

**HOST COUNTRY AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TÜRKİYE
AND
THE TURKIC INVESTMENT FUND**

Preamble

The Government of the Republic of Türkiye and the Turkic Investment Fund (hereinafter referred to as "the Fund"),

Taking into account the provisions of “The Agreement Establishing the Turkic Investment Fund”, done in Ankara on March 16, 2023 (referred hereinafter to as “the Agreement Establishing the Fund”),

Taking into consideration that Article 13 of the Agreement Establishing the Fund provides that the Headquarters of the Fund shall be in Istanbul, the Republic of Türkiye,

Desiring to define the status, privileges and immunities of the Fund and persons connected with the Fund in the Republic of Türkiye,

have agreed as follows:

Article 1 – Definitions

For the purposes of this Agreement:

- a) “Agreement Establishing the Fund” means the Agreement Establishing the Turkic Investment Fund, signed in Ankara on March 16, 2023;
- b) “Archives of the Fund” means records, correspondence, accounting records and all financial documents, manuscripts, still and moving pictures and films, sound records, computer programs, written materials, electronic files and data, video tapes or discs, discs or tapes containing data belonging to or held by the Funds;
- c) "Dependants" means the spouse, unmarried children up to 18 years of age;
- d) “Government” means the Government of the Republic of Türkiye.
- e) “Host Country” means the Republic of Türkiye;
- f) “Laws of the Republic of Türkiye” include legislative acts and decrees, regulations or orders, issued by or under authority of the Host Country.
- g) “Officers” means the President of the Fund and the General Director appointed in accordance with the provisions of the Agreement Establishing the Fund;
- h) “Official Activities of the Fund” includes all activities undertaken pursuant to the Agreement Establishing the Fund, and all activities appropriate to fulfill its purpose and functions under Articles 2 and 3 of that Agreement including its administrative activities;

- i) "Persons Connected with the Fund" means Officers and the Staff of the Fund;
- j) "Premises of the Fund" means the land, the buildings and parts of buildings including access facilities, used for the official activities of the Fund;
- k) "Property and Assets of the Fund" means all the property and assets, referred to in the Agreement Establishing the Fund and vested by the Fund;
- l) "Staff of the Fund" comprises professional and/or administrative employees, employed by the Fund, excluding those staff both recruited locally and assigned to hourly rates of pay, regardless of their nationality;
- m) "The Fund" means the Turkic Investment Fund;
- n) The terms "Member States", "President of the Fund", "General Director", "Board of Directors", and "Board of Governors" have the same meaning as in the Agreement Establishing the Fund, its By-Laws or Rules of Procedure.

Article 2 – Interpretation

1. This Agreement shall be interpreted in the light of the primary objective of enabling the Fund fully and efficiently to discharge its responsibilities in the Republic of Türkiye and to fulfil its purpose and functions.
2. This Agreement shall be regarded as implementing and supplementing provisions of the Agreement Establishing the Fund and shall not be regarded as modifying or derogating from the provisions of that Agreement.

Article 3 – Legal Personality

The Fund shall have the status of an international financial organization in accordance with Article 29 of the Agreement Establishing the Fund. In accordance with the Agreement Establishing the Fund, the Fund shall have full juridical personality whose financial activities and operations shall not be subject to Turkish Banking Law and Capital Market Legislation, and shall possess full legal personality and full legal capacity:

- a) to contract,
- b) to acquire, lease and dispose of immovable and movable property in accordance with national legislations,
- c) to acquire and dispose of tangible and intangible property,
- d) to institute legal proceedings,
- e) to carry out any transactions within the purpose of the Fund.

Article 4 – Immunity from Judicial Proceedings

1. Within the scope of its official activities, the Fund shall enjoy immunity from jurisdiction, except that the immunity of the Fund shall not apply;

(a) to the extent that the Fund shall have expressly waived any such immunity in any particular case or in any written document;

(b) in respect of civil action arising out of the exercise of the powers of the Fund to borrow money, to guarantee obligations and to buy or sell or underwrite the sale of any securities;

(c) in respect of civil action by a third party for damage arising from a road traffic accident caused by a Person Connected with the Fund acting on behalf of the Fund;

(d) in respect of civil action relating to death or personal injury caused by an act or omission of the Fund or by a Person Connected with the Fund, in the Republic of Türkiye;

(e) in respect of the enforcement of an arbitration award made against the Fund as a result of an express submission to arbitration;

(f) in respect of any counter-claim directly connected with court proceedings initiated by the Fund;

2. The property and assets of the Fund shall, wheresoever located and by whomsoever held be immune from all forms of restraint, seizure, attachment or execution except upon the delivery of final judgment against the Fund.

3. The Host Country shall not assume any responsibility for any act or omission, including acts of criminal nature, resulting from the activities of the Fund, or Staff of the Fund or its Officers in the Republic of Türkiye.

Article 5 – Premises of the Fund

1. The Headquarters of the Turkic Investment Fund is located in Istanbul, in premises determined by the Fund and approved by the Government. The Government, within the framework of its national legislation, shall do its utmost to assist the Fund in the acquisition by gift, lease, hire or purchase, of such premises as may be selected by the Fund.

2. The Government shall not dispose of or seek to dispose of all or any part of the Premises of the Fund, without the consent of the Fund.

Article 6 – Inviolability of the Premises of the Fund

1. The premises of the Fund shall be inviolable and shall be under the control and authority of the Fund, which may establish any regulations necessary for the exercise of its functions therein.

2. No official of the Government or person exercising any public authority, whether administrative, judicial, military or police, shall enter the Premises of the Fund except with the consent of and under the conditions approved by the President of the Fund. Such consent may

be assumed in the case of fire or other disasters requiring prompt protective action. The Fund and the Government shall agree under what circumstances and in what manner any such official may enter the Premises of the Fund without the prior consent of the Fund, in connection with fire prevention, sanitary regulations or emergencies. The Fund shall have the power to make rules and regulations operative within the premises of the Fund for the full independent exercise of its operations, administration and performance of its functions.

3. Without prejudice to the terms of this Agreement, the Fund shall prevent the Premises of the Fund from becoming a refuge from justice for foreigners subject to extradition or deportation, or persons who are avoiding of arrest or service of legal process under the laws of the Republic of Türkiye or in any other manner incompatible with the purposes of the Fund as laid down in the Agreement Establishing the Fund.

Article 7 – Protection of the Premises of the Fund

1. The Premises of the Fund shall be used for the sole purpose of attaining the objectives of the Fund as stipulated in the Agreement Establishing the Fund.

2. The Government is under a special duty to take all appropriate measures as is deemed necessary to protect the Premises of the Fund against any intrusion or damage and to prevent any disturbance of the peace of the Fund or impairment of its dignity.

3. The Fund shall take all reasonable steps to ensure that the amenities of the land in the vicinity of the premises of the Fund are not prejudiced by any use made by the Fund of those premises.

Article 8 – Public Utilities and Services in the Premises of the Fund

1. The Government shall do its utmost to ensure, that the Fund shall be provided with the necessary public utilities and the services and the utility charges shall be borne by the Fund.

2. In case of any interruption or threatened interruption of any such utilities and services, the Government shall consider the needs of the Fund of equal importance with Economic Cooperation Organization Trade and Development Bank and shall take steps to ensure that the operations of the Fund are not prejudiced.

3. The Fund shall, upon request, make suitable arrangements to enable duly authorized representatives of the appropriate public service bodies to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the Premises of the Fund.

Article 9 – Immunity of Property and Inviolability of Archives of the Fund

1. The property and assets of the Fund, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference or taking or foreclosure by administrative or legislative action except for the circumstances under Article 4(1) and in so far in any particular case the President of the Fund shall have expressly waived its immunity.

2. The Archives of the Fund shall be inviolable.

Article 10 – Flag and Emblem of the Fund

The flag and emblem of the Fund shall be displayed on the premises of the Fund and on the means of transport of the Fund and President of the Fund. The flags of the Member States shall also be displayed on the Premises of the Fund.

Article 11 – Financial Activities

Notwithstanding financial controls, regulations or moratoria of any kind that may otherwise be in place or implemented from time to time, the Fund, in accordance with the provisions of the Agreement Establishing the Fund may, in the Host Country, freely:

- a) purchase, hold and dispose of any funds, currencies, financial instruments and securities, operate accounts in any currency, engage in financial transactions and conclude financial contracts;
- b) transfer its funds, currencies, financial instruments and securities to or from the Host Country, from or to any other country or within the Host Country and convert any currency held by it into any other currency.

Article 12 – Exemption from Customs Duties and Taxes

1. Within the scope of its official activities, the Fund, its property and assets, movable and immovable, or income of whatever nature such as interests, capital gains, currency gains, profits as well as its operations and transactions, purchase of goods and services shall be exempt:

- a) from all present and future, direct and indirect taxation and duties, including but not limited to Value Added Tax (VAT), income tax, property tax, corporate tax, motor vehicles tax, special consumption tax (only related to purchases of goods by the Fund from special consumption tax taxpayers), special communication tax, withholding tax, stamp duties, be it of a local or governmental nature. Referring to the aforesaid provisions the Fund shall also be exempt from any obligation for the payment, withholding or collection of any tax.
- b) from all customs duties and additional financial obligations, and other levies including VAT and special consumption tax (only related to purchases of goods by the Fund from special consumption tax taxpayers) or direct importations of goods made by the Fund on imports and exports in respect of articles including its publications, imported or exported by the Fund for its official use, 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. The articles imported under such exemption shall not be disposed of in the Host Country, except through payment of dues and taxes by the buyer or under the conditions agreed with the Host Country.

2. The provisions of this Article shall not apply to taxes or duties which are no more than charges for public utilities.

Article 13 – Resale

Goods, which had been acquired or imported, may only be sold or transferred to persons who are exempted from customs duties or may be re-exported or left to the customs.

Article 14 – Communications and Publications

1. The Fund shall enjoy in the Host Country for its official communications and the transfer of all its documents treatment not less advantageous to the Fund than the most favorable treatment, which may be accorded by the Government to other international organization based in the Host Country.

2. All official communications directed to the Fund or to Persons Connected with the Fund at the Premises of the Fund and all outward official communications of the Fund, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Such immunity shall extend to publications, still and moving pictures, films and sound recordings.

3. In case of emergencies requiring the prevention of access the appropriate authorities of the Host Country shall consult the Fund on measures to regulate, consistent with the laws of Republic of Türkiye, the enjoyment of immunity from censorship of communications to and from the Fund.

4. Nothing in this section shall preclude the adoption, in consultation with the Fund, of such measures where there is reason to believe that the security of the state and public order are threatened.

5. The Fund shall have the right to use codes, and to send and receive official correspondence and other official communications by couriers or in sealed bags which shall have immunities and privileges not less favorable than those accorded to diplomatic couriers and bags.

Article 15 – Privileges and Immunities for Persons Connected with the Fund

1. Persons Connected with the Fund shall:

a) be immune from legal process even after termination of their mission or service, in respect of acts performed by them in their official capacity, except when the Fund waives the immunity. This immunity shall not apply, however, to civil liability in the case of damage arising from a road traffic accident caused by any such person;

b) be exempt, together with members of their family forming part of their household, from the same facilities as regards immigration restrictions and exchange regulations, as accorded by the Republic of Türkiye to the representatives, officials and employees of comparable rank of Economic Cooperation Organization Trade and Development Bank;

c) be exempt, together with members of their families forming part of their households, from national service obligations;

d) be granted, together with members of their family forming part of their household, the same treatment in respect of traveling facilities, as is accorded by the Republic of Türkiye to the representatives, officials and employees of Economic Cooperation Organization Trade and Development Bank;

e) be exempt from taxation in respect of salaries and emoluments paid to them by the Fund;

f) shall be exempt from any work permit requirements for aliens (or foreigners) in the Republic of Türkiye,

2. Persons Connected with the Fund shall have the right in accordance with the laws of the Republic of Türkiye to import temporarily their household effects including one automobile per family, provided that the goods are used by these persons during the period of stay in Türkiye for the sole purpose of fulfilling their assignment and re-exported after termination of their assignment. However, except, in accordance with such Laws, goods mentioned under this sub-paragraph shall not be transferred, hired out or rent, permanently or temporarily or sold.

3. In addition to the privileges and immunities set out in paragraphs 1 and 2 of this Article, Officers, in accordance with the current practice shall enjoy, on the Host Country, the same rights immunities, privileges and exemptions as accorded by the Government to the Officers of other international organizations accredited to the Host Country, provided that such status, rights, immunities, privileges and exemptions do not diminish, or invalidate the status, rights, immunities, privileges and exemptions accorded to them under the Agreement Establishing the Fund.

4. The privileges and immunities set out in paragraph 1(b), 1(c), 1(d), 1(f), 2, 3 of this Article and Article 16(2) shall not be applied to Persons Connected with the Fund, who are nationals of the Republic of Türkiye and the foreigners who are permanent residents in Türkiye.

5. Privileges and immunities accorded to the Persons Connected with the Fund are granted solely to ensure in all circumstances the unimpeded functioning of the Fund and not for the personal benefit of individuals themselves.

6. The Board of Governors has the right and duty to waive the immunities, exemptions and privileges conferred under this Agreement, to any Person Connected with the Fund, in a case where, in its opinion, the immunities, exemptions and privileges would impede the course of justice and can be waived without prejudice to the interest of the Fund. The Host Country may also demand the Board of Governors to waive the immunity of any Person Connected with the Fund who have grossly violated the laws and regulations of the Republic of Türkiye.

Article 16 – Notification of Appointments: Cards

1. The President shall inform the Ministry of Foreign Affairs of the Republic of Türkiye of the names and positions of the Persons Connected with the Fund, and changes made thereto.

2. The Ministry of Foreign Affairs of the Republic of Türkiye shall issue appropriate identity cards to all Persons Connected with the Fund, in accordance with its national legislation. It shall, in each case, indicate whether or not the individual concerned is a national of the Republic of Türkiye or a permanent resident in the Republic of Türkiye.

Article 17 – Social Security and Labour Legislation

Persons Connected with the Fund shall be subject to the social security legislation in force in the Republic of Türkiye. However, Persons Connected with the Fund, in case they benefit from the Fund's own social security scheme or a social security scheme established by another international organization or country, shall be exempt from the social security legislation of the Republic of Türkiye regarding the work rendered for the Fund.

Article 18 – Opportunity to Take Employment

1. The Fund shall not employ, as a Person Connected with the Fund or as Expert performing missions for the Fund, any person who is present in the Host Country at the time of such employment without taking all reasonable steps to ascertain that such person is not present in the Host Country in violation of the relevant immigration laws of the Host Country or is not subject to a prohibition there under from taking up employment in the Host Country.

2. Under special conditions and within the limits of the relevant Turkish legislation, the dependants of Persons Connected with the Fund shall enjoy access to the labor market provided they reside in the Republic of Türkiye under the same roof as the principal holder of the identity card. If they engage in a gainful occupation, privileges and immunities shall be waived.

Article 19 – Entry, Stay in and Departure

The Host Country shall take all the necessary measures to facilitate the entry into, stay in and departure from the Host Country, and freedom of movement in the Host Country of the following persons entering the Host Country on official business:

- a) Members of the Board of Governors and Board of Directors, their Alternates and other members of their official delegations and their dependants,
- b) Persons Connected with the Fund and their dependants,
- c) Experts participating in the activities of the Fund including the activities of the Board of Governors, and the Board of Directors.
- d) Other persons officially invited by the Fund in connection with the operations and official activities of the Fund in the Host Country. The Fund shall communicate the names of such persons to the Government.

Article 20 – General Provisions

Without prejudice to the privileges and immunities accorded by this Agreement, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the Host Country. They also have a duty not to interfere in the internal affairs of the Host Country.

Article 21 – Settlement of Disputes

1. The President of the Fund shall make provisions for appropriate methods of settlement of:
 - a) disputes arising out of contracts and disputes of a private law character to which the Fund is a party and, in consultation with the Government;
 - b) disputes involving a Person Connected with the Fund who, by reason of his or her official position, enjoys immunity, if such immunity has not been waived.
2. All disputes and disagreements concerning the interpretation and implementation of the present Agreement shall be settled through negotiations between the Host Country and the Fund.
3. Any dispute between the Government and the Fund concerning the interpretation or application of this Agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for the final decision to an arbitral tribunal of three arbitrators to be constituted for each individual case in the following way. Within two months after receipt of the request for arbitration, the Government and the Fund shall each appoint one tribunal member. The two members so appointed shall then select a third arbitrator who is not a national of any of the Member States, as chairman.
4. Should the first two arbitrators fail to agree upon the third arbitrator within three months from the date of notification of the request for arbitration, the necessary appointment has not been made, either the Government or the Fund may, in the absence of any other agreement, invite the President of the International Court of Justice to make the necessary appointment. If the President of the International Court of Justice is a national of any of the Member States or if he is otherwise prevented from discharging the said function, the Vice-President of the International Court of Justice shall be invited to make the necessary appointment. If the Vice-President is a national of any of the Member States or if he too is prevented from discharging the said function, the member of the International Court of Justice next in seniority who is not a national of any of the Member States shall be invited to make the necessary appointments.
5. The decisions of the tribunal shall be final and binding.
6. The costs of the tribunal shall be shared equally between the Government and the Fund unless otherwise decided in the arbitration award.
7. This article shall not be applicable for disputes on taxation.

Article 22 – Final Provisions

1. This Agreement shall enter into force on the date of the receipt of the last written notification through diplomatic channels by the Host Country to the Fund of the completion of its legal procedures after this Agreement is signed by both parties.
2. Any amendments and additions to this Agreement, agreed upon between the Fund and the Host Country in writing, shall enter into force in accordance with the procedure set forth in

paragraph 1 of this Article. Such amendments shall constitute an integral part of this Agreement.

3. This Agreement shall remain in force as long as the Agreement Establishing the Fund is valid and the Fund remains in the Republic of Türkiye.

4. This Agreement may be terminated by agreement between the Government and the Fund. In the event of the Headquarters of the Fund being moved from the territory of the Republic of Türkiye, this Agreement shall cease to be in force after the period reasonably required for such transfer and the disposal of the property of the Fund in the Republic of Türkiye.

In witness whereof the undersigned, being thereunto duly authorized, have signed this Agreement.

Done at, on the ... day of 2024, in two original copies in Turkish and English languages, all texts being equally authentic. In case of divergence between the texts of this Agreement, the English text shall prevail.

For the Government of the
Republic of Türkiye

For the Turkic Investment Fund