

No. 17132

**FEDERAL REPUBLIC OF GERMANY
and
EUROPEAN PATENT ORGANISATION**

**Headquarters Agreement. Signed at Munich on 19 October
1977**

Authentic texts: German, English and French.

Registered by the Federal Republic of Germany on 13 October 1978.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ORGANISATION EUROPÉENNE DES BREVETS**

Accord de siège. Signé à Munich le 19 octobre 1977

Textes authentiques : allemand, anglais et français.

Enregistré par la République fédérale d'Allemagne le 13 octobre 1978.

HEADQUARTERS AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE EUROPEAN PATENT ORGANISATION

The Government of the Federal Republic of Germany and the European Patent Organisation,

Having regard to the Convention on the Grant of European Patents of 5 October 1973,²

Having regard to article 25 of the Protocol on Privileges and Immunities of the European Patent Organisation,²

Whereas, pursuant to article 6 of the said Convention, the European Patent Office shall be set up in Munich,

Whereas, pursuant to the Protocol on the Centralisation of the European System and on its Introduction,² the European Patent Office shall have a sub-office in Berlin (West),

Have agreed as follows:

Article 1. DEFINITIONS

In this Agreement:

(a) "Convention" means the Convention on the Grant of European Patents of 5 October 1973;

(b) "Protocol" means the Protocol on Privileges and Immunities of the European Patent Organisation;

(c) "Organisation" means the European Patent Organisation;

(d) "Government" means the Government of the Federal Republic of Germany;

(e) "Office" means the European Patent Office;

(f) "Appropriate authorities" means the competent authorities in accordance with the law of the Federal Republic of Germany.

Article 2. INVIOABILITY OF THE ARCHIVES

The inviolability referred to in article 2 of the Protocol shall apply to the entire archives, correspondence, documents, manuscripts, photographs, films and recordings belonging to or held by the Organisation and all the information contained therein.

Article 3. WAIVING OF IMMUNITY

In the case of attachment by a third party, pursuant to a decision by the administrative or judicial authorities, of the salaries or emoluments owed by the Organisation to a member of its staff, the Organisation waives the immunity which it enjoys pursuant to article 3, paragraph 1, of the Protocol unless it informs the competent authorities within fourteen days following the date of notification to it of the decision that it does not waive its immunity.

¹ Came into force on 19 October 1977 by signature, in accordance with article 17.

² United Nations, *Treaty Series*, vol. 1065, p. 199.

Article 4. EXEMPTION FROM TAX

1. For the purposes of article 4, paragraph 1, of the Protocol "direct taxes" shall embrace all direct taxes levied by the Federal Government, by a Land or any other *Gebietskörperschaft* (regional or local authority). In particular, "direct taxes" shall include:

- (a) "*Einkommensteuer*" (*Körperschaftsteuer*) (income tax/corporation tax);
- (b) "*Gewerbesteuer*" (trade tax);
- (c) "*Vermögensteuer*" (property tax);
- (d) "*Grundsteuer*" (land tax).

2. On the basis of article 4 of the Protocol, the Organisation shall also be exempt from *Grunderwerbsteuer* (land transfer duty).

3. Vehicles and trailers registered in the name of the Organisation shall be exempt from motor vehicle tax on application.

Article 5. REIMBURSEMENT OF TAXES

Pursuant to article 4, paragraph 2, of the Protocol, the Federal Finance Office shall, upon request, refund to the Organisation out of revenue from turnover tax, turnover tax specifically charged to the Organisation by undertakings in respect of deliveries and other services performed by them insofar as such transactions are performed exclusively in connection with the official activities of the Organisation. Such reimbursement shall be made only if the amount of tax due for an individual transaction exceeds DM 50 and has been paid by the Organisation to the undertaking. If the amount of tax reimbursed is subsequently reduced, the Organisation shall notify the Federal Finance Office and repay the amount of the reduction.

Pursuant to article 4, paragraph 2, of the Protocol, the Federal Finance Office shall also, at the request of the Organisation refund the tax on hydrocarbons included in prices in respect, in particular, of petrol, diesel fuel and heating oil where the amount of tax due for an individual transaction exceeds DM 50.

Article 6. DISPOSAL OF GOODS

1. If an article purchased or imported by the Organisation for the exercise of its official activities in respect of which exemption from turnover tax or importation turnover tax has been granted pursuant to article 4, paragraph 2, or article 5 of the Protocol is disposed of, hired out or transferred whether in return for payment or free of charge, the amount of the turnover tax or importation turnover tax corresponding to the selling price or, in the case of disposal or transfer free of charge, the amount of such tax corresponding to the current value of the article, shall be paid to the Federal Finance Office. For the sake of simplicity, the amount of tax payable may be determined by applying the taxation rate applicable at the time of disposal or transfer of the article.

2. Goods imported by the Organisation under the conditions laid down in article 5 of the Protocol may not be disposed of, hired out or transferred whether in return for payment or free of charge unless the appropriate customs authority has been notified beforehand and the relevant duties have been paid. The duties payable shall be calculated on the basis of the current value of the goods.

Article 7. WORK PERMIT, RESIDENCE PERMIT, COMPULSORY REGISTRATION

Employees of the Office exercising their functions in the Federal Republic of Germany:

- (a) Shall not require a work permit;
- (b) Shall not require a residence permit and shall not be subject to the provisions governing aliens' registration provided that they hold the personal identity card referred to in article 8, paragraph 2; the same shall apply to members of their families forming part of their household.

Article 8. NOTIFICATION OF APPOINTMENTS, PERSONAL IDENTITY CARDS

1. The Organisation shall notify the Government when an employee of the Office or an expert of the Organisation takes up or relinquishes his duties. Furthermore, it shall periodically send the Government a list of all the employees of the Office and experts of the Organisation. It shall in each case indicate whether or not the person concerned is a German national.

2. Employees of the Office exercising their functions in Munich or Berlin and members of their families forming part of their household shall hold a personal identity card issued by the Organisation stating name, date and place of birth, nationality and number of passport or of national identity card (aliens only), and bearing a photograph and signature.

Article 9. NATIONALS AND PERMANENT RESIDENTS

German nationals and persons referred to in article 22, sub-paragraph (b), of the Protocol shall not enjoy the privileges and immunities laid down in articles 12, 13, 14, sub-paragraphs (b), (e) and (g) and article 15, sub-paragraph (c), of the Protocol.

Article 10. FLAG AND EMBLEM

The Organisation shall be entitled to display its flag and emblem on its premises and on vehicles used for its official activities.

Article 11. PREMISES OF THE ORGANISATION IN MUNICH

1. Until such time as the Office is accommodated in the building referred to in paragraph 2, the Organisation shall lease offices in the Motorama building situated in Munich at Rosenheimer Straße 30.

2. For the definitive accommodation of the Office, the Federal Republic of Germany shall construct a building on a site situated in Munich at Erhardtstrasse, as defined in the plan annexed hereto in respect of which a building lease (*Gesamterbbaurecht*) shall have been granted to it by the Free State of Bavaria and the City of Munich. The transfer of the lease from the Federal Republic of Germany to the Organisation shall be governed by an agreement.

Article 12. PREMISES OF THE BERLIN SUB-OFFICE

The Berlin sub-office of the Office shall, pursuant to the Agreement between the Government and the Organisation on the setting up of the Berlin sub-office, be accommodated in the building of the former National Patent Office (*Reichspatentamt*) situated in Berlin.

The arrangements whereby a part of this building shall be transferred to the Organisation shall be laid down in an Additional Agreement to the above-mentioned Agreement.

Article 13. INVIOABILITY OF PREMISES

The premises within the meaning of article 1 of the Protocol shall be the building and parts of buildings occupied by the Organisation for the performance of its official activities. The President of the Office shall communicate to the Government plans of these premises.

Article 14. DISPUTES

Any dispute arising out of the interpretation or application of this Agreement which cannot be settled directly between the Parties may be submitted by either Party to an arbitration tribunal. Article 23, paragraph 4, and article 24 of the Protocol shall apply.

Article 15. MODIFICATIONS

At the request of the Government or of the Organisation, consultations shall take place on the implementation or modification of this Agreement.

Article 16. BERLIN CLAUSE

This Agreement shall also apply to the Land Berlin unless the Government informs the Organisation to the contrary within three months of its entry into force.

Article 17. ENTRY INTO FORCE AND DURATION

This Agreement shall enter into force upon signature. It shall apply for as long as the Convention and the Protocol remain in force in the Federal Republic of Germany.

GESCHEHEN zu München am neunzehnten Oktober neunzehnhundert-siebenundsiebzig in zwei Urschriften in deutscher, englischer und französischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist.

DONE at Munich this nineteenth day of October in the year one thousand nine hundred and seventy-seven in two originals in the English, French and German languages, the three texts being equally authentic.

FAIT à Munich, le dix-neuf octobre mil neuf cent soixante-dix-sept en double exemplaire en langues allemande, anglaise et française, les trois textes faisant également foi.

Für die Regierung der Bundesrepublik Deutschland:

For the Government of the Federal Republic of Germany:

Pour le Gouvernement de la République fédérale d'Allemagne :

GÜNTHER VAN WELL

Für die Europäische Patentorganisation:

For the European Patent Organisation:

Pour l'Organisation européenne des brevets :

VAN BENTHEM
