

No. 18941

NETHERLANDS
and
NORTH ATLANTIC TREATY ORGANIZATION

Exchange of letters constituting an agreement concerning the work of the North Atlantic Treaty Organization airborne early warning and control programme management agency (NAPMA) in the Netherlands. The Hague, 31 August 1979 and Brussels, 11 September 1979

Authentic text: English.

Registered by the Netherlands on 20 June 1980.

PAYS-BAS
et
ORGANISATION DU TRAITÉ
DE L'ATLANTIQUE NORD

Échange de lettres constituant un accord relatif au fonctionnement aux Pays-Bas de l'agence chargée de la gestion du programme d'alerte avancée et de contrôle en vol de l'Organisation du Traité de l'Atlantique Nord. La Haye, 31 août 1979 et Bruxelles, 11 septembre 1979

Texte authentique : anglais.

Enregistré par les Pays-Bas le 20 juin 1980.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE NORTH ATLANTIC TREATY ORGANIZATION CONCERNING THE WORK OF THE NORTH ATLANTIC TREATY ORGANIZATION AIRBORNE EARLY WARNING AND CONTROL PROGRAMME MANAGEMENT AGENCY (NAPMA) IN THE NETHERLANDS

I

MINISTRY OF FOREIGN AFFAIRS
THE HAGUE

31 August 1979

Dear Secretary-General,

I have the honour to refer to the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff signed at Ottawa on 20 September 1951,² hereinafter called the Ottawa Agreement.

Considering that my Government has offered to collocate the NATO AEW&C (Airborne Early Warning and Control) Programme Management Agency (NAPMA), the executive body of the NATO AEW&C Programme Management Organization (NAPMO), together with the Headquarters of the Allied Forces Central Europe at Brunssum in the Netherlands and considering that my Government is prepared to grant privileges and exemptions to NAPMO on conditions that are as a whole no less favourable than those granted to date by the Belgian Government my Government deems it desirable to formulate certain provisions together with you as a supplement to the Ottawa Agreement. In order to facilitate the collocation, my Government deems it desirable to come to such arrangements that the privileges and exemptions accorded to NAPMO and its officials and experts will be on a par with those already established for AFCENT and his personnel.

To this end I have the honour to propose the following provisions:

1. NAPMO shall be exempt from taxes and excise duties which form part of the price of goods purchased by and of services rendered to NAPMO for its official use;
2. NAPMO shall be exempt from insurance tax levied in connection with the insurance of movable and immovable property for official use;
3. NAPMO shall be exempt from motor vehicle tax on vehicles owned by NAPMO for its official use. These vehicles will bear the RC registration plate;
4. The categories of officials of the Organization referred to in Article 17 of the Ottawa Agreement in the Netherlands comprise the unclassified officials as well as the grade A, L, B and C members of the staff in the Netherlands;

¹ Came into force on 11 September 1979 by the exchange of the said letters, with retroactive effect from 1 July 1979, in accordance with their provisions.

² United Nations, *Treaty Series*, vol. 200, p. 3.

5. The immunity from legal process referred to in Articles 18(a) and 21(b) of the Ottawa Agreement shall not apply in case of civilian or criminal actions arising from the use of motor vehicles;
6. The aforementioned officials shall have the same privileges as AFCENT personnel with respect to the exemption of taxes levied on goods sold in the messes, bars and canteens. The kinds and quantities of goods that may be procured free of duty and/or tax are those determined in agreement with the competent Netherlands authorities for AFCENT personnel. They shall also be exempt from motor vehicle tax in the same manner as AFCENT personnel;
Their motor vehicles shall be registered and licensed by AFCENT in accordance with the agreed procedures;
7. The General Manager of NAPMA and his deputy will enjoy in the Netherlands the privileges and immunities referred to in Article 20 of the Ottawa Agreement. They shall be authorised to use CD plates which will be delivered to them, it being understood that the registration mark shall consist of the letters CD and a number of two digits preceded by the letter N;
8. The experts referred to in Article 21 of the Ottawa Agreement who are employed in the Netherlands in direct support of NAPMO for a minimum period of 6 months and whose salaries are paid by NAPMO either direct to the individual concerned or to the institution by whom the individual is provided will also be accorded the privileges and exemptions referred to in paragraph 6;
9. Officials and experts of Netherlands nationality shall be granted solely the privileges and immunities mentioned in Articles 19 and 23 (a), (b) and (c) of the Ottawa Agreement;
10. The General Manager shall notify the Netherlands Government as soon as possible, and thereafter with respect to any change, of the names, grades and addresses of officials and experts;
11. The General Manager may recruit directly and employ in the Netherlands civilian labour not enjoying international status at local wage rates in the same manner as AFCENT;
12. The General Manager shall be responsible in agreement with the authorities of the Netherlands Government for implementing the provisions laid down on the present exchange of letters.

I have the honour to propose that if the provisions set forth above are acceptable to you the present letter and your affirmative reply constitute a supplementary Agreement to the Ottawa Agreement with retroactive effect as from 1 July 1979 between the Kingdom of the Netherlands and the North Atlantic Treaty Organization.

Sincerely yours,

C. A. VAN DER KLAUW

The Secretary General
of the North Atlantic Treaty Organization
Mr. J. M. A. H. Luns

II

NORTH ATLANTIC TREATY ORGANIZATION

Brussels, 11th September 1979

SG/79/533

Dear Mr. Minister,

By your letter dated 31st August 1979 you were good enough to describe the manner in which Parts II and IV of the Agreement on the status of the North Atlantic Treaty Organization, National Representatives and International Staff, signed in Ottawa on 20th September 1951, will be applied to NAPMA and its staff in the Netherlands.

I am pleased to inform you that the provisions set out in this letter meet with my approval and may consequently take effect as from 1st July 1979.

Yours sincerely,

[Signed]

Dr. J. M. A. H. LUNS

His Excellency Mr. C. A. van der Klaauw
Minister of Foreign Affairs
The Hague, Netherlands
