the manner and quantity established in Ukraine for diplomatic agents of comparable rank;

j) be accorded the same privileges in respect of currency and exchange restrictions as are accorded to diplomatic agents of comparable rank;

k) be exempt from providing security for payment of customs duties when importing or exporting goods (including those intended for personal use) in accordance with this Article.

2. Officials who are Residents of Ukraine shall:

a) be immune from legal process of any kind in respect of words spoken or written and all acts performed by them in their official capacity and they shall continue to be so immune after completion of their functions as Officials of the Organization;

b) enjoy inviolability for all official papers and documents;

c) be exempt from any form of direct taxation including charges for pension or social security purposes, on salaries, emoluments and indemnities, pensions or other element of remuneration paid to them by the Organization.

3. In addition to the privileges and immunities listed in paragraph 1 of this Article, the Director-General and the Head of Office, as well as their Family members forming part of the household who are not Residents of Ukraine, shall be accorded the same privileges, immunities, and facilities as the Government accords to the heads of diplomatic missions established in Ukraine.

Article 13
Privileges and immunities of Experts

1. Experts shall enjoy in the territory of Ukraine such privileges and immunities as are necessary for the independent exercise of their functions during the period of their mission or activities, including time spent on journeys in connection with their mission. In particular, they shall enjoy:

a) immunity from personal arrest or detention and from seizure of their baggage and other belongings;
b) immunity from legal process in respect of words spoken or written, and all acts done by them in the performance of their mission, excluding civil liability for damages arising from road traffic accidents caused by them; such immunity shall continue after the completion of their mission;
c) inviolability for all official papers and documents;
d) the right, for the purpose of communicating with the Organization, to use codes and to send and receive correspondence and other papers and documents;
e) the same facilities with respect to currency and exchange restrictions as are accorded to a representative of a foreign government on temporary official mission
f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic representatives.

2. Privileges and immunities are granted to Experts in the interests of the EPLO and not for the personal benefit of the individuals. The Director-General shall have the power and duty to waive the immunity of any Expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the EPLO.

3. The provisions of paragraph 1(a), l(e) and 1 (f) of this Article shall not be applicable to Experts who are Residents of Ukraine.

Article 14
Driver's licenses

1. Officials and Family members forming part of the household, to the extent that they are not Residents of Ukraine, shall enjoy the same treatment for the recognition of foreign driving licenses and obtaining national driving licenses as the staff of foreign diplomatic missions and consular posts, representative offices of international organizations in Ukraine and family members of the staff accredited in accordance with the established procedure in the Ministry of Foreign Affairs.

2. The Office, and its Officials who are not Residents of Ukraine, shall enjoy the same treatment with respect to registration of vehicles and diplomatic license plates as foreign diplomatic missions and diplomatic agents of foreign diplomatic missions accredited in Ukraine.

Article 15
Social security

1. Officials of the Organization shall be exempt from any compulsory contributions to and shall not be required by the Government to participate in, any social scheme of Ukraine. This exemption shall only apply in relation to work done for EPLO. To the extent the Official may have income or employment from sources other than EPLO, this exemption shall not apply.

2. Any provident or other social security related fund established by or conducted under the authority of EPLO shall enjoy legal capacity in Ukraine if EPLO so requests and shall enjoy the same exemptions, privileges, and immunities as EPLO itself.

Article 16
Immunities and waiver

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying privileges and immunities under this Agreement to respect the laws and regulations of Ukraine.

2. Privileges and immunities are granted to EPLO Personnel in the interest of EPLO and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any person mentioned in Articles 12 and 13 in any case where, in his or her opinion, the immunity would impede the cause of justice and can be waived without ' prejudice to the Organization. The Board of Directors of EPLO shall have the right to waive the immunity of the Director-General.

3. Consistent with its privileges and immunities, EPLO shall cooperate at all times with the appropriate authorities of Ukraine to facilitate the proper administration of justice and shall not abuse any of the privileges and immunities granted to it under this Agreement.

Article 17
Settlement of disputes

Any dispute between the Parties concerning the interpretation or application of this Agreement shall be settled amicably, in accordance with the interests of the Parties. The Parties shall undertake all possible steps to ensure that their differences are settled equitably, in good faith, and in a discreet and cordial manner.

Article 18
Notifications and accreditation

1. If the post of the Head of Office is vacant or if the Head of Office is unable to perform his/her functions, the Director-General of the Organization shall appoint an official to temporarily perform the duties of the Head of Office. The Director-General of the Organization shall notify the Ministry of Foreign Affairs of Ukraine of the name of such official.

2. The Organization shall promptly notify the Host Country of the appointment of Officials and Experts, their arrival and final departure, or the termination of their employment with the Organization.

3. The Host Country shall issue accreditation cards for Officials and Experts and their family members.

Article 19
Final Provisions

1. This Agreement shall enter into force from the date of receipt by EPLO of the written notification through diplomatic channels that Ukraine has complied with the relevant internal procedures necessary for its entry into force.

2. This Agreement shall expire 6 months after any of the Parties submits a written notice to the other Party of its decision to terminate this Agreement. However, the Agreement will remain in effect for such additional period as may be necessary for the orderly termination of the activities of the EPLO and the resolution of any dispute between the Parties.

3. This Agreement may be amended at any time by mutual written consent of the Parties.

Done at Kyiv on 5 March 2025 in two originals, each in the Ukrainian and English languages, both texts being equally authentic. In case of divergences in interpretation of this Agreement, the English text shall prevail.

In witness whereof, the undersigned, duly authorized representatives of the Government and the EPLO have signed this Agreement on behalf of the Parties.

FOR THE GOVERNMENT OF UKRAINE

FOR THE EUROPEAN PUBLIC LAW ORGANIZATION