

**No. 12059**

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**BELGIUM  
and  
EUROPEAN SPACE RESEARCH ORGANISATION**

**Exchange of letters constituting an agreement concerning the application in Belgium of the Protocol of 31 October 1963 on privileges and immunities of the European Space Research Organisation. Brussels, 13 January 1972, and Neuilly, 15 February 1972**

*Authentic text: French.*

*Registered by Belgium on 11 October 1972.*

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**BELGIQUE  
et  
ORGANISATION EUROPÉENNE  
DE RECHERCHES SPATIALES**

**Echange de lettres constituant un accord concernant l'application en Belgique du Protocole du 31 octobre 1963 sur les privilèges et immunités de l'Organisation européenne de recherches spatiales. Bruxelles, 13 janvier 1972, et Neuilly, 15 février 1972**

*Texte authentique : français.*

*Enregistré par la Belgique le 11 octobre 1972.*

## [TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN BELGIUM AND THE EUROPEAN SPACE RESEARCH  
ORGANISATION CONCERNING THE APPLICATION IN BELGIUM  
OF THE PROTOCOL OF 31 OCTOBER 1963<sup>2</sup> ON PRIVILEGES AND  
IMMUNITIES OF THE EUROPEAN SPACE RESEARCH ORGANI-  
SATION

## I

MINISTRY OF FOREIGN AFFAIRS AND EXTERNAL TRADE

Brussels, 13 January 1972

C 11-90.5/II

Sir,

Pursuant to the negotiations between the competent Belgian authorities and the representatives of the European Space Research Organisation, I have the honour to propose to you that effect be given to the following provisions for the purpose of regulating the application in Belgium of the Protocol on privileges and immunities signed at Paris on 31 October 1963<sup>2</sup> (hereinafter referred to as "the Protocol"), taking into consideration the said Protocol and the Agreement concerning the Redu Telemetry and Telecommand station.

1. The Belgian Government shall apply article 5, paragraph 2 of the Protocol by exempting substantial purchases of goods necessary for the exercise of the official activities of the Organisation from all duties and taxes which do not constitute charges for public utility services. Substantial purchases for the purposes of article 5, paragraph 2, of the Protocol, shall be deemed to mean purchases of a value not less than 5,000 Belgian francs (exclusive of VAT).

2. The provision of services shall constitute a purchase within the meaning of article 5, paragraph 2, of the Protocol.

3. Purchases made by or on behalf of the Organisation within the scope of its official activities shall be exempt from all duties and taxes, whatever the place to which they are to be delivered.

4. In pursuance of article 6 of the Protocol, products imported or exported by or on behalf of the Organisation shall be exempt from all customs dues and/or duties and exempt from all prohibitions and restrictions on import or export. The customs document accompanying products for import or export shall include declaration, signed by an authorized agent of the Organisation, to the effect that the products are intended for use by the Organisation.

5. The Ministry of Finance shall take steps to enable a simplified procedure to be used for the temporary importation into Belgium of equipment by or on behalf of the Organisation.

6. Documents and microfilms, and in general all information material covered by article 10 of the Protocol, which are to be sent without restrictions to Belgium to or by the Organisation and its Documentation Centre, or on their behalf, shall carry a label of an agreed design.

7. The Belgian Government recognizes that the financial management of the Organisation's Provident Fund is an official activity for the purposes of article 5, paragraph 1, and article 7 of the Protocol which shall not give rise to the levying of any direct taxes.

<sup>1</sup> Came into force on 15 February 1972 by the exchange of the said letters, with retroactive effect from 16 July 1971, the date of entry into force for Belgium of the Protocol of 31 October 1963 on privileges and immunities of the European Space Research Organisation, in accordance with the provisions of the said letters.

<sup>2</sup> United Nations, *Treaty Series*, vol. 805, p. 279.

8. The Organisation shall be exempt from all duties and taxes and from all prohibitions and restrictions relating to the import of three official motor vehicles for its own use. The Organisation shall also be exempt from road tax in respect of these vehicles, which shall be registered in a special category. Duty-free petrol shall be supplied in accordance with the rules laid down by the Ministry of Finance.

The Organisation may import all products and goods which are essential for the official needs of the Redu Station.

9. The term "representatives of Member States" contained in article 14 of the Protocol shall apply to all representatives and alternates attending meetings of the Council of the Organisation and its subsidiary bodies. It is further specified that the chairman and vice-chairman of the Council, the chairman and vice-chairman of the subsidiary bodies and the members of the Audit Commission shall continue to be covered by the provisions of article 14 of the Protocol when they cease to serve as national representatives.

10. In pursuance of article 15 of the Protocol, the Director-General of the Organisation and the person referred to in article 11, paragraph 1 (c), of the Convention shall be covered while performing their functions in Belgium by the provisions concerning diplomatic agents of the Vienna Convention on Diplomatic Relations.<sup>1</sup>

11. In addition to the privileges and immunities referred to in article 16 of the Protocol, the head of the Redu Station shall be provided with a special passport and his vehicle shall be registered in a special category.

12. Members of the Organisation's staff performing their functions in Belgium shall enjoy the privileges and immunities referred to in article 16 of the Protocol; in particular, it is agreed that such staff members:

- (a) shall not require a work card;
- (b) shall not require a residence permit and shall be exempt from the aliens' registration regulations, provided that they hold the personal identity card referred to in subparagraph (c). This provision shall also apply to members of their families;
- (c) shall, together with the members of their families, obtain from the competent Belgian authorities a special personal identity card certifying that they are members of the staff of the Redu Station and that they enjoy the privileges and immunities provided for in the Protocol, and bearing their address;
- (d) shall, in accordance with article 16, paragraph g) of the Protocol, have the right to import duty-free their furniture and personal effects at the time of first taking up their posts in Belgium, and the right, on the termination of their functions, to export free of duty their furniture and personal effects, subject, in both cases, to the conditions considered necessary by the Belgian Government.

The immunities provided for in the foregoing subparagraph shall include exemption from value added tax on furniture and personal effects, including one motor vehicle, imported by members of the Organisation's staff performing their functions in Belgium. The exemption shall be granted by the Customs and Excise Administration in accordance with the rules applying to import duties even when the goods imported are not subject to such duties.

It is further agreed that, in accordance with Belgian national legislation, goods may be imported as household goods pursuant to article 46 of the Ministerial Decree of 17 February 1960 governing exemption from import duty and article 21 of Royal Decree No. 7 concerning the import of goods for the purposes of the application of VAT:

- (e) Shall be covered by the preferential régime established by Belgian national exchange control legislation.

13. In accordance with the right conferred upon it by article 24 of the Protocol, the Belgian Government does not intend to accord the privileges and immunities referred to in articles 14, 15, 16 b, e and g and 17 c of the said Protocol to its own nationals.

<sup>1</sup> United Nations, *Treaty Series*, vol. 500, p. 95.

Should these provisions appear to you to be acceptable to the European Space Research Organisation, I should be grateful if you would inform me accordingly. This letter and your reply will thereafter constitute the Agreement concerning the Application in Belgium of the Protocol on privileges and immunities concluded in pursuance of article 30 of the said Protocol.

This Agreement will take effect on the date of entry into force of the Protocol on privileges and immunities of the Organisation.

Accept, Sir, etc;

[PIERRE HARMEL]

Dr. A. Hocker  
Director-General, CERS/ESRO  
Neuilly-sur-Seine  
France

## II

### EUROPEAN SPACE RESEARCH ORGANISATION

Neuilly, 15 February 1972

JUR/5-3/DRK/JA/DB/1714

Sir,

I have the honour to acknowledge receipt of your letter of 13 January 1972, which reads as follows:

[See letter I]

I have the honour to confirm to you the agreement of the European Space Research Organisation to the above provisions.

In accordance with your letter, the Agreement concerning the application in Belgium of the Protocol on privileges and immunities of the Organisation shall take effect retroactively from 28 November 1963,<sup>1</sup> the date of the entry into force in Belgium of the Protocol on privileges and immunities of the Organisation.

Accept, Sir, etc.

[Signed]

A. HOCKER

Mr. Pierre Harmel  
Minister for Foreign Affairs  
Ministry of Foreign Affairs  
Brussels

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<sup>1</sup> Should read 16 July 1971.