

No. 9862

**FRANCE
and
EUROPEAN ORGANIZATION FOR
NUCLEAR RESEARCH**

**Agreement concerning the legal status of the said Organization
on French territory (with annex). Signed at Meyrin on
13 September 1965**

Authentic texts: French and English.

Registered by France on 4 September 1969.

**FRANCE
et
ORGANISATION EUROPÉENNE POUR
LA RECHERCHE NUCLÉAIRE**

**Accord relatif au statut juridique de ladite Organisation sur
le territoire français (avec annexe). Signé à Meyrin le
13 septembre 1965**

Textes authentiques: français et anglais.

Enregistré par la France le 4 septembre 1969.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH CONCERNING THE LEGAL STATUS OF THE SAID ORGANIZATION ON FRENCH TERRITORY

The Government of the French Republic, of the one part,
the European Organization for Nuclear Research
(hereinafter referred to as “ the Organization ”), of the other,

Whereas, on 1st July, 1953, a Convention² was signed in Paris for the establishment of a European Organization for Nuclear Research, of which France and twelve other States are at present members,

Whereas it is laid down in the second paragraph of Article I of that Convention that “ the seat of the Organization shall be at Geneva ”,

Whereas the Organization has concluded an Agreement³ with the Government of Switzerland determining the legal status of the Organization in the country on whose territory it actually exercises its functions,

Considering that the site placed at the Organization's disposal by the Swiss Confederation and situate in the Commune of Meyrin (Canton of Geneva) has become too small on account of the development of the activities of the said institution and that the need to extend the site of the Organization has become imperative,

Considering that the Government of the French Republic, wishing to help the said Organization in the exercise of its functions, purchased a piece of land contiguous to the present site of the Organization and has placed it at the Organization's disposal, pursuant to an agreement for a lease signed this same day,

Considering that the seat of the Organization shall remain in Switzerland, but that the Organization will also perform work of a continuing nature on French territory,

Wishing to regulate by the present Agreement the questions concerning the permanent exercise of certain functions of the Organization on this territory and to determine in consequence the legal status in France of the Organization and those taking part in its activities, without prejudice to the provisions of the Convention for the establishment of a European Organization for Nuclear

¹ Came into force on 14 January 1967, i.e., 30 days after the receipt of the last of the notifications by which each party communicated to the other its approval of the Agreement, in accordance with article XXIV.

² United Nations, *Treaty Series*, vol. 200, p. 149.

³ *Ibid.*, vol. 249, p. 405.

Research signed in Paris on 1st July, 1953,¹ which remain unchanged and in full force between the parties to the present Agreement,

Have agreed as follows :

Article I

The Organization shall enjoy the immunities and privileges generally granted to intergovernmental organizations under international law in order to help them to carry out their functions.

Article II

1. The legal status conferred upon the Organization in the present Agreement shall apply to all the land forming part of its site and which is situate on French territory (see Annex,² part coloured blue).
2. The whole site on which the Organization exercises the functions for which it was established shall be placed under its authority and control. The Organization consequently shall have the right to issue internal rules applicable to the whole of its site and intended to establish thereon the conditions necessary for the exercise of its functions.

Article III

1. The grounds and buildings of the Organization shall be inviolable.
2. Within the limits of the land placed at the disposal of the Organization, the execution of legal process, including seizure of private property, shall be subject to the prior consent of and to conditions approved by the Director-General of the Organization or the person acting in his stead.
3. Without prejudice to the provisions of the present Agreement, the Organization shall not allow its grounds or buildings to serve as a refuge to a person sought for the execution of a judicial decision or wanted in connection with a crime being or having been committed or for whom a warrant of arrest has been issued.
4. The terms of execution of legal, police or customs measures of any of the kinds mentioned in the previous paragraph, to be carried out by a French official on that part of the site of the Organization situate on Swiss territory or by a Swiss official on the part of the site of the Organization situate on French territory shall form the subject of an agreement between the two Governments concerned which will settle this special problem in a reciprocal manner and will take into account the various interests and prerogatives concerned.

¹ United Nations, *Treaty Series*, vol. 200, p. 149.

² See insert between pp. 60 and 61 of this volume.

Article IV

1. In so far as it is its concern, the Government of the French Republic shall ensure the protection of the Organization's land and the maintenance of order in its immediate vicinity.
2. At the request of the Director-General of the Organization or of the person acting in his stead, the French authorities shall, within the means at their disposal, give the assistance of the necessary police forces to maintain order within the Organization's site.
3. In the event of the French or Swiss police forces being used, without distinction as to nationality in any part of the land forming the whole site of the Organization, the agreement provided for in paragraph 4 of Article III shall determine the conditions governing the use of the said forces.

Article V

1. The competent French authorities shall, at the request of the Director-General or of the person acting in his stead, endeavour to arrange for the provision of the necessary public utility services under fair terms.
2. For the provision of all public utility services by the Government of the French Republic or by the bodies under its control the Organization shall enjoy the same price reductions as are granted to the French Government departments.
3. In the event of these services being wholly or partially interrupted owing to force majeure, the Organization shall be granted the same priority for its requirements as the French Government departments.

Article VI

1. The Organization, its property, funds and assets shall enjoy immunity from legal process, except in so far as this immunity is specifically waived in a particular case by the Director-General of the Organization or the person acting in his stead. However, if the Organization institutes proceedings, it may no longer invoke immunity from legal process concerning any counter-claim directly connected with the main claim.
2. Waiver of immunity from legal process shall not imply waiver of immunity from the execution of judgement, which must always be waived separately.

Article VII

The inviolability of the official correspondence of the Organization shall be guaranteed. Its official communications may not be censored and it may use codes and also forward and receive correspondence by courier or sealed bag enjoying the usual privileges and immunities.

Article VIII

1. The property and assets of the Organization wherever they may be shall enjoy immunity from perquisition, confiscation, requisition and expropriation or any other form of constraint.
2. The archives of the Organization and, in general, all documents belonging to it or in its possession shall be inviolable wherever they may be.

Article IX

1. The Organization, its assets and income and other property shall be exempt from all direct taxation. The Organization, however, shall pay charges for services rendered.
2. The Organization shall be exempt from all duties, taxes or customs charges, other than charges for services rendered, and from all import or export prohibitions and restrictions concerning objects imported or exported for official use, in particular publications, cinematographic films, still photographs and photographic documents, which the Organization imports or publishes within the framework of its official functions.
3. The Organization shall pay indirect taxes forming part of the price of goods sold or services rendered. However, when such taxes relate to purchases or operations of some magnitude effected by the Organization for its official use, they may be reimbursed in accordance with provisions to be laid down by agreement between the Government of the French Republic and the Organization.

The facilities mentioned in the present paragraph shall not apply to purchases and imports of goods intended exclusively for the personal use of the officials of the Organization.

4. Objects acquired or imported by the Organization free from duties and taxes may be disposed of on French territory only on terms to be fixed by agreement between the Government of the French Republic and the Organization.

Article X

1. The Organization may freely :
 - (a) receive and hold funds and money of any kind and operate accounts in any currency;
 - (b) transfer its funds and money inside French territory and from France to another country or vice versa.

2. In the exercise of the rights granted to it under the present Article, the Organization shall take into account any representation made by the Government of the French Republic and which is not prejudicial to its own interests.

Article XI

1. The competent French authorities shall facilitate the transit to or from the seat of the Organization of all persons called upon to discharge official duties there or who are invited by the Organization.

2. The members of the delegations of the States party to the Convention of 1st July, 1953, whatever may be the relations existing between France and the said States, the Director-General and the staff of the Organization, and the persons, whatever their nationality, summoned by the Organization are authorized by the Government of the French Republic, without visa charges or delay, to enter into and sojourn within the French part of the Organization's site for the duration of their duties with or missions to the Organization.

3. The persons referred to in paragraph 2 shall not be exonerated from the quarantine or public health regulations in force.

Article XII

In addition to the privileges and immunities laid down in Articles XIII and XIV, the Director-General, or the person acting in his stead, pursuant to Article VI. 1 (b) of the Convention for the establishment of the Organization, shall enjoy the privileges and immunities generally accorded to diplomatic agents of comparable rank. However, if the Director-General is of French nationality, he shall benefit only from the provisions of Article XIII.

Article XIII

The employees of the Organization shall enjoy immunity in France from any legal proceedings for acts performed by them within the limits of the site occupied by the Organization in the exercise of their functions and within the limits of their duties.

Article XIV

The officials of the Organization, other than those of French nationality :

- (a) shall be exempt in France from any direct taxation on salaries and emoluments paid by the Organization;
- (b) shall be exempt from military service or any other obligatory service in France;
- (c) shall, together with their spouse and members of their family dependent on them, not be subject to immigration restrictions;

- (d) shall enjoy the same privileges concerning currency exchange facilities as are granted to the members of diplomatic missions;
- (e) shall enjoy, together with their spouse and members of their family dependent on them, the same repatriation facilities as are granted to members of diplomatic missions in a time of international tension;
- (f) if formerly resident outside France, shall enjoy the right to import their furniture and personal effects free of customs duty upon their first installation in France;
- (g) may, in accordance with the rules applicable to the officials of international organizations, temporarily import their motor vehicle under licence, free of duty or deposit.

Article XV

The inviolability of the grounds and buildings of the Organization and the privileges and immunities laid down in the present Agreement are accorded in the interests of the Organization and not for personal benefit. The Director-General of the Organization or the person acting in his stead shall consent to waive the immunity granted to an official or the inviolability of the grounds and buildings of the Organization in all cases in which he considers that the maintenance of these privileges would impede the course of justice and the said privileges can be waived without prejudice to the interests of the Organization. In the case of the Director-General himself, only the Council of the Organization shall be entitled to waive the immunities by which he is covered.

Article XVI

The Organization shall inform the Government of the French Republic in due course of the names of the persons referred to in Articles XI, XII, XIII and XIV.

Article XVII

1. The provisions of Article XIII shall apply to experts called in by the Organization when they exercise functions in the Organization or carry out missions on its behalf.
2. The Director-General of the Organization or the person acting in his stead shall consent to waive the immunity of an expert, when he considers that this can be done without prejudice to the interests of the Organization.

Article XVIII

The Organization shall co-operate with the competent French authorities in order to facilitate the proper administration of justice, secure the execution of

police regulations and avoid any abuse in connection with the immunities and facilities provided for by the present Agreement.

Article XIX

1. The Organization shall lay down appropriate rules for the settlement of disputes arising out of contracts to which the Organization is a party.
2. If immunity has not been waived in application of the provisions of Articles VI and XV of the present Agreement, disputes, other than those mentioned in the previous paragraph, involving the Organization or one of its officials who enjoys immunity on account of his official position, shall be submitted to arbitration.

Article XX

Any dispute which may arise between the Organization and the Government of the French Republic concerning the interpretation or application of the present Agreement and which cannot be settled by direct negotiation shall, unless the parties agree to another method of settlement, be submitted at the request of any one of them to an arbitration tribunal composed of three members, namely an arbitrator chosen by the Director-General of the Organization or the person acting in his stead, an arbitrator chosen by the Government of the French Republic and a third arbitrator chosen jointly by the two others, who should be neither an official of the Organization nor a French national and who shall be Chairman of the tribunal.

The application shall include the name of the arbitrator chosen by the applicant; the respondent shall appoint his arbitrator and inform the other party of his name within two months of receiving the application. If the respondent fails to notify the name of his arbitrator within the said period of two months or if the two arbitrators fail to agree on the choice of a third arbitrator within two months of the appointment of the last arbitrator, the arbitrator or the third arbitrator, as the case may be, shall be chosen by the President of the International Court of Justice, at the request of whichever party is first to apply to the Court.

The tribunal shall establish its own rules of procedure. Its decisions shall be binding on the parties and the parties shall have no right of appeal.

Article XXI

By reason of the activities of the Organization on French territory France shall not incur any international responsibility for acts or omissions of the said Organization or of its agents in the exercise of their functions.

Article XXII

1. Nothing in the present Agreement shall affect the right of the Government of the French Republic to take the precautions necessary for the security of France.
2. If the Government of the French Republic considers it necessary to apply the provisions of the first paragraph of this Article, it shall approach the Organization as soon as circumstances allow, in order to determine by mutual agreement the steps necessary to protect the interests of the Organization.
3. The Organization shall collaborate with the French authorities to avoid any prejudice to the security of France resulting from its activities.

Article XXIII

At the request of either party, negotiations shall take place to modify or supplement the present Agreement. Should such negotiations not lead to an agreement, the present Agreement may be terminated by either party giving two years' notice.

Article XXIV

Each party shall notify the other of its approval of the present Agreement, which shall come into force thirty days after the last notification has been received.

DONE AND SIGNED at Meyrin (Geneva), on this thirteenth day of September Nineteen Hundred and Sixty-Five, in quadruplicate, two copies in French and two in English, the texts in both languages being equally authentic.

For the Government
of the French Republic :
Jacques MARTIN

For the European Organization
for Nuclear Research :
Victor F. WEISSKOPF
Director-General

Annex :

Plan of the site of the Organization.
