

AGREEMENT ON DEVELOPMENT COOPERATION BETWEEN THE GOVERNMENT OF UKRAINE AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY

The Government of Ukraine and the Government of the Republic of Turkey (Hereinafter referred to jointly as the "Parties"),

Within both the framework of mutual respect and existing friendly relations between the two countries, wishing to strengthen the mutual ties and develop a fruitful development cooperation, acknowledging the importance of this cooperation in terms of contributing to the development of the social and economic development amongst the Parties,

Hereby Parties agree as follows:

ARTICLE 1 OBJECTIVE

1. The primary objective of this Agreement is to put the legal and institutional framework for development cooperation between the Government of Ukraine and the Government of the Republic of Turkey.

2. Under this Agreement, Parties shall cooperate in order to enable the implementation of projects (programs) of technical and financial cooperation to support the sustainable development. The Parties shall also cooperate to facilitate the provision of humanitarian relief assistance.

ARTICLE 2 FIELDS OF COOPERATION

It shall be attached particular importance to following fields by Parties:

- a) Contribution into educational infrastructure in Ukraine, provision of consulting services and services in education,
- b) Development of the health protection infrastructure,
- c) Promotion of the development of the system of social services,
- d) Development of Ukrainian studies in the Republic of Turkey and Turcology in Ukraine,
- e) Increasing of agricultural production and development of rural territories,
- f) Cooperation aiming at development of the touristic sectors of Ukraine and the Republic of Turkey,
- g) Production sectors' development,
- h) Increasing of the level of institutionalization in public administration.

ARTICLE 3 IMPLEMENTING AUTHORITIES

1. The Turkish Cooperation and Coordination Agency Directorate (hereinafter referred to as "TIKA") is responsible for the implementation of this Agreement on behalf of the Government of the Republic of Turkey.

2. The authorized body of the Ukrainian side, providing the implementation of the provisions of this Agreement and the state registration of projects (programs) of technical cooperation under this Agreement shall be the Ministry of Economic Development and Trade of Ukraine.

ARTICLE 4 FORMS OF COOPERATION

1. The cooperation of the Parties under this Agreement shall be in the form of technical and financial assistance.

2. Technical assistance to the Ukrainian Party shall be carried out by the TIKA in the form of know-how transfer, staff-training, consultation activities and provision of services, supply of the equipment and materials, introduction of new technologies necessary for the successful implementation of projects (programs).

3. Financial assistance to the Ukrainian Party shall be carried out by the TIKA in the form of grants to finance supplying of goods, equipment and materials and providing of works and services necessary for the successful implementation of the projects (programs).

ARTICLE 5 TIKA PROGRAM COORDINATION OFFICE

1. TIKA shall be represented by the Program Coordination Office in Ukraine (hereinafter referred to as "TIKA PCO in Ukraine"). The TIKA PCO in Ukraine shall be located in Kyiv.

2. The TIKA PCO in Ukraine shall have the right to establish its Representation offices in other cities of Ukraine. The TIKA PCO in Ukraine shall coordinate and be responsible for the activity of its Representation offices in the territory of Ukraine.

3. The founding of Representation offices in Ukraine and other cities shall take place by obtaining approval from the Authorized Authority of the Ukrainian side by diplomatic channels.

4. The TIKA PCO in Ukraine shall possess legal personality. In accordance with the Ukrainian legislation, the TIKA PCO in Ukraine shall have legal capacity to:

- a) Conclude contracts,
- b) Acquire and dispose of movable property,
- c) Rent immovable property,
- d) Employ the local staff in TIKA PCO in Ukraine,

- e) Open accounts and make transactions in cash assets,
- f) To be a party to a dispute.

5. In case of establishing the similar office by the Ukrainian side in the Republic of Turkey with the similar functions, the personnel of such office shall enjoy the same privileges and immunities as provided by this Agreement for TIKA PCO in Ukraine personnel.

ARTICLE 6

TIKA PROGRAM COORDINATION OFFICE PERSONNEL

TIKA shall assign the Head of the TIKA PCO in Ukraine and not more than three Assistants of the Head of the TIKA PCO in Ukraine.

“The Head of TIKA PCO in Ukraine” shall be a program coordinator and means an official of the Turkish national that assigned by TIKA in accordance with the legislation of the Republic of Turkey. The Head of TIKA PCO in Ukraine shall have the status equivalent as provided for the diplomatic agent according the Vienna Convention on Diplomatic Relations, 1961;

“Assistant of the Head of TIKA PCO in Ukraine” means officials of the Turkish national, assigned by TIKA in accordance of the legislation of the Republic of Turkey. Assistants of the Head of TIKA PCO in Ukraine shall have the status equivalent as provided for the administrative and technical staff according the Vienna Convention on Diplomatic Relations, 1961;

“Local Staff” means Ukrainian nationals employed by TIKA for carrying out the functions of TIKA PCO in Ukraine.

The Turkish Party shall notify the Authorized Authority of the Ukrainian Party about the appointment of the Head and the Assistants by diplomatic channels.

ARTICLE 7

EXEMPTION FROM CUSTOM DUTIES AND TAXES

1. The goods (except alcoholic beverages and tobacco products) which imported by TIKA PCO in Ukraine for its official use shall be exempt from all taxes, customs duties, levies and additional financial obligations, that are charged in Ukraine, except the charges for storing, customs clearance of goods outside the places specified for this purpose and the fees to be paid to the customs employees for possible overtime work.

2. Equipment, materials (except excisable goods), financial resources, works and services provided by TIKA to Ukrainian Party and used by recipients in projects, programs and activities of technical and financial cooperation exempt from any taxes, duties, levies and other tax obligations that are charged or could be charged in Ukraine.

ARTICLE 8 ENTRY AND RESIDENCE

1. The competent state authorities of Ukraine without delay, but according to the legislation of Ukraine on the legal status of foreigners and stateless persons shall issue a temporary residence permit to following persons:

- a) Experts participating in the official activities of the TIKA in Ukraine;
- b) Personnel that assigned in Ukraine by TIKA for implementation of projects and programs of technical development cooperation.

2. A temporary residence permit entitles the holder to multiple entry to and exit from the territory of Ukraine for the duration of this permit.

3. To perform the duties, before the entry in the territory of Ukraine, a visa of type "D" shall be issued by the diplomatic mission or consular office of Ukraine to the persons, specified in the paragraph 1 of this Article.

ARTICLE 9 AMENDMENTS AND SETTLEMENT OF DISPUTES

1. This Agreement may be amended by mutual written consent of the Parties at any time. The amendments shall enter into force in accordance with the same legal procedure prescribed under Article 10 of this Agreement.

2. Any dispute arising from the interpretation or application of this Agreement shall be settled by mutual consultations and the Parties agree not to submit any such dispute to international court or arbitration.

ARTICLE 10 FINAL PROVISIONS

1. This Agreement shall enter into force on the date of the receipt of last written notification by which the Parties notify each other, through diplomatic channels, of the completion of their internal legal procedures required for the entry into force of this Agreement.

2. Upon entry into force of this Agreement the "Agreement Between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey on Technical and Financial Cooperation" which was signed on 14th November 2002 and "Memorandum of Understanding Between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey on Approval of the List of Projects to Which the Provisions of Article 2 of the Agreement Between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey on Technical and Financial Cooperation of 14 November 2002 are Applied" which was signed on 22nd December 2011 shall terminate.

3. Provisions of this Agreement shall also be applicable to the projects and programs of technical and financial cooperation which have been initiated prior to entry into force of this Agreement.

4. The Parties shall work in coordination to prevent duplication of projects

and programs of technical and financial cooperation conducted by other development partners.

5. This Agreement is concluded for a period of five (5) years and shall be automatically renewed for the next five (5) years period, unless either Party notifies the other Party in writing of its intention to terminate it through the diplomatic channel, at least (6) six months prior to the date of expiration.

6. The termination of this Agreement shall not affect the activities and projects and programs of technical and financial cooperation already in progress or executed. Provisions of this Agreement shall be continued to apply to the projects and programs which have been initiated prior to termination of this Agreement.

7. This Agreement may be terminated by the Parties provided that six months' notice thereof is given in writing at any time.

In witness whereof, The Parties, through their duly authorized representatives, have signed this Agreement, at Istanbul on 03.11.2018 in two original copies in Ukrainian, Turkish and English languages, each text being equally authentic. In case of divergence in interpretation, the English text shall prevail.

**For the Government of
Ukraine**

**For the Government of
the Republic of Turkey**