

AGREEMENT**between the European Community and the Republic of Turkey on the participation of the Republic of Turkey in the work of the European Monitoring Centre for Drugs and Drug Addiction**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF TURKEY, hereinafter referred to as 'Turkey',

of the other part,

hereinafter referred to as 'the Contracting Parties',

RECALLING that the Luxembourg European Council in 1997 made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy,

CONSIDERING that the Community, by Council Regulation (EEC) No 302/93 ⁽¹⁾ (the Regulation) has established the European Monitoring Centre for Drugs and Drug Addiction (the Centre),

WHEREAS the Regulation provides in its Article 13 that the Centre shall be open to the participation of those non-Community countries which share the Community's interests and those of its Member States,

WHEREAS Turkey shares in the aims and objectives laid down for the Centre in the Regulation because Turkey's ultimate objective is to become a member of the European Union,

WHEREAS Turkey subscribes to the description of the tasks of the Centre and to its work method and priority areas as described in the Regulation,

WHEREAS there exists in Turkey an institution suitable to be linked to the European Information Network on Drugs and Drug Addiction,

HAVE AGREED AS FOLLOWS:

*Article 1***Participation**

Turkey shall participate fully in the work of the European Monitoring Centre for Drugs and Drug Addiction (the Centre), on the terms set out in this Agreement.

*Article 2***European Information Network on Drugs and Drug Addiction**

1. Turkey shall be linked to the European Information Network on Drugs and Drug Addiction (REITOX).
2. Turkey shall notify the Centre of the main elements of its national information network within 28 days of the entry into

force of this Agreement, including its national monitoring centre, and name any other specialised centres which could make a useful contribution to the Centre's work.

*Article 3***Management Board**

The Management Board of the Centre shall invite a representative of Turkey to participate in its meetings. The representative shall participate fully without the right to vote. The Management Board may convoke exceptionally a meeting restricted to representatives of Member States and of the European Commission on issues of interest particular to the Community and its Member States.

The Management Board, in session with representatives of Turkey, will lay down the detailed arrangements concerning the participation of Turkey in the work of the Centre.

⁽¹⁾ OJ L 36, 12.2.1993, p. 1. Regulation as last amended by Regulation (EC) No 1651/2003 (OJ L 245, 29.9.2003, p. 30).

*Article 4***Budget**

Turkey shall contribute financially to the activities of the Centre in accordance with the provisions laid down in Annex I to this Agreement, which shall form an integral part thereof.

*Article 5***Protection and confidentiality of data**

1. Where, on the basis of this Agreement, personal data which do not enable natural persons to be identified are forwarded by the Centre to the Turkish authorities in accordance with Community and Turkish law, such data may be used only for the stated purpose and under the conditions prescribed by the forwarding authority.

2. Data on drugs and drug addiction provided to the Turkish authorities by the Centre may be published subject to compliance with Community and Turkish rules on the dissemination and confidentiality of information. Personal data may not be published or made accessible to the public.

3. Designated specialised centres in Turkey shall be under no obligation to provide information classified as confidential under Turkish legislation.

4. In relation to data supplied by the Turkish authorities to the Centre, the latter will be bound by the rules laid down in Article 6 of the Regulation.

*Article 6***Legal status**

The Centre shall have legal personality under Turkish law and shall enjoy in Turkey the most extensive legal capacity accorded to legal persons under Turkish law.

*Article 7***Liability**

The liability of the Centre shall be governed by the rules laid down in Article 16 of the Regulation.

*Article 8***Privileges and immunities**

Turkey shall apply to the Centre the Protocol on the Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

*Article 9***Staff Regulations**

By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, Turkish nationals enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Centre.

*Article 10***Entry into force**

The Contracting Parties shall approve this Agreement in accordance with their own procedures.

This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties notify each other that the procedures referred to in the first subparagraph have been completed.

*Article 11***Validity and termination**

1. This Agreement is concluded for an unlimited period. It shall expire on Turkey's accession to the European Union.

2. Either Contracting Party may denounce this Agreement by a written notification to the other Contracting Party. The Agreement shall cease to be in force six months after the date of such notification.

Съставено в Брюксел на тридесети октомври две хиляди и седма година.

Hecho en Bruselas, el treinta de octubre de dos mil siete.

V Bruselu dne třicátého října dva tisíce sedm.

Udfærdiget i Bruxelles, den tredivte oktober to tusind og syv.

Geschehen zu Brüssel am dreißigsten Oktober zweitausendsieben.

Kahe tuhande seitsmenda aasta oktoobrikuu kolmekümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις τριάντα Οκτωβρίου δύο χιλιάδες επτά.

Done at Brussels on the thirtieth day of October in the year two thousand and seven.

Fait à Bruxelles, le trente octobre deux mille sept.

Fatto a Bruxelles, addì trenta ottobre duemilasette.

Briseļē, divtūkstoš septītā gada trīsdesmitajā oktobrī.

Priimta du tūkstančiai septintųjų metų spalio trisdešimtą dieną Briuselyje.

Kelt Brüsszelben, a kétezzer-hetedik év október harmincadik napján.

Magħmul fi Brussell, fit-tletin-il jum ta' Ottubru tas-sena elfejn u sebgha.

Gedaan te Brussel, de dertigste oktober tweeduizend zeven.

Sporządzono w Brukseli, dnia trzydziestego października roku dwa tysiące siódmego.

Feito em Bruxelas, em trinta de Outubro de dois mil e sete.

Înceiat la Bruxelles, treizeci octombrie două mii șapte.

V Bruseli dna tridsiateho októbra dvetisícšedem.

V Bruslju, dne tridesetega oktobra leta dva tisoč sedem.

Tehty Brysselissä kolmantenakymmenentenä päivänä lokakuuta vuonna kaksituhattaseitsemän.

Som skedde i Bryssel den trettionde oktober tjugohundrasju.

Brüksel'de, otuz Ekim ikibinyedi gününde yapılmıştır.

Za Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
Avrupa Topluluğu adına

За Република Турция
Por la Republica de Turquía
Za Tureckou republiku
For Republiken Tyrkiet
Für die Republik Türkei
Türgi Vabariigi nimel
Για την Τουρκική Δημοκρατία
For the Republic of Turkey
Pour la République de Turquie
Per la Repubblica di Turchia
Turcijas Republikas vārdā
Turkijos Respublikos vardu
A Torök Köztársaság részéről
Għar-Repubblika tat-Turkija
Voor de Republiek Turkije
W imieniu Republiki Turcji
Pela República da Turquia
Pentru Republica Turcia
Za Tureckú republiku
Za Republiko Turčijo
Turkin tasavallan puolesta
För Republiken Turkiet
Türkiye Cumhuriyeti adına

ANNEX I

FINANCIAL CONTRIBUTION OF TURKEY TO THE EUROPEAN MONITORING CENTRE FOR DRUGS AND DRUG ADDICTION

1. The financial contribution to be paid by Turkey to the general budget of the European Union to participate in the European Monitoring Centre for Drugs and Drug Addiction (the Centre) will progressively increase in a four-year period during which the activities will be phased in by Turkey. The financial contributions required are:

— during the first year of participation	EUR 100 000
— during the second year of participation	EUR 150 000
— during the third year of participation	EUR 210 000
— during the fourth year of participation	EUR 271 000

From the fifth year of participation, the annual financial contribution to be paid by Turkey to the Centre shall be the contribution of the fourth year of participation indexed by the rate of increase of the Community subvention to the Centre.

2. Turkey may partially use Community assistance to pay the contribution to the Centre with a maximum Community contribution of 75 % in the first year of participation, 60 % in the second year of participation and 50 % thereafter. Subject to a separate programming procedure, the requested Community funds will be transferred to Turkey by means of a separate financing memorandum. The remaining part of the contribution will be covered by Turkey.
3. The contribution of Turkey will be managed in accordance with the financial regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Turkey for the purposes of taking part in the Centre's activities or meetings related to the implementation of the Centre's work programme shall be reimbursed by the Centre on the same basis as, and in accordance with, the procedures currently in force for the Member States of the European Union.

4. For the first calendar year of its participation Turkey will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
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ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of moveable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passers* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passers* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passers* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passers* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT*Article 8*

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES*Article 11*

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Moveable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES*Article 17*

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS*Article 18*

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice and to the Members and Registrar of the Court of First Instance, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol. Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.
