

No. 48195

**Turkey
and
Serbia**

Agreement between the Government of the Republic of Turkey and the Government of the Republic of Serbia on cooperation in infrastructure projects. Belgrade, 26 October 2009

Entry into force: *12 July 2010 by notification, in accordance with article 14*

Authentic texts: *English, Serbian and Turkish*

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**Turquie
et
Serbie**

Accord relatif à la coopération en matière de projets d'infrastructure entre le Gouvernement de la République turque et le Gouvernement de la République de Serbie. Belgrade, 26 octobre 2009

Entrée en vigueur : *12 juillet 2010 par notification, conformément à l'article 14*

Textes authentiques : *anglais, serbe et turc*

Enregistrement auprès du Secrétariat des Nations Unies : *Turquie, 6 janvier 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE GOVERNMENT OF THE REPUBLIC OF SERBIA
ON COOPERATION IN INFRASTRUCTURE PROJECTS**

The Government of the Republic of Turkey and the Government of the Republic of Serbia (hereinafter: “the Parties”),

Desiring to enhance bilateral cooperation in the field of development of transport infrastructure and other projects of relevance to the promotion and extension of economic cooperation,

Have agreed on the mutual relations, rights and obligations with regard the following:

Scope

Article 1

This Agreement aims to enhance cooperation in the field of development of transport infrastructure and other infrastructure at the local, regional and national level of the countries of the Parties (hereinafter: „infrastructure“) based on the principles of solidarity, complementarity and mutual respect.

Definitions

Article 2

The transport infrastructure referred to in Article 1 of this Agreement shall comprise the following: streets, roads inside settlement, roads outside settlement, municipal roads, state roads, as well as any other road defined by national regulations of the countries of the Parties, also including any other road facility (bridge, overpass, underpass and tunnel) in accordance with regulations governing public roads, as well as rail and air infrastructure (railway with pertinent facilities, subway, airport).

Activities

Article 3

The Parties agree that cooperation, within the meaning of this Agreement, shall imply the following activities:

- 1) provision of favorable conditions for project financing and implementation, in particular:
 - project preparation, including preparation of pertinent technical documentation;
 - implementation of infrastructure projects (construction and reconstruction of infrastructure facilities)
 - procurement of goods (machinery, equipment and materials) necessary for construction and reconstruction of infrastructure facilities;
- 2) execution of works;
- 3) provision of technical assistance from experts specialized in host country staff training in order to prepare development plans and projects in the field of infrastructure;
- 4) any other form of cooperation in the field of infrastructure or economic development initiated by either Party.

Performance of activities

Article 4

The activities set out in Article 3 of this Agreement shall be defined and performed by means of individual contracts based on project proposals from the authorities and organizations of the countries of the Parties endorsed according to the procedure determined by the national legislation.

Individual contracts referred to in paragraph 1 of this Article shall be drafted and concluded as financial contracts and contracts with contractors.

A financial contract or a contract with contractors shall be concluded for any project which defines one or more activities referred to in Article 3 of this Agreement.

Financial contracts

Article 5

The financing of projects, which shall be the subject of particular consideration and agreement of the Parties, shall be carried out in accordance with their budgetary possibilities and contracts with contractors.

The Party in its capacity as Lender shall, in accordance with its budgetary possibilities, finance development projects with funds provided as soft loans and other loans acceptable for the other Party in its capacity as Borrower or its Guarantor.

Contracts with Contractors

Article 6

Contractors in the countries of the Parties, whose selection shall be conducted by the authority of the country of the Party in which the project shall be implemented, may participate in the performance of activities referred to in Article 3 of this Agreement based on a contractor's proposal submitted by the Party, which is the Lender providing funds for a particular project.

The authority referred to in paragraph 1 of this Article which conducts the assessment of contractor (references and others) shall be the Ministry responsible for the implementation of investment projects of national importance.

The contractor referred to in paragraph 1 of this Article shall be under obligation to engage a subcontractor with the head office in the country of the Party in which a project shall be implemented or to obtain goods, equipment and materials originating in the country of the Party in which the project shall be implemented, as well as to furnish other services, which may be the subject of a particular project.

Authorities responsible for Agreement implementation

Article 7

The Undersecretariat of the Prime Ministry for Foreign Trade in the Republic of Turkey and the Ministry responsible for operations in the field of economy and regional development in the Republic of Serbia shall ensure the implementation of this Agreement.

Construction and reconstruction of road network

Article 8

In pursuit of financing priority projects (construction and reconstruction of the state roads Novi Pazar-Tutin (R118A) and Novi Pazar-Sjenica/Aljinovici (M8), as well as the pertinent road facilities and others), the Parties shall consider the arrangement of a financial facility from Turk Eximbank up to 30 million US dollars under the sovereign guarantee of the Republic of Serbia.

The Parties agree that delivery and procurement of goods, works and services necessary for the implementation of facilities under this Agreement shall be carried out pursuant to the provisions of this Agreement.

Administrative assistance

Article 9

The Parties shall provide each other with all necessary assistance to ensure unimpeded entry into, stay in and exit from the countries of the Parties to the staff accredited to perform activities under this Agreement in accordance with the relevant regulations of the Parties.