

No. 1306

**PROVISIONAL INTERNATIONAL CIVIL AVIATION
ORGANIZATION
and
FRANCE**

**Exchange of letters (with annex) constituting an agreement
regarding privileges and immunities. Paris, 28 February
and 14 March 1947**

Official text: French.

Registered by the International Civil Aviation Organization on 18 July 1951.

**ORGANISATION PROVISOIRE DE L'AVIATION
CIVILE INTERNATIONALE
et
FRANCE**

**Échange de lettres (avec annexe) constituant un accord
relatif aux privilèges et immunités. Paris, 28 février
et 14 mars 1947**

Texte officiel français.

Enregistré par l'Organisation de l'aviation civile internationale le 18 juillet 1951.

TRANSLATION — TRADUCTION

No. 1306. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE PROVISIONAL INTERNATIONAL CIVIL AVIATION ORGANIZATION AND THE GOVERNMENT OF THE FRENCH REPUBLIC REGARDING PRIVILEGES AND IMMUNITIES. PARIS, 28 FEBRUARY AND 14 MARCH 1947

I

Letter from the Government of the French Republic

MINISTRY OF FOREIGN AFFAIRS
CONFERENCE SECRETARIAT

Paris, 28 February 1947

Sir,

I have the honour to send you herewith a draft Agreement between the French Government and the Provisional International Civil Aviation Organization.

The representatives of the competent Government services were called upon to examine the draft prepared by PICAQ. This led to their preparing a re-draft which, while retaining the substance and essential provisions of your draft Agreement as a whole, includes some minor amendments to bring the text into closer conformity with legal terminology and with the French laws in force.

In order to facilitate the establishment in Paris of the Regional Office for the Europe-Mediterranean zone, the French Government is prepared to grant immediately to PICAQ the benefit of the provisions of this draft Agreement.

Accordingly I should be grateful if you would inform me if these provisions do not meet with any objections on your part, in which case they could be applied forthwith.

It is understood that this exchange of letters in no way precludes the possibility of subsequent negotiations on the subject between the French Government and the Permanent International Civil Aviation Organization.

I have the honour to be, etc.

(Signed) FOUQUES-DUPARC

Representative of PICAQ in Paris
70, avenue d'Iéna

¹ Came into force on 14 March 1947, by the exchange of the said letters.

AGREEMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC
AND THE PROVISIONAL INTERNATIONAL CIVIL AVIATION ORGANIZATION

In order to ensure that the Provisional International Civil Aviation Organization and, in particular, its Regional Office for the Europe-Mediterranean zone shall enjoy the privileges, immunities and facilities essential for carrying out its functions in French territory,

The Government of the French Republic and the Provisional International Civil Aviation Organization

Have agreed as follows :

Article 1.—The International Civil Aviation Organization shall possess juridical personality.

For the purpose of attaining its objects and performing its functions it shall have the capacity :

(a) to contract;

(b) to acquire and dispose of immovable and movable property;

(c) to institute legal proceedings.

Article 2.—The Organization shall enjoy immunity from every form of judicial process. No proceedings may be instituted against it unless it expressly waives this immunity for the purpose of any particular proceeding or unless this waiver follows from the terms of a contract.

Article 3.—The premises of the Organization, its archives and, in general, all documents belonging to it or held by it shall be inviolable.

Nevertheless, the Organization shall not allow the premises to be used to harbour any person against whom a warrant shall have been issued by the French authorities.

Article 4.—The property of the Organization shall be immune from seizure; it cannot form the subject of any measures of requisition.

Likewise it may not be the subject of measures of expropriation except in the public interest and after agreement between the Organization and the French Government.

Article 5.—Notwithstanding any financial controls, regulations or moratoria whatsoever, the Provisional International Civil Aviation Organization may receive and freely dispose of any sums and securities whatsoever, in whatsoever currency they may be expressed.

Article 6.—The Organization shall be exempt from the payment of all direct taxes, though it shall pay the charges for services rendered.

The Organization shall be exempt from all duties and taxes levied by the Customs authorities on goods imported by it for its official use and on the publications, cinematographic films, lantern slides and photographic documents which it publishes and on paper which it may import into France.

It shall be understood however that articles imported free of Customs duty will not be sold in French territory except on conditions previously agreed with the French authorities.

Article 7.—The Organization shall pay under the conditions of the general law the indirect taxes which form part of the price of goods sold.

Article 8.—The French Government shall grant to the Organization for its postal, telephonic, telegraphic, radiotelephonic, radiotelegraphic and radiotelephotographic communications treatment not less favourable than that which is or may be accorded to diplomatic missions accredited to the French Government, especially as regards franking privileges and postal rates, correspondence priorities, the use of codes.

It shall facilitate by every means communications which the Director of the Regional Office in Paris and his principal colleagues may have to make through the press and the radio.

The correspondence and communications of the Organization may only be delayed in case of *force majeure*.

Article 9.—Representatives of States Members of the International Civil Aviation Organization to conferences convened by the Organization shall be accorded, while exercising their functions and during their journey to and from the place of meeting, the facilities, privileges and immunities accorded to diplomatic missions accredited to the French Government. For this purpose, it is understood that the Organization will supply the French authorities in due time with the list of the delegates invited to its conferences.

The benefits of the facilities, privileges and immunities referred to in the preceding paragraph shall extend to the representatives of Member States and to their alternate representatives, advisers, technical advisers and experts.

Article 10.—All officials of the Organization shall :

- (1) be immune from legal process in respect of acts performed by them in their official capacity;
- (2) be exempt from all direct taxation on the salaries and emoluments paid to them by the Organization;
- (3) not be subject, together with their spouses and minor children, to the provisions of French laws and regulations concerning aliens;
- (4) be accorded the same exchange facilities as those granted to diplomatic representatives accredited to the French Government;
- (5) be given, together with their spouses and minor children, the same repatriation facilities as are granted to diplomatic missions accredited to the French Government in time of international crisis.

Article 11.—The Director of the Regional Office in Paris and his deputy, their spouses and minor children, shall be accorded the privileges and immunities, exemptions and facilities accorded to the members of diplomatic missions accredited to the French Government and to their spouses and minor children in accordance with international

law and usage. They may not, however, in the courts of the State of which they are nationals, plead immunity from legal process as regards matters not connected with their official duties.

Article 12.—These privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the officials. The Director may waive the immunity of any official if, in his opinion, this can be done without prejudice to the interests of the Organization.

Article 13.—The French Government shall take the necessary measures to ensure at any time between the headquarters of the Organization and the national frontiers :

- the movement of persons required to take part in the work of the Organization or invited by it;
- the transmission of correspondence and telegrams;
- the transport of goods addressed to the Organization.

Article 14.—The Organization and the French Government shall determine by agreement the procedure and conditions for facilitating access to, residence in, transit through and departure from French territory in the case of persons required at any time to take part in the work of the Organization or who have been invited by it.

Article 15.—Provided that the independent and proper operation of the Organization is not prejudiced, the French Government may take any precautionary measure necessary to national security.

Article 16.—The premises placed at the disposal of the Organization shall be supplied with electricity, water, gas and other public services.

Should *force majeure* involve a partial or total interruption of these services, the needs of the Organization shall be treated by the French Government as of equal importance with those of its own administrations.

Article 17.—The French Government shall take the necessary police measures to protect the headquarters of the Organization and to maintain order in its immediate vicinity.

At the request of the Director the French Government shall supply any police forces that may be necessary to keep order inside the premises.

Article 18.—The Organization shall co-operate at all times with the competent French authorities to facilitate the proper administration of justice, secure compliance with police regulations and prevent the occurrence of any abuse in connexion with the immunities and facilities referred to in the present Agreement.

Article 19.—The Organization shall make provision for appropriate modes of settlement of :

- (1) disputes arising out of contracts or other disputes of a private law character to which the Organization is a party;
- (2) disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if the immunity has not been waived by the Executive Secretary.

Article 20.—Any disagreement between the Director and the French Government concerning the interpretation or application of the present provisional Agreement or of any supplementary convention or agreement shall, if not settled by negotiation, be submitted for decision to an arbitrator appointed by mutual agreement or, failing agreement, appointed by the President of the International Court of Justice.

Article 21.—The present Agreement is concluded for an indefinite period.

After approval by the Council of the Provisional International Civil Aviation Organization and by the French Government, it shall come into force upon signature by the Secretary-General of the Organization or his Representative in Paris, of the one part, and by a duly authorized Representative of the French Republic, of the other part.

It shall remain in force after the permanent International Civil Aviation Organization has been established pursuant to the Convention signed at Chicago on 7 December 1944.¹

Article 22.—This Agreement is subject to revision at the request of either of the parties, who shall consult each other and mutually agree as to the amendments to be made therein (if any).

¹ United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346, and Vol. 51, p. 336.

II

Letter from the Representative of PICAO in Paris

THE REPRESENTATIVE OF PICAO IN PARIS

Paris, 14 March 1947

Sir,

I have the honour to acknowledge receipt of your letter dated 28 February 1947 with which you kindly sent me the draft agreement between the French Government and the Provisional International Civil Aviation Organization.

We have taken note of this text with great satisfaction. As the French Government is prepared, in order to facilitate the establishment of the Paris Regional Office for the Europe-Mediterranean zone, to extend to it immediately the benefit of all the provisions of the draft Agreement, I have pleasure in giving my full and entire agreement to the solution which you propose.

Furthermore, I am authorized by the Council of the Provisional International Civil Aviation Organization, to sign forthwith the Agreement which, according to article 21, will remain in force after the permanent International Civil Aviation Organization has been established pursuant to the Convention signed at Chicago on 7 December 1944.

As you were good enough to specify, it is understood that this exchange of letters in no way precludes the possibility of subsequent negotiations on this subject between the French Government and the International Civil Aviation Organization, when constituted.

I have the honour to be, etc.

(Signed) BEDIN

The Minister of Foreign Affairs
Conference Secretariat
