

No. 25679

FRANCE
and
MONACO

Exchange of letters constituting an agreement on the privileges and immunities of the International Atomic Energy Agency in the Principality of Monaco (with related exchange of letters). Paris, 31 October 1985

Authentic text: French.

Registered by France on 23 February 1988.

FRANCE
et
MONACO

Échange de lettres constituant un accord relatif aux privilèges et immunités de l'Agence internationale de l'énergie atomique dans la Principauté de Monaco (avec échange de lettres connexe). Paris, 31 octobre 1985

Texte authentique : français.

Enregistré par la France le 23 février 1988.

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN THE FRENCH REPUBLIC AND THE PRINCIPALITY OF MONACO ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN THE PRINCIPALITY OF MONACO

I

31 October 1985

Sir,

Since the International Marine Radioactivity Laboratory of the International Atomic Energy Agency (IAEA) has been set up in Monaco, the Government of the Principality and the Agency propose to sign a headquarters agreement defining the arrangements for setting up the laboratory and determining the privileges and immunities of the Agency in Monaco.

The Government of the French Republic has a twofold interest in the matter.

On the one hand, it has ratified the Statute of IAEA, article 15 of which stipulates that the Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

On the other hand, some privileges and immunities relate to matters governed by conventions between France and Monaco.

Consequently, and with a view to facilitating the functioning of the Agency, I have the honour to inform you that the French Government is prepared to adopt the following provisions:

Article 1. Without being subject to any financial controls, regulations or moratoria, the International Atomic Energy Agency (hereafter referred to as the Agency), in connection with its official activities in Monaco, may freely:

- (a) Receive and hold funds and foreign currency of all kinds and have accounts in any currency;
- (b) Transfer its funds and foreign currency within Monegasque territory and from Monaco to another country and vice versa.

Article 2. 1. The Agency, its assets, income and other property shall be exempt from import or export duties and taxes, prohibitions and restrictions on imports or exports with respect to goods or articles imported or exported by the Agency and required for the functioning of its International Marine Radioactivity Laboratory in connection with the activities defined in the following article, it

¹ Came into force on 14 August 1986, i.e., 30 days after the date of the last of the notifications (of 28 May and 16 July 1986) by which the Parties had notified each other of the completion of their respective requirements of approval, in accordance with the provisions of the said letters.

² United Nations, *Treaty Series*, vol. 276, p. 3; vol. 471, p. 334, and vol. 1082, p. 290.

being understood, however, that goods or articles imported by virtue of such exemption may be transferred or be lent, without charge or against payment, in Monegasque or French territory only on conditions previously approved by the competent French authorities.

2. The above-mentioned facilities shall in no circumstances be interpreted as prohibiting the adoption of appropriate security measures by the competent authorities.

Article 3. 1. The activities of the International Marine Radioactivity Laboratory in Monaco shall be devoted principally to the study of radioactivity and its effects on the marine environment and organisms living in it.

2. They shall include research into the behaviour of radionuclides in the marine environment, the development of methods for measuring radionuclides, the conduct of intercalibration exercises, the training of researchers and participation in other international programmes relating to radioactive and non-radioactive pollution of the marine environment.

Article 4. Unless a reason of public policy requires otherwise, authorization shall be granted promptly and without charge for visas for the entry into and sojourn in the Principality, for the period of their functions or missions with the Agency, of the following persons, their spouses and minor children living with them:

- Staff members of the Agency;
- Representatives of member states and observers from the corresponding States invited to participate in sessions of the organs of the Agency or in conferences or meetings convened by it;
- Experts or eminent persons called in by the Agency as consultants.

Article 5. The staff of the Laboratory shall comprise:

- (a) The Director;
- (b) Permanent staff members occupying positions of responsibility in the Laboratory;
- (c) Permanent staff performing functions in the Laboratory;
- (d) Non-permanent employees.

Article 6. 1. Staff members in the categories referred to in article 5 (a), (b) and (c) shall enjoy:

- (a) Exemption from all taxation on the salaries and emoluments received for their work in the Agency.
- (b) The facilities provided for in article 4 above with respect to entry into and sojourn in Monaco.
- (c) Provided that they formerly resided abroad, the right to import free of duty their household and personal effects when they first take up residence.
- (d) Special residence permits issued by the competent authorities for themselves and their spouses and minor children living with them.
- (e) In periods of international tension, the same repatriation facilities as are granted to members of diplomatic missions for themselves and their spouses and minor children living with them.

2. Staff members in categories (a), (b) and (c) shall also enjoy facilities for temporary duty-free import of a motor vehicle.

3. The French Government shall not be required to grant its own nationals or permanent residents of France or Monaco the privileges referred to in paragraphs 1 (b), (c), (d) and (e) and 2 above.

4. The French Government shall not be required to grant the privileges referred to in paragraph 1 (a) of this article:

— To its own nationals residing in France,

— To its own nationals residing in the Principality of Monaco but subject to taxation in France under article 7 (1) of the Franco-Monegasque Convention on taxation of 18 May 1963,¹

— To permanent residents in France,

unless the Agency establishes an internal tax payable by its agents. In this event, the French Government shall tax, at the rate applicable to total income, the income other than official remuneration of its nationals and the above-mentioned permanent residents.

5. The provisions of paragraph 1 (a) shall not be applicable to pensions paid by the Agency to its former agents domiciled in France or subject to taxation in France under article 7 (1) of the Convention of 18 May 1963 referred to in the preceding paragraph.

If the foregoing provisions are acceptable to the Government of the Principality, I have the honour to propose that this letter and your reply shall be deemed to constitute the Agreement between the Government of His Serene Highness the Prince of Monaco and the Government of the French Republic, and that the said Agreement shall enter into force 30 days after the date on which the two Governments notify each other of the completion of their respective approval formalities.

Accept, Sir, etc.

[Signed]

ANDRÉ ROSS
Ambassador of France

His Excellency Mr. Christian Orsetti
Ambassador of Monaco in Paris

II

EMBASSY OF THE PRINCIPALITY OF MONACO
The Ambassador

Paris, 31 October 1985

Sir,

In your letter of 31 October 1985 you have informed me of the following:

[See letter I]

¹ United Nations, *Treaty Series*, vol. 658, p. 393.

I have the honour to inform you that the Government of His Serene Highness the Prince of Monaco agrees to the foregoing provisions.

Accept, Sir, etc.

[Signed]

CHRISTIAN ORSETTI

His Excellency Mr. André Ross
Ambassador of France
Secretary-General of the Ministry
of Foreign Affairs
Paris

RELATED EXCHANGE OF LETTERS

I

31 October 1985

Sir,

As the Agreement by exchange of letters between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco concerning the privileges and immunities of the International Atomic Energy Agency, hereinafter referred to as the Agency, is about to be concluded, I have the honour to draw your attention to the following:

The two Governments, equally concerned to facilitate the functioning of the Agency in the territory of the Principality, sought to reconcile the exercise of the prerogatives of the Government of the host country, in this instance, the Government of the Principality, and the implementation of specific conventions concluded between the French Government and the Government of the Principality.

It was decided by mutual agreement that, in its capacity as Government of the host country, the Government of the Principality would conclude with the Agency a headquarters agreement defining the privileges and immunities which the Agency would thereafter enjoy.

However, since the granting of some of these privileges and immunities requires the consent of the French Government and the intervention of the competent French authorities, the Agreement to be signed on this day between the two Governments will confirm that the French Government is, for its part, ready to apply those provisions of the headquarters agreement which, under conventions between France and Monaco, fall within its competence.

I therefore have the honour to inform Your Excellency that the French Government is ready to adopt the following provisions:

1. The Government of the French Republic shall make all necessary arrangements for the early entry into force of the Agreement by exchange of letters with the Government of His Serene Highness the Prince of Monaco

concerning the privileges and immunities of the International Atomic Energy Agency.

2. The Government of His Serene Highness the Prince of Monaco shall put into effect the headquarters agreement which it proposes to conclude with the International Atomic Energy Agency concerning the Agency's privileges and immunities only after the Agreement by exchange of letters referred to in the preceding paragraph has entered into force.

3. No provision of the agreements in question may be interpreted as prejudicing the implementation of conventions between France and Monaco.

If the foregoing provisions are acceptable to the Government of His Serene Highness the Prince of Monaco, I have the honour to propose to Your Excellency that this letter and your reply shall be deemed to constitute the Agreement between the two Governments on this subject.

Accept, Sir, etc.

[Signed]

ANDRÉ ROSS
Ambassador of France

His Excellency Mr. Christian Orsetti
Ambassador of Monaco in Paris

II

EMBASSY OF THE PRINCIPALITY OF MONACO
The Ambassador

Paris, 31 October 1985

Sir,

In your letter of 31 October 1985 you have informed me of the following:

[See letter I]

I have the honour to inform you that the Government of His Serene Highness the Prince of Monaco agrees to the foregoing proposals.

Accept, Sir, etc.

[Signed]

CHRISTIAN ORSETTI

His Excellency Mr. André Ross
Ambassador of France
Secretary-General of the Ministry
of Foreign Affairs
Paris