

No. 17803

**NETHERLANDS
and
EUROPEAN PATENT ORGANISATION**

**Agreement concerning the Branch of the European Patent
Office at The Hague. Signed at Munich on 19 October
1977**

Authentic texts: Dutch, German, English and French.

Registered by the Netherlands on 26 April 1979.

**PAYS-BAS
et
ORGANISATION EUROPÉENNE DES BREVETS**

**Accord de siège concernant le département de La Haye de
l'Office européen des brevets. Signé à Munich le
19 octobre 1977**

Textes authentiques : néerlandais, allemand, anglais et français.

Enregistré par les Pays-Bas le 26 avril 1979.

AGREEMENT¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE EUROPEAN PATENT ORGANISATION CONCERNING THE BRANCH OF THE EUROPEAN PATENT OFFICE AT THE HAGUE

The Government of the Kingdom of the Netherlands 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;

Whereas, pursuant to Article 6 of the said Convention, the European Patent Office shall have a Branch at The Hague;

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 Kingdom of the Netherlands;

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

(f) "Branch" means the branch of the European Patent Office at The Hague (Rijswijk).

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 13.

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 *rijksbelastingen* (State taxes) and all direct taxes, dues and levies imposed by a province, municipality or *waterschap* without prejudice to the provisions of paragraph 3 of the said Article.

(2) The Organisation shall be exempted from motor-vehicle tax in respect of its motor vehicles used for official purposes on application.

Article 5. REIMBURSEMENT OF TAXES AND DUTIES

(1) The following taxes and duties shall in particular be considered to fall under Article 4, paragraph 2, of the Protocol:

- (a) Turnover tax on goods supplied or services rendered to the Organisation;
- (b) Excise duties on goods;
- (c) Tax on acquisition of real property, insurance tax and stock exchange tax.

(2) The turnover tax paid in respect of goods supplied or services rendered shall be refunded to the Organisation on application.

The tax on hydrocarbons such as fuel oil and motor fuels which the Organisation requires for official purposes shall be refunded to the Organisation on application.

Excise duty paid on goods supplied and required for official purposes shall be refunded to the Organisation on application.

The Organisation shall submit applications for reimbursement within three months after the quarter during which payment was made for goods supplied or services rendered and shall send the relevant documents together with the applications.

The Organisation undertakes to facilitate the verification by the competent authorities of the facts on which the tax exemption or tax refund can be based.

No refund shall be granted unless the price of the goods supplied or the services rendered exceeds 500 guilders per transaction.

Article 6. DISPOSAL OF GOODS

(1) Goods acquired by the Organisation under the conditions laid down in Article 4, paragraph 2, of the Protocol may not be sold, given away, hired out or otherwise disposed of unless the competent authorities have been notified beforehand and the relevant turnover tax has been paid. The tax payable shall be calculated on the basis of the current value of the goods.

(2) If the Organisation sells, gives away, hires out or otherwise disposes of any of the goods imported under the conditions laid down in Article 5 of the Protocol, it shall declare the goods for importation and pay the taxes, dues and levies in respect of such goods.

(3) The value stated on the declaration for importation shall be the value of the goods on the date of declaration; the tariff in force on the date of declaration shall apply.

*Article 7. WORK PERMIT, RESIDENCE PERMIT,
COMPULSORY REGISTRATION*

Employees of the Office exercising their functions in the Netherlands:

- (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; the same shall apply to members of their families forming part of their household;
- (c) Shall not be subject to the application of the regulations regarding the registration of religious denomination in the Netherlands population registers; the same shall apply to members of their families forming part of their household.

Article 8. IDENTITY CARDS

Employees of the Office exercising their functions in the Netherlands and members of their families forming part of their household shall hold a personal identity card issued by the Organisation stating names, date and place of birth, nationality, number of passport or of national identity card (aliens only), and bearing photograph and signature; the identity cards shall be authenticated by the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 9. NATIONALS AND PERMANENT RESIDENTS

(1) Netherlands nationals and persons referred to in Article 22, subparagraph (b) of the Protocol exercising their functions in the Netherlands shall not enjoy the privileges and immunities laid down in Article 12, paragraph 1, subparagraphs (a), (e) and (f), Article 13, Article 14, subparagraphs (b), (e) and (g), and Article 15, subparagraph (c) of the Protocol, and Article 7, subparagraph (c), of this Agreement.

(2) Employees of the Office who are Netherlands nationals or who are referred to in Article 22, subparagraph (b), of the Protocol, exercising their functions in the Netherlands, whose names have, by reason of their duties, been entered on a list drawn up by the Organisation and approved by the Minister of Defence of the Kingdom of the Netherlands, shall be exempt from military service. In the event of other Netherlands nationals and permanent residents being called up for military service, the Minister of Defence of the Kingdom of the Netherlands shall, at the request of the Organisation, grant them such deferment as may be necessary to avoid the interruption of essential work.

Article 10. PREMISES OF THE BRANCH

(1) The branch shall be accommodated in the building situated at Rijswijk, Patentlaan 2.

(2) The premises within the meaning of Article 1 of the Protocol shall be that part of the building 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 11. 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 12. MODIFICATIONS

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

Article 13. 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 are in force for the Kingdom of the Netherlands.

GEDAAN te München, op negentien oktober negentienhonderd zevenenzeventig in twee oorspronkelijke exemplaren in de Nederlandse, de Duitse, de Engelse en de Franse taal, zijnde de vier teksten gelijkelijk authentiek.

GESCHEHEN zu München am neunzehnten Oktober neunzehnhundertsiebundsiebzig in zwei Urschriften in niederländischer, 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 Netherlands, English, French and German languages, the four texts being equally authentic.

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

Voor de Regering van het Koninkrijk der Nederlanden:
Für die Regierung des Königreichs der Niederlande:
For the Government of the Kingdom of the Netherlands:
Pour le Gouvernement du Royaume des Pays-Bas :

[Signed — Signé]¹

Voor de Europese Octrooiorganisatie:
Für die Europäische Patentorganisation:
For the European Patent Organisation:
Pour l'Organisation européenne des brevets :

[Signed — Signé]²

¹ Signed by J. Dekker — Signé par J. Dekker.

² Signed by Van Benthem — Signé par Van Benthem.