

No. 17138

BELGIUM
and
INTERGOVERNMENTAL COMMITTEE
FOR EUROPEAN MIGRATION

**Agreement concerning the privileges and immunities of the
Intergovernmental Committee for European Migration
in Belgium. Signed at Geneva on 2 July 1973**

Authentic texts: French and Dutch.

Registered by Belgium on 20 October 1978.

BELGIQUE
et
COMITÉ INTERGOUVERNEMENTAL
POUR LES MIGRATIONS EUROPÉENNES

**Accord relatif aux privilèges et immunités du Comité inter-
gouvernemental pour les migrations européennes en
Belgique. Signé à Genève le 2 juillet 1973**

Textes authentiques : français et néerlandais.

Enregistré par la Belgique le 20 octobre 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF BELGIUM AND THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION CONCERNING THE PRIVILEGES AND IMMUNITIES OF THIS INTERNATIONAL ORGANIZATION IN BELGIUM

The Kingdom of Belgium, hereinafter referred to as “Belgium”, and the Intergovernmental Committee for European Migration, of which Belgium is a member, hereinafter referred to as “ICEM”,

Considering that, by virtue of article 25 of its Constitution,² ICEM shall possess full juridical personality and enjoy such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purpose,

That by virtue of article 26 of the aforementioned Constitution, ICEM, the representatives of its Member States, its Director, its Deputy Director and its staff enjoy, subject to agreements with the States concerned, such privileges and immunities as are necessary for the exercise of their functions,

Desiring to conclude an agreement for the purpose of specifying the regime of privileges and immunities of this Organization in Belgium,

Have, for this purpose, designated as their respective representatives:

Belgium:

Mr. J. P. Van Bellinghen, Ambassador, Permanent Representative of Belgium to the United Nations Office and to the specialized agencies;

ICEM:

Mr. G. Maselli, Deputy Directory-General of the Intergovernmental Committee for European Migration,

who, after exchanging their credentials, have agreed as follows:

CHAPTER I. PRIVILEGES AND IMMUNITIES OF ICEM

Article 1. ICEM, its assets and property used exclusively for the exercise of official functions shall enjoy immunity from jurisdiction, except in so far as ICEM has expressly waived it in a particular case. A separate waiver is necessary for each measure of execution.

Article 2. The premises used exclusively for the exercise of the official functions of ICEM shall be inviolable.

The consent of the head of the ICEM Office in Belgium is required for access to these premises. However, his consent is presumed to have been granted in cases of fire or other accident requiring immediate protective measures.

¹ Came into force on 6 June 1978, i.e., 15 days after the deposit of the instrument of ratification by Belgium with the Intergovernmental Committee for European Migration, with retroactive effect from 1 July 1970, the date provided for in the Belgian law of approval, in accordance with article 32.

² United Nations, *Treaty Series*, vol. 207, p. 189.

Belgium shall take all appropriate measures to prevent the premises of ICEM from being invaded or damaged, the peace of the Office disturbed or its dignity diminished.

Article 3. The property and assets of ICEM may not be subjected to any form of requisition, confiscation, sequestration or any other form of seizure or restraint, even for purposes of national defence or public use.

If expropriation for one of these purposes should become necessary, appropriate measures shall be taken to prevent any hindrance to the functioning of ICEM, and a prompt and adequate indemnity shall be paid to it.

Belgium shall lend its assistance to facilitate the installation or reinstallation of the ICEM Office.

Article 4. The archives of ICEM and, in general, all documents belonging to ICEM or held by it or by one of its staff shall be inviolable, wherever they are located.

Article 5. Within the limit of the exercise of its official functions, and without being subject to any financial controls, regulations or moratoria:

- (a) ICEM may hold funds, foreign currency or transferable securities of any kind and have accounts in any currency;
- (b) ICEM may freely transfer into Belgium, out of Belgium and within Belgium its funds, foreign currencies or transferable securities, and convert any foreign exchange held by it into any other currency.

Article 6. In exercising the rights accorded to it under article 5, ICEM shall take into account all representations made to it by Belgium, in so far as it is able to comply without prejudice to its own interests.

Article 7. ICEM, its assets, income and other property shall be exempt from all direct taxes.

Article 8. Upon the purchase by ICEM of substantial real or personal property, or important services strictly necessary for the performance of its official functions, whose price includes indirect duties or sales taxes, appropriate measures shall be taken to the extent possible on each such occasion for the purpose of remitting or refunding the amount of such duties or taxes.

Article 9. Without prejudice to the application of legal or regulatory, prohibitive or restrictive provisions concerning public order or security, public health or morality, ICEM may import articles for its official use, as well as its publications.

Article 10. ICEM shall be exempt from all customs duties, taxes and other related charges on articles imported or exported by it or on its behalf for its official use.

Article 11. ICEM shall be exempt from all customs duties, taxes and other related charges on publications sent to it or that it sends abroad.

Article 12. The property and articles belonging to ICEM may not be ceded in Belgium, except under conditions prescribed by Belgian laws and regulations.

Article 13. ICEM shall not request exemption from charges, taxes or duties which are merely remuneration for public utility services.

Article 14. Belgium shall permit and safeguard the freedom of communications of ICEM for its official purposes. The official correspondence of ICEM shall be inviolable.

CHAPTER II. REPRESENTATIVES OF THE MEMBER GOVERNMENTS

Article 15. 1. Representatives of the Member Governments shall benefit, for the duration of their official mission, on condition that Belgium is informed of such mission in advance:

- (a) From immunity from arrest or detention and seizure of their personal baggage and, with respect to acts done by them in their official capacity (including words spoken or written by them), from immunity from all jurisdiction;
- (b) Inviolability of all papers and documents;
- (c) The right to make use of codes and to receive documents or correspondence by courier or by sealed pouch;
- (d) Exemption, for themselves and for their spouses from all restrictive measures concerning immigration, all alien registration formalities and all national service obligations;
- (e) The same facilities concerning monetary or exchange restrictions as those accorded to representatives of foreign Governments on temporary official missions;
- (f) The same immunities and facilities with regard to their personal baggage as those accorded to members of diplomatic missions of a comparable rank.

2. The advisers, experts and secretaries accompanying the representatives shall enjoy the same privileges, immunities and facilities as those accorded to agents of foreign Governments on temporary official missions.

CHAPTER III. DIRECTOR AND DEPUTY DIRECTOR

Article 16. The Director and Deputy Director of ICEM shall enjoy in Belgium, for the duration of their official missions, the privileges, immunities, exemptions and facilities accorded to diplomatic agents.

CHAPTER IV. PERSONNEL

Article 17. The head of the ICEM Office in Belgium shall enjoy the advantages accorded to members of the diplomatic staff of diplomatic missions. The spouse of the head of the ICEM Office and his or her minor children forming part of his or her household shall enjoy the advantages accorded to the spouse and minor children of diplomatic personnel.

Article 18. Staff members of the ICEM Office in Belgium shall enjoy:

- (a) Immunity from jurisdiction for acts performed in their official capacity, including words spoken and written, this immunity continuing after the cessation of their functions;
- (b) Inviolability for all their official papers and documents;

(c) Exemption from all taxation on salaries, emoluments and allowances paid to them by ICEM.

Belgium reserves the possibility of taking account of these salaries, emoluments and allowances in calculating the amount of tax to be levied on income from other sources.

Article 19. The provisions of articles 17 and 18 shall not apply to pensions and payments paid to former members of the staff of the ICEM Office in Belgium.

Article 20. Members of the staff of the ICEM Office shall enjoy, in respect of monetary and exchange regulations, the same facilities customarily accorded to officials of international organizations.

Article 21. Members of the staff of the ICEM Office who do not engage in any gainful occupation in Belgium other than that resulting from their duties with ICEM, as well as those members of their families forming part of their households and not engaging in any private gainful activity in Belgium, shall not be subject to Belgian legislation concerning the employment of foreign workers or concerning foreigners engaging in independent professional activities.

ICEM shall give notice of the arrival and departure of said persons, and, where appropriate, the date of termination of their duties; such persons shall be entitled to a special visa.

Article 22. 1. As concerns social security, members of the staff of the ICEM Office in Belgium who are neither nationals nor permanent residents of Belgium, and who there engage in no other private gainful occupation other than that required by their official functions, may elect for the application of Belgian legislation.

2. This right of election may be exercised only once, and within three months after the undertaking of their functions in Belgium.

3. With respect to persons who elect the Belgian regime, ICEM shall apply Belgian social security legislation.

4. ICEM shall see to it that those persons who decline the Belgian regime are effectively covered by an adequate social security regime, and Belgium may obtain reimbursement from ICEM for the expenses occasioned by any public assistance.

Article 23. The staff members of the ICEM Office in Belgium, within the limits of the legislative and regulatory provisions, shall enjoy the right to import free of duty, in one or several shipments, their furniture and personal effects, as well as a motor vehicle, at the time of their first installation in Belgium or their return to Belgium after a minimum absence of three years, and to re-export them free of duty at the time of the cessation of their functions in Belgium.

Article 24. Belgium shall not be bound to accord to its own nationals or to permanent residents the advantages, privileges and immunities referred to in this Agreement. However, they shall enjoy immunity from jurisdiction for the acts performed in their official capacity, including their spoken and written words.

CHAPTER V. GENERAL PROVISIONS

Article 25. Privileges and immunities are accorded to staff members solely in the interests of ICEM and not for their personal benefit. The Director of ICEM shall

have the right and the duty to waive this immunity in any case where, in his opinion, it would impede the normal course of justice and where it may be waived without prejudice to the interests of ICEM.

Article 26. Belgium reserves the right to take all useful precautions in the interest of its security.

Article 27. The persons mentioned in article 17 do not enjoy any immunity from jurisdiction with respect to cases of infraction of regulations governing motor vehicle traffic or damage caused by a motor vehicle outside of acts performed in their official capacity.

Article 28. ICEM, the head of the ICEM Office in Belgium and staff members of that Office must fulfil all the obligations prescribed by Belgian laws and regulations with respect to civil liability insurance for the use of any motor vehicle.

Article 29. ICEM and its staff shall collaborate at all times with the competent Belgian authorities in order to facilitate the proper administration of justice, ensure the observation of police regulations and avoid any abuse which could result from the privileges, immunities and facilities provided for in this Agreement.

Article 30. The advantages provided by this Agreement are conditioned upon compliance with the formalities prescribed by Belgian laws and regulations.

CHAPTER VI. FINAL PROVISIONS

Article 31. This Agreement shall be ratified by Belgium.

Article 32. This Agreement shall enter into force 15 days after the deposit with ICEM of the instrument of ratification of Belgium. It may take effect at any earlier date as provided in the Belgian law of approval.

It shall remain in force either until the dissolution of ICEM, until the withdrawal of Belgium from ICEM or until the expiration of a period of one year from the date on which one of the Parties informs the other of its intention to terminate it.

IN WITNESS WHEREOF the respective representatives of Belgium and ICEM have signed this Agreement.

DONE at Geneva on 2 July 1973, in duplicate, in the French and Dutch languages, the two texts being of equal force.

For Belgium:

For the Intergovernmental Committee
for European Migration:

[Signed]

[Signed]

J. P. VAN BELLINGHEN

G. MASELLI