

No. 3515

**BELGIUM, DENMARK, FRANCE,
GREECE, IRELAND, etc.**

**General Agreement on Privileges and Immunities of the
Council of Europe. Signed at Paris, on 2 September
1949**

**Additional Protocol to the above-mentioned Agreement.
Signed at Strasbourg, on 6 November 1952**

**Supplementary Agreement between the Council of Europe
and the Government of the French Republic amending
certain provisions of the General Agreement on
Privileges and Immunities of the Council of Europe.
Signed at Paris, on 18 March 1950**

Official texts of the General Agreement and Protocol: English and French.

Official text of the Supplementary Agreement: French.

*Registered on 11 September 1956 by the Council of Europe acting on behalf of the
Contracting Parties, in accordance with resolution 54 (6) of the Committee of
Ministers of the Council of Europe adopted on 3 April 1954.*

No. 3515. GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE. SIGNED AT PARIS, ON 2 SEPTEMBER 1949

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Kingdom of Greece, the Irish Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Kingdom of Sweden, the Turkish Republic and the United Kingdom of Great Britain and Northern Ireland ;

Whereas under the provisions of Article 40, paragraph (a) of the Statute,² the Council of Europe, representatives of Members and the Secretariat shall enjoy in the territories of its Members such privileges and immunities as are necessary for the exercise of their duties ;

Whereas under the provisions of paragraph (b) of the above-mentioned Article, the Members of the Council have undertaken to enter into an agreement for the purpose of fulfilling the provisions of the said paragraph ;

Whereas in pursuance of the above-mentioned paragraph (b), the Committee of Ministers has recommended to Member Governments the acceptance of the following provisions ;

Have agreed as follows :

PART I

PERSONALITY-CAPACITY

Article 1

The Council of Europe shall possess juridical personality. It shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

¹ In accordance with article 22, the Agreement came into force on 10 September 1952 in respect of the following members of the Council of Europe on behalf of which the instruments of ratification were deposited with the Secretary-General of the Council of Europe on the dates indicated :

Belgium	5 April 1951	Sweden	25 September 1950
Italy	7 February 1952	United Kingdom of Great Britain and Northern Ireland	25 September 1950
Luxembourg	10 September 1952		
Netherlands	18 March 1950		
Norway	1 December 1949		

and subsequently for the following members by deposit of an instrument of ratification on the dates indicated :

Denmark	2 September 1953	Greece	17 November 1953
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In addition, pursuant to the provisions of article 7 (d) of the Protocol to the General Agreement, the latter came into force on 11 July 1956 for the following members on behalf of which the instruments of accession were deposited on the dates indicated :

Federal Republic of Germany (with two declarations*)	10 September 1954	Iceland	11 March 1955
		Saar	16 February 1954

* See p. 29 of this volume.

² United Nations, *Treaty Series*, Vol. 87, p. 103 ; Vol. 100, p. 302, and Vol. 196, p. 347.

In these matters the Secretary General shall act on behalf of the Council of Europe.

Article 2

The Secretary General shall co-operate at all times with the competent authorities of the Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities, exemptions and facilities enumerated in the present Agreement.

PART II

PROPERTY, FUNDS AND ASSETS

Article 3

The Council, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case, the Committee of Ministers has expressly authorized the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

Article 4

The buildings and premises of the Council shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference whether by administrative, judicial or legislative action.

Article 5

The archives of the Council, and in general all documents belonging to it or held by it, shall be inviolable wheresoever located.

Article 6

Without being restricted by financial controls, regulations or financial moratoria of any kind :

- (a) the Council may hold currency of any kind and operate accounts in any currency ;
- (b) the Council may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency ;
- (c) In exercising its rights under sub-paragraphs (a) and (b) above, the Council of Europe shall pay due regard to any representations made by the Government

of a Member and shall give effect to such representations in so far as it considers this can be done without detriment to the interests of the Council.

Article 7

The Council, its assets, income and other property shall be exempt :

- (a) from all direct taxes ; the Council will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services ;
- (b) from all customs duties and prohibitions and restrictions on imports and exports in respect of articles required by the Council for its official use ; articles imported under such exemption will not be sold in the country into which they are imported, except under conditions approved by the Government of that country ;
- (c) from all customs duties, and prohibitions and restrictions on imports and exports in respect of its publications.

PART III

COMMUNICATIONS

Article 8

The Committee of Ministers and the Secretary General shall enjoy in the territory of each Member, for their official communications, treatment at least as favourable as that accorded by that Member to the diplomatic missions of any other Government.

No censorship shall be applied to the official correspondence and other official communications of the Committee of Ministers and of the Secretariat.

PART IV

REPRESENTATIVES OF MEMBERS TO THE COMMITTEE OF MINISTERS

Article 9

Representatives at the Committee of Ministers shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities :

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and acts done by them in their official capacity, immunity from legal process of every kind.
- (b) Inviolability for all papers and documents.
- (c) The right to use codes and to receive papers or correspondence by courier or in sealed bags.

- (d) Exemption in respect of themselves and their spouses from immigration restrictions or aliens registration in the State which they are visiting or through which they are passing in the exercise of their functions.
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of comparable rank of diplomatic missions.
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Article 10

In order to secure for the representatives at the Committee of Ministers complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Article 11

Privileges and immunities are accorded to the representatives of Members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Committee of Ministers. Consequently, a Member not only has the right, but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 12

(a) The provisions of article 9, 10 and 11 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

(b) In article 9, 10, 11 and 12 (a) above, the expression "representatives" shall be deemed to include all representatives, alternate representatives, advisers, technical experts and secretaries of delegations.

PART V

REPRESENTATIVES TO THE CONSULTATIVE ASSEMBLY

Article 13

No administrative or other restriction shall be imposed on the movement to and from the place of meeting of representatives to the Consultative Assembly and their substitutes.

Representatives and their substitutes shall, in the matter 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 duty ;
- (b) by the governments of other Members, the same facilities as those accorded to representatives of foreign governments on temporary official duty.

Article 14

Representatives to the Consultative Assembly and their substitutes shall be immune from all official interrogation and from arrest and all legal proceedings in respect of words spoken or votes cast by them in the exercise of their functions.

Article 15

During the sessions of the Consultative Assembly, the representatives to the Assembly and their substitutes, whether they be Members of Parliament or not, shall enjoy :

- (a) on their national territory, the immunities accorded in those countries to Members of Parliament ;
- (b) on the territory of all other Member States, exemption from arrest and prosecution.

This immunity also applies when they are travelling to and from the place of meeting of the Consultative Assembly. It does not, however, apply when representatives and their substitutes are found committing, attempting to commit, or just having committed an offence, nor in cases where the Assembly has waived the immunity.

PART VI

OFFICIALS OF THE COUNCIL

Article 16

In addition to the immunities and privileges specified in Article 18 below, the Secretary General and Deputy Secretary General shall be accorded in respect of themselves, their spouses and minor children the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with International Law.

Article 17

The Secretary General will specify the categories of officials to which the provisions of Article 18 below shall apply. He shall communicate them to the Governments of all Members. The names of the officials included in these categories

shall from time to time be made known to the above mentioned Governments.

Article 18

Officials of the Council of Europe shall :

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity and within the limit of their authority ;
- (b) be exempt from taxation on the salaries and emoluments paid to them by the Council of Europe.
- (c) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration ;
- (d) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the Government concerned ;
- (e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys ;
- (f) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question, and to re-export the same free of duty to their country of domicile.

Article 19

Privileges and immunities are granted to officials in the interests of the Council of Europe and not for the personal benefit of the individuals themselves. The Secretary General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Council of Europe. In the case of the Secretary General and of the Deputy Secretary General, the Committee of Ministers shall have the right to waive immunity.

PART VII

SUPPLEMENTARY AGREEMENTS

Article 20

The Council may conclude with any Member or Members supplementary agreements modifying the provisions of this General Agreement, so far as that Member or those Members are concerned.

PART VIII

DISPUTES

Article 21

Any dispute between the Council and private persons regarding supplies furnished, services rendered or immovable property purchased on behalf of the Council, shall be submitted to arbitration, as provided in an administrative order issued by the Secretary General with the approval of the Committee of Ministers.

PART IX

FINAL PROVISIONS

Article 22

The present Agreement shall be ratified. Instruments of ratification shall be deposited with the Secretary General. The Agreement shall come into force as soon as seven signatories have deposited their instruments of ratification.

Nevertheless, pending the entry into force of the Agreement in accordance with the provisions of the preceding paragraph, the signatories agree, in order to avoid any delay in the efficient working of the Council, to apply it provisionally from the date of signature, so far as it is possible to do so under their respective constitutional systems.

IN WITNESS WHEREOF the undersigned plenipotentiaries being duly authorised to that effect, have signed the present General Agreement.

DONE at Paris, this 2nd day of September, 1949, in French and in English, both texts being equally authentic, in a single copy which shall remain in the Archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatories.

For the Government of the Kingdom of Belgium : Pour le Gouvernement du Royaume de Belgique :

Louis SCHEYVEN

For the Government of the Kingdom of Denmark : Pour le Gouvernement du Royaume de Danemark :

J. C. W. KRUSE

For the Government of the French Republic : Pour le Gouvernement de la République Française :

Alexandre PARODI

For the Government of the Kingdom of Greece : Pour le Gouvernement du Royaume de Grèce :

C. XANTHOPOULOS-PALAMAS

For the Government of the Irish Republic : Pour le Gouvernement de la République Irlandaise :

Sean MURPHY

For the Government of the Italian Republic : Pour le Gouvernement de la République Italienne :

GIUSTINIANI

For the Government of the Grand-Duchy of Luxembourg : Pour le Gouvernement du Grand-Duché de Luxembourg :

Ant. FUNCK

For the Government of the Kingdom of the Netherlands : Pour le Gouvernement du Royaume des Pays-Bas :

W. C. POSTHUMUS MEYJES

For the Government of the Kingdom of Norway : Pour le Gouvernement du Royaume de Norvège :

Rolf ANDVORD

For the Government of the Kingdom of Sweden : Pour le Gouvernement du Royaume de Suède :

K. I. WESTMAN

For the Government of the Turkish Republic : Pour le Gouvernement de la République Turque :

N. MENEMENCIOGLU

For the Government of the United Kingdom of Great Britain and Northern Ireland : Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Oliver HARVEY

[TRANSLATION¹ — TRADUCTION²]

[TRADUCTION¹ — TRANSLATION²]

FIRST DECLARATION BY THE
FEDERAL REPUBLIC OF
GERMANY

PREMIÈRE DÉCLARATION DE LA
RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE

“The German Federal Republic hereby accedes to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on 2nd September, 1949, and to the Protocol thereto signed at Strasbourg on 6th November, 1952, to the exclusion of Article 6 (b) of the Agreement.

« La République fédérale d'Allemagne adhère à l'Accord Général sur les Privilèges et Immunités du Conseil de l'Europe, conclu à Paris le 2 septembre 1949, et au Protocole additionnel audit Accord, signé à Strasbourg le 6 novembre 1952, à l'exclusion de l'article 6, litt. b, de cet Accord.

¹ Translation by the Council of Europe.

² Traduction du Conseil de l'Europe.

¹ Traduction du Gouvernement de la République fédérale d'Allemagne.

² Translation by the Government of the Federal Republic of Germany.

“In doing so, the General Federal Republic declares that its accession to the General Agreement of 2nd September, 1949 on the Privileges and Immunities of the Council of Europe, and to the Protocol thereto of 6th November, 1952, does not constitute recognition of the present Statute of the Saar.

“The Government of the German Federal Republic will inform the Secretary-General of the Council of Europe as soon as the legal conditions in *Land* Berlin have been fulfilled that the General Agreement of 2nd September, 1949 on the Privileges and Immunities of the Council of Europe and the Protocol thereto of 6th November, 1952 apply also to *Land* Berlin.”

SECOND DECLARATION BY THE FEDERAL REPUBLIC OF GERMANY

“The German Federal Republic having the right and obligation to extend all international treaties concluded by it to *Land* Berlin, I declare in the name and on the instructions of the Government of the German Federal Republic that the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on 2nd September, 1949, and the Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Strasbourg on 6th November, 1952, with the exception of Article 6 (*b*) of the Agreement, are

«Ce faisant, le Gouvernement de la République fédérale d'Allemagne déclare que l'adhésion de la République fédérale d'Allemagne à l'Accord Général du 2 septembre 1949 sur les Privilèges et Immunités du Conseil de l'Europe et au Protocole additionnel du 6 novembre 1952 audit Accord, ne constitue pas une reconnaissance du statut actuel de la Sarre.

«Le Gouvernement de la République fédérale d'Allemagne se réserve d'informer le Secrétaire Général du Conseil de l'Europe, dès que les conditions légales seront remplies dans le *Land* Berlin, que l'Accord Général du 2 septembre 1949 sur les Privilèges et Immunités du Conseil de l'Europe et son Protocole additionnel du 6 novembre 1952 s'appliquent également au *Land* Berlin.»

DEUXIÈME DÉCLARATION DE LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

«La République fédérale d'Allemagne ayant le droit et l'obligation d'étendre tous les traités internationaux de la République fédérale d'Allemagne au *Land* Berlin, je déclare au nom et d'ordre du Gouvernement de la République fédérale d'Allemagne que l'Accord Général sur les Privilèges et Immunités du Conseil de l'Europe signé à Paris le 2 septembre 1949 et le Protocole additionnel à l'Accord Général sur les Privilèges et Immunités du Conseil de l'Europe signé à Strasbourg le 6 novembre 1952, à l'exclusion de l'article 6, litt. *b*, de l'Accord, sont

also applicable to *Land* Berlin as from the date at which the Agreement and the Protocol enter into force for the German Federal Republic.”

également applicables au *Land* Berlin à partir de la date à laquelle l'Accord et le Protocole additionnel entrent en vigueur pour la République fédérale d'Allemagne. »

ADDITIONAL PROTOCOL¹ TO THE GENERAL AGREEMENT
ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL
OF EUROPE.² SIGNED AT STRASBOURG, ON 6 NOVEM-
BER 1952

The Governments signatory to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on the 2nd September 1949² (hereinafter referred to as "the Agreement"),

Desirous of extending the provisions of the Agreement,
Have agreed as follows :

Article 1

Any present or future Member of the Council of Europe not a signatory of the Agreement may accede to the latter and to this Protocol by depositing its instrument of accession to them both with the Secretary-General of the Council of Europe, who shall notify the Members of the Council thereof.

Article 2

a) The provisions of Part IV of the Agreement shall apply to representatives attending meetings of the Ministers' Deputies.

b) The provisions of Part IV of the Agreement shall apply to representatives other than representatives to the Consultative Assembly attending meetings convened by the Council of Europe and held when neither the Committee of Ministers nor the Ministers' Deputies are in session save that representatives attending such meetings shall not be exempt from arrest and prosecution when found committing, attempting to commit, or just having committed an offence.

Article 3

The provisions of Article 15 of the Agreement shall apply to representatives to the Assembly, and their substitutes, at any time when they are attending or

¹ In accordance with the provisions of article 7, the Protocol came into force on 11 July 1956 for the following members of the Council of Europe on behalf of which the instruments of ratification or accession (a) were deposited with the Secretary-General of the Council of Europe on the dates indicated :

Belgium	24 July	1953	Netherlands	19 June	1953
Denmark	2 September	1953	Norway	24 April	1953
Federal Republic of Ger- many (a)	10 September	1954	Saar (a)	16 February	1954
Greece	17 November	1953	Sweden	30 April	1953
Iceland (a)	11 March	1955	United Kingdom of Great Britain and Northern Ireland	19 November	1954
Italy	11 July	1956			
Luxembourg	29 June	1953			

² See p. 12 of this volume.

travelling to and from, meetings of Committees and Sub-Committees of the Consultative Assembly, whether or not the Assembly is itself in session at such time.

Article 4

The permanent representatives of Members of the Council of Europe shall, while exercising their functions and during their journey to and from the place of meetings, enjoy the privileges, immunities and facilities normally enjoyed by diplomatic envoys of comparable rank.

Article 5

Privileges, immunities and facilities are accorded to the representatives of Members not for the personal benefit of the individuals concerned, but in order to safeguard the independent exercise of their functions in connection with the Council of Europe. Consequently, a Member has not only the right but the duty to waive the immunity of its representative in any case where, in the opinion of the Member, the immunity would impede the course of justice and it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 6

The provisions of Article 4 are not applicable in relation to the authorities of the State of which the person is a national or of the Member of which he is or has been a representative.

Article 7

a) This Protocol shall be open to signature by all Members which have signed the Agreement. The Protocol shall be ratified at the same time as or after the ratification of the Agreement. Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

b) This Protocol shall enter into force on the day when it shall have been ratified by all the signatories who at that date have ratified the Agreement, on condition that the number of signatories who have ratified the Agreement and the Protocol shall not be fewer than seven.

c) As regards any signatory ratifying subsequently, the Protocol shall enter into force at the date of the deposit of its instrument of ratification.

d) In the case of Members which have acceded to the Agreement and Protocol in accordance with the terms of Article 1 the Agreement and Protocol shall enter into force :

- (i) On the date specified in paragraph (b) above in cases where the instrument of accession has been deposited prior to this date ; or
- (ii) On the date of deposit of the instrument of accession in cases where this instrument is deposited at a date subsequent to that specified in paragraph (b) above.

IN WITNESS HEREOF the undersigned, being duly authorised thereto, have signed the present Protocol.

DONE at Strasbourg on the 6th day of November 1952, in English and French, both texts being equally authoritative in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory and acceding Governments.

For the Government of the Kingdom of Belgium : Pour le Gouvernement du Royaume de Belgique :

F. L. GOFFART

For the Government of the Kingdom of Denmark : Pour le Gouvernement du Royaume de Danemark :

E. TORP-PEDERSEN

For the Government of the French Republic : Pour le Gouvernement de la République Française :

F. SEYDOUX

For the Government of the Kingdom of Greece : Pour le Gouvernement du Royaume de Grèce :

N. HADJI VASSILIOU

For the Government of Ireland : Pour le Gouvernement de l'Irlande :

Sean G. RONAN

For the Government of the Italian Republic : Pour le Gouvernement de la République Italienne :

Pierluigi ALVERA

For the Government of the Grand Duchy of Luxembourg : Pour le Gouvernement du Grand Duché de Luxembourg :

Paul REUTER

For the Government of the Kingdom of the Netherlands : Pour le Gouvernement du Royaume des Pays-Bas :

S. G. M. VAN VOORST TOT VOORST

For the Government of the Kingdom of Norway : Pour le Gouvernement du Royaume de Norvège :

Paul KOHT

For the Government of the Kingdom of Sweden : Pour le Gouvernement du Royaume de Suède :

Sven DAHLMAN

For the Government of the Turkish Republic : Pour le Gouvernement de la République Turque :

C. S. HAYTA

For the Government of the United Kingdom of Great Britain and Northern Ireland : Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Peter SCARLETT

[TRANSLATION¹ — TRADUCTION²]

SUPPLEMENTARY AGREEMENT³ BETWEEN THE COUNCIL OF EUROPE AND THE GOVERNMENT OF THE FRENCH REPUBLIC AMENDING CERTAIN PROVISIONS OF THE GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE.⁴ SIGNED AT PARIS, ON 18 MARCH 1950

The Council of Europe and the Government of the French Republic,

Whereas it is necessary to define the privileges and immunities to which the Council of Europe shall be entitled in French territory in respect of indirect taxes ;

Whereas they wish to conclude an Agreement supplementary to the General Agreement on Privileges and Immunities of the Council of Europe,⁴ in accordance with Article 20 of this General Agreement,

Have designated as their representatives for this purpose :

for the Council of Europe,

Monsieur J. C. Paris, Secretary-General of the Council of Europe,

and

for the Government of the French Republic,

His Excellency Monsieur Robert Schuman, Minister for Foreign Affairs,

Who have agreed as follows :

Article 1

Notwithstanding the fact that the Council of Europe does not in principle claim exemption from excise duties and sales taxes included in the price of furniture and premises, in cases where it makes for its official use major purchases the price of which includes duties and taxes of this kind, the French Government shall wherever possible take appropriate administrative measures for the reduction or refund of the amount of these duties and taxes.

Article 2

This Agreement shall come into force from the date of signature.

IN WITNESS WHEREOF the respective representatives duly authorised, have signed this Agreement.

DONE in Paris, 18th March, 1950.

J. C. PARIS

SCHUMAN

¹ Translation by the Secretariat of the Council of Europe.

² Traduction par le Secrétariat du Conseil de l'Europe.

³ Came into force on 18 March 1950, as from the date of signature, in accordance with article 2.

⁴ See p. 12 of this volume.