

No. 5667

**AUSTRIA, DENMARK, NORWAY, PORTUGAL,
SWEDEN, SWITZERLAND and UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND**

**Protocol on the legal capacity, privileges and immunities
of the European Free Trade Association. Signed at
Geneva, on 28 July 1960**

Official texts: English and French.

Registered by Sweden on 10 April 1961.

**AUTRICHE, DANEMARK, NORVÈGE, PORTUGAL,
SUÈDE, SUISSE et ROYAUME-UNI
DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD**

**Protocole sur la capacité juridique, les privilèges et les
immunités de l'Association européenne de libre-échange.
Signé à Genève, le 28 juillet 1960**

Textes officiels anglais et français.

Enregistré par la Suède le 10 avril 1961.

No. 5667. PROTOCOL¹ ON THE LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES OF THE EUROPEAN FREE TRADE ASSOCIATION. SIGNED AT GENEVA, ON 28 JULY 1960

The Republic of Austria, the Kingdom of Denmark, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland :

Considering that paragraph 1 of Article 35 of the Convention establishing the European Free Trade Association² requires that the legal capacity, privileges and immunities to be recognised by the Member States in connection with the Association shall be laid down in a Protocol to the Convention ;

Have agreed as follows :

PART I

THE ASSOCIATION

Article 1

The European Free Trade Association, hereinafter referred to as "the Association", shall possess juridical personality. It shall have in particular the capacity to contract, to acquire and dispose of movable and immovable property, and to institute legal proceedings.

Article 2

The Association, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. No waiver of immunity shall extend to any measure of execution.

¹ In accordance with article 21, the Protocol came into force on 22 March 1961, the following three signatory States having deposited by that date, with the Government of Sweden, their instruments of ratification :

	<i>Date of deposit</i>
Denmark	24 September 1960
Norway	29 November 1960
Austria	22 March 1961

² United Nations, *Treaty Series*, Vol. 370, p. 3.

Article 3

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

Article 4

The archives of the Association and all documents belonging to it or held by it shall be inviolable wherever located.

Article 5

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

- (a) the Association may hold funds, gold or currency of any kind and operate accounts in any currency ;
- (b) the Association may freely transfer its funds, gold or currency from one country to another or within any country and convert any currency held by it into any other currency.

2. In exercising its rights under paragraph 1 of this Article the Association shall pay due regard to any representations made by any State party to this Protocol and shall give effect to such representations in so far as it is considered possible to do so without detriment to the interests of the Association.

Article 6

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

- (a) from all direct taxes ; the Association shall not, however, claim exemption from rates, taxes or dues which are in fact charges for public utility services ;
- (b) from customs duties and prohibitions and restrictions on imports and exports in respect of articles directly imported or exported by the Association for its official use. Articles imported under such exemption shall not be sold in the territory of the State into which they were imported except under conditions agreed with the Government of that State ;
- (c) from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article 7

1. The Association shall enjoy in the territory of each State party to this Protocol, for its official communications, treatment not less favourable than that accorded

by the Government of that State to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes for posts and telecommunications and press rates for information to the press and radio.

2. No censorship shall be applied to the official correspondence and other official communications of the Association.

3. The Association shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

4. Nothing in this Article shall be construed so as to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Protocol and the Association.

PART II

REPRESENTATIVES

Article 8

1. Any representative of a State party to this Protocol on any organ of the Association shall, while present in the territory of another such State for the discharge of his duties, enjoy :

- (a) the same immunity from personal arrest and detention and from seizure of his personal baggage, and the same inviolability for all papers and documents as is accorded to a diplomatic envoy in accordance with international law ;
- (b) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags ;
- (c) exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations ;
- (d) the same facilities in respect of currency or exchange restrictions and in respect of his personal baggage as are accorded to a representative of a foreign Government on a temporary official mission.

2. Any such representative shall also enjoy in respect of words spoken or written and all acts done by him in the course of the performance of official duties the same immunity from legal process of every kind as is accorded to a diplomatic envoy in accordance with international law. This immunity shall continue notwithstanding that the person concerned has ceased to be a representative.

3. Where the incidence of any form of taxation depends upon residence, any period during which a representative is present in the territory of a State party to this Protocol for the discharge of his duties shall not be treated as a period of residence for the purpose of determining his liability to taxation.

Article 9

Privileges and immunities are accorded to representatives of States parties to this Protocol not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connection with the Association. Consequently a State party to this Protocol not only has the right, but is under a duty, to waive the immunity of its representatives in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity was granted.

Article 10

The provisions of Article 8 above shall not require any State party to this Protocol to grant any of the privileges referred to therein to any person who is its national or to any person as its representative.

Article 11

For the purposes of Articles 8, 9 and 10 above the expression "representatives" shall be deemed to include all alternates, advisers, technical experts and secretaries of delegations.

PART III

OFFICERS OF THE ASSOCIATION AND EXPERTS ON MISSIONS

Article 12

The Council of the Association shall specify the classes of officers to whom Article 13 applies and shall inform all States parties to this Protocol of its decision. The names of the officers included in these classes shall be made known from time to time to all such States.

Article 13

Officers of the Association of the specified classes shall enjoy :

- (a) immunity from legal process in respect of words spoken or written and all acts done by them in the course of the performance of official duties. This immunity

shall continue notwithstanding that the person concerned has ceased to be an officer of the Association ;

- (b) exemption from taxation on salaries and emoluments received as officers of the Association ;
- (c) exemption for themselves and their spouses, and for members of their immediate families residing with and dependent on them, from immigration restrictions and aliens registration ;
- (d) the same facilities in respect of currency and exchange restrictions as are accorded to members of diplomatic missions of comparable rank ;
- (e) the same repatriation facilities in time of international crisis for themselves and their spouses, and for members of their immediate families residing with and dependent on them, as members of diplomatic missions of comparable rank ;
- (f) the right to import free of duty their furniture and effects at the time of first taking up their post in the territory of a State party to this Protocol.

Article 14

In addition to the privileges and immunities specified in Article 13 above, the Head of the Secretariat of the Association shall be accorded in respect of himself, his spouse and minor children the privileges and immunities normally accorded to heads of diplomatic missions in accordance with international law.

Article 15

1. Experts employed on missions on behalf of the Association shall, while present in the territory of a State party to this Protocol for the discharge of their duties, enjoy :

- (a) the same immunity from personal arrest and detention and from seizure of their personal baggage, and the same inviolability for all papers and documents relating to the work on which they are engaged for the Association as is accorded to a diplomatic envoy in accordance with international law ;
- (b) the same facilities in respect of currency and exchange regulations and in respect of their personal baggage as are accorded to representatives of foreign Governments on temporary official missions.

2. Such experts shall enjoy in respect of words spoken or written and all acts done by them in the course of the performance of official duties, the same immunity from legal process of every kind as is accorded to a diplomatic envoy in accordance with international law. This immunity shall continue notwithstanding that the person concerned has ceased to be employed on a mission on behalf of the Association.

Article 16

Privileges and immunities are granted to officers and experts in the interests of the Association and not for the personal benefit of the individuals themselves. The Head of the Secretariat of the Association, acting on behalf of the Association, shall have the right, and is under a duty, to waive the immunity of any officer or expert in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of the Association. In the case of the Head of the Secretariat of the Association, the decision to waive immunity shall be taken by the Council.

Article 17

The provisions of Articles 13, 14 and 15 above shall not require any State party to this Protocol to grant any of the privileges or immunities referred to therein to any person who is its national, except

- (a) immunity from legal process in respect of words spoken or written and all acts done by him in the course of the performance of official duties ;
- (b) facilities in respect of currency and exchange restrictions, so far as is necessary for the effective exercise of his functions ;
- (c) inviolability for all papers and documents relating to the work on which he is engaged for the Association ;
- (d) in the case of officers of the Association, coming within the scope of Articles 13 and 14, exemption from taxation on salaries and emoluments received as officers of the Association.

PART IV

GENERAL

Article 18

If any State party to this Protocol considers that there has been an abuse of a privilege or immunity conferred by this Protocol, consultations shall be held between that State and the Association to determine whether any such abuse has occurred, and, if so, to ensure that no repetition occurs. A State which considers that any person has abused any privilege or immunity granted to him under this Protocol may require him to leave its territory.

Article 19

This Protocol shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Government of Sweden which shall notify all other signatory States.

Article 20

Any State acceding to the Convention establishing the European Free Trade Association in accordance with paragraph 1 of Article 41 thereof or entering into an association with the Member States of the European Free Trade Association in accordance with paragraph 2 of Article 41 of that Convention may accede to this Protocol. The instrument of accession shall be deposited with the Government of Sweden which shall notify all States parties to this Protocol.

Article 21

This Protocol shall enter into force as soon as three signatory States have deposited their instruments of ratification. It shall enter into force in respect of each other signatory State on the date of the deposit of its instrument of ratification, and for each State acceding to this Protocol on the date of the deposit of its instrument of accession.

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

DONE at Geneva, the 28th day of July, 1960, in a single copy in the English and French languages, both texts being equally authentic, which shall be deposited with the Government of Sweden, by which certified copies shall be transmitted to all other signatory or acceding States.

