

No. 20660

MULTILATERAL

**Agreement on the status of the Western European Union,
national representatives and international staff. Con-
cluded at Paris on 11 May 1955**

Authentic texts: French and English.

Registered by Belgium on 18 December 1981.

MULTILATÉRAL

**Convention sur le statut de l'Union de l'Europe occidentale,
des représentants nationaux et du personnel international.
Conclue à Paris le 11 mai 1955**

Textes authentiques : français et anglais.

Enregistrée par la Belgique le 18 décembre 1981.

AGREEMENT¹ ON THE STATUS OF WESTERN EUROPEAN UNION, NATIONAL REPRESENTATIVES AND INTERNATIONAL STAFF

The States signatory to the present Agreement,

Considering that Western European Union, its international staff and the representatives of Member States attending meetings thereof should have a status appropriate to the exercise of their functions and the fulfilment of their purposes,

Have agreed as follows:

PART I. GENERAL

Article 1. In the present Agreement,

(a) "The Organisation" means Western European Union comprising the Council, its subsidiary bodies and the Assembly.

(b) "The Council" means the Council established under Article VIII (formerly Article VII) of the Brussels Treaty² as modified and completed by the Protocols signed in Paris on 23rd October, 1954³.

(c) "Subsidiary bodies" means any organ, committee or service established by the Council or placed under its authority.

(d) "The Assembly" means the Assembly established under Article IX of the Brussels Treaty as modified and completed by the Protocols signed in Paris on 23rd October, 1954.

Article 2. The Organisation and Member States shall cooperate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the immunities and privileges set out in the present Agreement. If any Member State considers that there has been an abuse of any immunity or privilege conferred by this Agreement, consultations shall be held between the Organisation and the State or States concerned, to determine whether any such abuse

¹ Came into force in respect of the following States on 19 July 1956, upon deposit with the Government of Belgium of the instruments of ratification by three signatory States, with retroactive effect from 6 May 1955, the date of the entry into force of the Protocols to the Brussels Treaty signed in Paris on 23 October 1954, in accordance with article 28 (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Belgium*	19 July 1956
Netherlands*	2 February 1956
United Kingdom of Great Britain and Northern Ireland	6 September 1955

Subsequently, the Convention came into force in respect of the following States with effect from the date of the deposit of their instrument of ratification with the Government of Belgium, in accordance with article 28 (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Italy	14 May 1958
France	25 August 1958
Germany, Federal Republic of	22 September 1959
Luxembourg*	16 March 1961

*See p. 320 of this volume for the text of the declaration made upon ratification.

² See "Treaty between Belgium, France, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland for collaboration in economic, social and cultural matters and for collective self-defence signed at Brussels, on 17 March 1948" in United Nations, *Treaty Series*, vol. 19, p. 51.

³ *Ibid.*, vol. 211, p. 343.

has occurred and, if so, to attempt to ensure that no repetition occurs. Notwithstanding the foregoing or any other provisions of this Agreement, a Member State which considers that any person has abused his privilege of residence or any other privilege or immunity granted to him under this Agreement may require him to leave its territory.

PART II. THE ORGANISATION

Article 3. The Organisation shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

Article 4. The Organisation, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Secretary-General, acting on behalf of the Organisation, may expressly authorise the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

Article 5. The premises of the Organisation shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference.

Article 6. The Archives of the Organisation and all documents belonging to it or held by it shall be inviolable, wherever located.

Article 7. 1. Without being restricted by financial controls, regulations or moratoria of any kind:

- (a) The Organisation may hold currency of any kind and operate accounts in any currency;
- (b) The Organisation may freely transfer its fund from one country to another or within any country and convert any currency held by it into any other currency at the most favourable official rate of exchange for a sale or purchase as the case may be.

2. In exercising its rights under paragraph 1 above, the Organisation shall pay due regard to any representations made by any Member State, and shall give effect to such representations in so far as it is practicable to do so.

Article 8. The Organisation, its assets, income and other property shall be exempt:

- (a) From all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;
- (b) From all customs duties and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use; articles imported under such exemption shall not be disposed of, by way either of sale or gift, in the country into which they are imported except under conditions approved by the Government of that country;
- (c) From all customs duties and quantitative restrictions on imports or exports in respect of its publications.

Article 9. While the Organisation will not as a general rule claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the Organisation is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article 10. 1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes, and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council acting on behalf of the Organisation.

PART III. PERMANENT REPRESENTATIVES TO THE ORGANISATION

Article 11. Every person designated by a Member State as its principal permanent representative to the Organisation in the territory of another Member State, and such members of his official staff resident in that territory as may be agreed between the State which has designated them and the Secretary-General of the Organisation and between the Secretary-General and the State in which they will be resident, shall enjoy the immunities and privileges accorded to diplomatic representatives and their official staff of comparable rank.

PART IV. REPRESENTATIVES TO THE COUNCIL AND ITS SUBSIDIARY BODIES

Article 12. 1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article 11 shall, while present in the territory of another Member State for the discharge of his duties, enjoy the following privileges and immunities:

- (a) The same immunity from personal arrest or detention as that accorded to diplomatic personnel of comparable rank;
- (b) In respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;
- (c) Inviolability for all papers and documents;
- (d) The right to use codes and to receive and send papers or correspondence by courier or in sealed bags;
- (e) The same exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations as that accorded to diplomatic personnel of comparable rank;
- (f) The same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;
- (g) The same immunities and facilities in respect of his personal baggage as are accorded to diplomatic personnel of comparable rank;
- (h) The right to import free of duty his furniture and effects at the time of first arrival, to take up his post in the country in question and, on the termination of his functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;
- (i) The right to import temporarily free of duty his private motor vehicle for his own personal use and subsequently to re-export such vehicle free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

2. Where the legal incidence of any form of taxation depends upon residence, a period during which a representative to whom this Article applies is present in the territory of

another Member State for the discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation by that Member State on his official salary and emoluments during such periods of duty.

3. In this Article “representative” shall be deemed to include all representatives, advisers and technical experts of delegations. Each Member State shall communicate to the other Member States concerned, if they so request, the names of its representatives to whom this Article applies and the probable duration of their stay in the territories of such other Member States.

Article 13. Official clerical staff accompanying a representative of a Member State who are not covered by Articles 11 or 12 shall, while present in the territory of another Member State for the discharge of their duties, be accorded the privileges and immunities set out in paragraph 1 (b), (c), (e), (f), (h) and (i) and paragraph 2 of Article 12.

Article 14. Privileges and immunities are accorded to the representatives of Member States and their staffs not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connexion with Western European Union. Consequently, a Member State not only has the right, but is under a duty to waive the immunity of its representatives and members of their staffs in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity is accorded.

Article 15. The provisions of Articles 11 to 13 above shall not require any Member State to grant any of the privileges or immunities referred to therein to any person who is its national or to any person as its representative or as a member of the staff of such representative.

PART V. REPRESENTATIVES TO THE ASSEMBLY

Article 16. No administrative or other restriction shall be imposed on the free movement to and from the place of meeting of representatives to the Assembly and their substitutes.

Representatives and their substitutes shall, in the matter of customs and exchange control, be accorded:

- (a) By their own Government, the same facilities as those accorded to senior officials travelling abroad on temporary official duty;
- (b) By the Governments of other Members, the same facilities as those accorded to representatives of foreign Governments on temporary official duty.

Article 17. Representatives to the Assembly and their substitutes shall be immune from all official interrogation and from arrest and all legal proceedings in respect of words spoken or votes cast by them in the exercise of their functions.

Article 18. During the sessions of the Assembly, and while attending meetings of Committees and Sub-Committees of the Assembly, whether or not the Assembly itself is in session, the representatives to the Assembly and their substitutes, whether they be Members of Parliament or not, shall enjoy:

- (a) On their national territory, the immunities accorded in those countries to Members of Parliament;
- (b) On the territory of all other Member States, exemption from arrest and prosecution.

This immunity also applies when they are travelling to and from the place of meeting of the Assembly or its Committees or Sub-Committees. It does not, however, apply when representatives and their substitutes are found committing, attempting to commit, or just having committed an offence, nor in cases where the Assembly has waived the immunity.

PART VI. INTERNATIONAL STAFF AND EXPERTS ON MISSIONS
FOR THE ORGANISATION

Article 19. The Council shall specify the categories of officials to which Articles 20 and 21 shall apply. The Secretary-General shall communicate to the Members of the Council the names of the officials included in these categories.

Article 20. Officials of the Organisation specified under Article 19 shall:

- (a) Be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;
- (b) Be granted, together with their spouses and members of their immediate families residing with and dependent on them, the same immunities from immigration restrictions and aliens' registration as is accorded to diplomatic personnel of comparable rank;
- (c) Be accorded the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;
- (d) Be given, together with their spouses and members of their immediate families residing with and dependent on them, the same repatriation facilities in time of international crisis as are accorded to diplomatic personnel of comparable rank;
- (e) Have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;
- (f) Have the right to import temporarily free of duty their private motor vehicles for their own personal use and subsequently to re-export such vehicles free of duty subject in either case to such conditions as the Government of the country concerned may deem necessary.

Article 21. Officials of the Organisation specified under Article 19 shall be subject to taxation by the Organisation, for its own benefit, on the emoluments paid to them in their capacity as such officials, to such extent and in accordance with such procedures as the Council may decide. They shall be exempt from national taxation on the said emoluments.

Article 22. In addition to the immunities and privileges specified in Articles 20 and 21, the Secretary-General, the Deputy Secretaries-General, the Director of the Armaments Control Agency and such other permanent officials of similar rank as may be specified by the Council shall be accorded the privileges and immunities normally accorded to diplomatic personnel of comparable rank, including the same exemption or relief from taxes other than income tax.

Article 23. 1. Experts (other than officials coming within the scope of Articles 20 to 22) employed on missions on behalf of the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions while present in the territory of a Member State for the discharge of their duties:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) In respect of words spoken or written or acts done by them in the performance of their official functions for the Organisation, immunity from legal process;
- (c) The same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;
- (d) Inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

2. The Secretary-General shall communicate to the Member States concerned the names of any experts to whom this Article applies.

Article 24. Privileges and immunities are granted to officials and experts in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Secretary-General acting on behalf of the Organisation shall have the right and the duty to waive the immunity of any official or expert, other than officials coming within the scope of Article 22, in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation. In the case of officials coming within the scope of Article 22, the decision to waive immunity shall rest within the Council.

Article 25. The provisions of Articles 20, 22 and 23 above shall not require any Member State to grant any of the privileges or immunities referred to therein to any person who is its national, except:

- (a) Immunity from legal process in respect of words spoken or written or acts done by him in the performance of his official functions for the Organisation;
- (b) Inviolability for all papers and documents relating to the work on which he is engaged for the Organisation;
- (c) Facilities in respect of currency or exchange restrictions so far as is necessary for the effective exercise of his functions.

PART VII. SETTLEMENT OF DISPUTES

Article 26. The Council shall make provision for appropriate modes of settlement of:

- (a) Disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;
- (b) Disputes involving any official or expert of the Organisation to whom Part VI of this Agreement applies, who by reasons of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Article 24.

PART VIII. SUPPLEMENTARY AGREEMENTS

Article 27. The Council acting on behalf of the Organisation may conclude with any Member State or States supplementary agreements adjusting the provisions of the present Agreement, so far as that State or those States are concerned.

PART IX. FINAL PROVISIONS

Article 28. 1. The present Agreement shall be subject to ratification. Instruments of ratification shall be deposited with the Government of Belgium, which will notify all signatory States of each such deposit.

2. As soon as three signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect of those States, with effect from the date of entry into force of the Protocols to the Brussels Treaty signed in Paris on 23rd October 1954. It shall come into force in respect of each other signatory State, with effect from the same date, on the deposit of its instrument of ratification.

Article 29. The present Agreement may be denounced by any Contracting State by giving written notification of denunciation to the Government of Belgium, which will notify all signatory States of each such notification. The denunciation shall take effect one year after the receipt of the notification by the Government of Belgium.

IN WITNESS WHEREOF the undersigned plenipotentiaries have signed the present Agreement.

DONE in Paris this 11th day of May, 1955, in French and English, both texts being equally authoritative, in a single copy which shall be deposited in the Archives of the Government of Belgium which will transmit a certified copy to each of the signatory States.

For the Federal Republic of Germany:

[ADENAUER]¹

For Belgium:

[P. H. SPAAK]

For France:

[ANT. PINAY]

For Italy:

[G. MARTINO]

For Luxemburg:

[JOS. BECH]

For [the] Netherlands:

[J. W. BEYEN]

For the United Kingdom of Great Britain
and Northern Ireland:

[HAROLD MACMILLAN]

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Belgium.

DECLARATION MADE
UPON RATIFICATION

BELGIUM
LUXEMBOURG
THE NETHERLANDS

DÉCLARATION FAITE
LORS DE LA RATIFICATION

BELGIQUE
LUXEMBOURG
PAYS-BAS

[TRANSLATION — TRADUCTION]

Nationals of the Kingdom of the Netherlands, the Kingdom of Belgium and the Grand Duchy of Luxembourg may not invoke the provisions of this Convention in order to claim in the territory of one of those Powers an exemption which they would not enjoy if they were performing their functions in their own countries, in respect of duties, charges and any other taxes which have been or will be unified under agreements aimed at the establishment of the Benelux Economic Union.

« Les ressortissants du Royaume des Pays-Bas, du Royaume de Belgique et du Grand-Duché de Luxembourg ne peuvent se prévaloir des dispositions de la présente Convention pour revendiquer sur le territoire de l'une de ces puissances une franchise dont ils ne jouiraient pas s'ils exerçaient leurs fonctions dans leur propre pays, lorsqu'il s'agit de droits, taxes et autres impôts dont l'unification a été ou aura été opérée en vertu de conventions tendant à réaliser l'Union économique néerlando-belgo-luxembourgeoise. »