

No. 26843

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
OSLO COMMISSION ESTABLISHED
BY THE CONVENTION
FOR THE PREVENTION
OF MARINE POLLUTION BY DUMPING
FROM SHIPS AND AIRCRAFT 1972
AND PARIS COMMISSION ESTABLISHED
BY THE CONVENTION
FOR THE PREVENTION OF MARINE POLLUTION
FROM LAND-BASED SOURCES 1974**

**Agreement relating to the status, privileges and immunities of
the Commissions in the United Kingdom. Signed at Lon-
don on 27 July 1979**

Authentic texts: English and French.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
29 September 1989.*

AGREEMENT¹ RELATING TO THE COMMISSIONS ESTABLISHED
BY THE CONVENTION FOR THE PREVENTION OF MARINE
POLLUTION BY DUMPING FROM SHIPS AND AIRCRAFT 1972²
AND THE CONVENTION FOR THE PREVENTION OF MARINE
POLLUTION FROM LAND-BASED SOURCES 1974³

The Government of the United Kingdom of Great Britain and Northern Ireland of the one part, and the Commission established by the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft signed at Oslo on 15th February 1972,² and the Commission established by the Convention for the Prevention of Marine Pollution from Land-Based Sources signed at Paris on 4th June 1974,³ of the other part;

Desiring to define the status, privileges and immunities in the United Kingdom of the Commissions, in particular of their Secretariat;

Have agreed as follows:

Article 1

USE OF TERMS

For the purpose of this Agreement:

(a) "The Commissions" means the Commission established by the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft 1972, known as the Oslo Commission, and the Commission established by the Convention for the Prevention of Marine Pollution from Land-Based Sources 1974, known as the Paris Commission;

(b) "Government" means the Government of the United Kingdom of Great Britain and Northern Ireland;

(c) "Official activities" in relation to each Commission means its administrative activities and those which it is authorised to undertake pursuant to the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft 1972 or the Convention for the Prevention of Marine Pollution from Land-Based Sources 1974 as the case may be; and

(d) "Staff member" means the Secretary of the Commissions, and all persons appointed or recruited for full-time employment with either Commission and subject to its staff regulations, other than experts, persons in the domestic service of a Commission and persons recruited locally and assigned to hourly rates of pay.

Article 2

INTERPRETATION

This Agreement shall be interpreted in the light of the primary objective of enabling the Commissions, in particular their Secretariat in the United Kingdom, fully and efficiently to discharge their responsibilities and fulfil their purposes and functions.

¹ Came into force on 27 July 1979 by signature, in accordance with article 17 (1).

² United Nations, *Treaty Series*, vol. 932, p. 3.

³ See p. 103 of this volume.

Article 3

LEGAL PERSONALITY

Each Commission shall have legal personality in the United Kingdom. It shall in particular have the capacity to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings.

Article 4

INVIOLABILITY OF ARCHIVES

(1) The archives of each Commission in the United Kingdom shall be inviolable. The term "archives" includes all records, correspondence, documents, manuscripts, photographs, films and recordings belonging to or held by each Commission and to all information contained therein.

(2) The location of the archives shall be made known to the Government by the Secretary who shall also inform the Government of any change in their location.

Article 5

EXEMPTION FROM TAXES

(1) Within the scope of its official activities, each Commission and its property and income shall be exempt from all direct United Kingdom taxes including income tax, capital gains tax and corporation tax. The Commissions shall be granted the like relief from municipal rates on the official premises of the Secretariat of the Commissions as is accorded to a diplomatic mission. Municipal rates shall in the first instance be paid by the Government and the proportion which represents payments for specific services rendered shall be recovered by them from the Commissions.

(2) Each Commission shall be accorded a refund of car tax and value added tax paid on the purchase of new motor cars of United Kingdom manufacture, and where it is readily identifiable, value added tax paid on the supply of goods or services of substantial value, necessary for the official activities of that Commission. In this connection it is envisaged that claims for refund will be made only in respect of goods or services supplied on a recurring basis or involving considerable quantities of goods or involving considerable expenditure such as the furnishing of the premises of the Commissions. No refund shall be made in respect of any claim for goods or services where the value of the goods or services does not amount in the aggregate to £100 sterling or more.

Article 6

EXEMPTION FROM CUSTOMS AND EXCISE DUTIES

(1) Goods imported or exported by each Commission and necessary for the exercise of its official activities shall be exempt from all United Kingdom customs and excise duties and other such charges (except mere payments for services) and from all United Kingdom prohibitions and restrictions on import or export.

(2) Each Commission shall be accorded a refund of the duty (whether of customs or excise) paid on imported hydrocarbon oil or value added tax paid on the importation of such oil purchased by it and necessary for the exercise of its official activities.

Article 7

EXEMPTION FROM TAXES, CUSTOMS AND EXCISE DUTIES

Exemption in respect of taxes, duties or other charges under Article 5 or Article 6 of this Agreement shall not be granted in respect of goods or service which may be purchased or imported for the personal benefit of a staff member.

Article 8

RE-SALE

Goods which have been acquired under Article 5 or imported under Article 6 of this Agreement shall not be given away, sold, hired out or otherwise disposed of unless the appropriate authorities have been notified in advance and any necessary duties and taxes paid.

Article 9

FUNDS, CURRENCY AND SECURITIES

Each Commission may in the United Kingdom receive, acquire, hold and dispose of freely any kind of funds, currencies or securities.

Article 10

CIRCULATION OF PUBLICATIONS

The circulation of publications and other information material sent by or to the Secretariat within the scope of the official activities of the Commissions shall not be restricted in any way.

Article 11

STAFF MEMBERS

(1) Staff members shall in the United Kingdom:

(a) Enjoy (even after they have left the service of the Commissions) immunity from jurisdiction in respect of acts done by them in the exercise of their functions, including words written or spoken; this immunity shall not, however, apply in the case of a motor traffic offence committed by a staff member nor in the case of damage caused by a motor vehicle belonging to or driven by him;

(b) Be exempt from any obligations in respect of military service; and members of their families forming part of their households shall enjoy the same exemption, provided that this exemption shall not apply to any person who is a citizen of the United Kingdom and Colonies;

(c) Enjoy inviolability for all their official papers and documents;

(d) Enjoy exemption from all measures restricting immigration from charges for visas and from registration formalities; and members of their families forming part of their households shall enjoy the same facilities;

(e) Be accorded, unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom the same treatment in the matter of currency and exchange control as is accorded to a diplomatic agent in the United

Kingdom of the State in which they were resident for exchange control purposes when appointed to their posts with the Commissions; and

(f) Unless they are citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, be exempt, at the time of first taking up their posts in the United Kingdom, from duties and other charges (except mere payments for services) in respect of import of their furniture and personal effects (including one motor car each) in their ownership or possession or already ordered by them and intended for their personal use or for their establishment. Such goods shall normally be imported within three months of their first entry into the United Kingdom, but in exceptional circumstances an extension of this period may be granted. The privilege shall be subject to the conditions governing the disposal of goods imported into the United Kingdom free of duty and to the general restrictions applied in the United Kingdom to all imports.

(2) (a) Staff members shall be subject to a tax imposed by, and for the benefit of, the Commissions on salaries and emoluments paid by the Commissions. From the date on which this tax is applied such salaries and emoluments shall be exempt from United Kingdom income tax, but the Government shall retain the right to take these salaries and emoluments into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

(b) In the event that the Commissions operate a system for the payment of pensions and annuities to their former staff members, the provisions of sub-paragraph (a) of this paragraph shall not apply to such pensions and annuities.

(3) Staff members who are not citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom shall with respect to services rendered for either Commission be exempt from the provisions of any social security scheme established by the law of the United Kingdom provided that those staff are participating in a social security scheme established by the Commission employing them or in another such scheme.

Article 12

OBJECT OF PRIVILEGES AND IMMUNITIES; WAIVER

(1) The privileges and immunities accorded in this Agreement to staff members are provided solely to ensure in all circumstances the unimpeded functioning of the Commissions and the complete independence of the persons to whom they are accorded.

(2) The Secretary has the right and the duty to waive such immunities (other than his own) when he considers that such immunities are preventing the carrying out of justice and when it is possible to dispense with them without prejudicing the interests of the Commissions. In respect of the Secretary, the Commissions jointly may waive his immunities.

Article 13

CO-OPERATION

Each Commission shall co-operate with the appropriate United Kingdom authorities in order to prevent any abuse of the privileges and immunities and facilities provided for in this Agreement. The right of the Government to take all precau-

tionary measures in the interests of its security shall not be prejudiced by any provision in this Agreement.

Article 14

NOTIFICATION OF APPOINTMENTS; CARDS

(1) The Commissions shall inform the Government when a staff member takes up or relinquishes his post. Furthermore the Commissions shall from time to time send to the Government a list of all staff members. In each case the Commissions shall indicate whether a staff member is a citizen of the United Kingdom and Colonies or permanently resident in the United Kingdom.

(2) The Government shall issue to all staff members, on notification of their appointment, a card bearing the photograph of the holder and identifying him as a staff member. This card shall be accepted by the appropriate authorities as evidence of identity and appointment. The Commissions shall return the card to the Government when the holder relinquishes his duties.

Article 15

MODIFICATION

At the request of the Government or of either of the Commissions consultations shall take place respecting the implementation or modification of this Agreement. Any understanding or modification may be given effect by an Exchange of Letters between the Government of the one part and the Chairmen of the Commissions with the approval of the Commissions of the other part.

Article 16

DISPUTES

Any dispute between the Government and either of the Commissions concerning the interpretation or application of this Agreement which is not settled by negotiation or by some other agreed method shall be referred for final decision to a panel of three arbitrators. One of these arbitrators shall be chosen by Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, one shall be chosen by the Commission or Commissions party to the dispute and the third, who shall be Chairman of the Tribunal, shall be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within one year of their own appointment, the third arbitrator, at the request of the Government or of the Commission or Commissions party to the dispute, shall be chosen by the Secretary-General of the United Nations.

Article 17

ENTRY INTO FORCE AND TERMINATION

(1) This Agreement shall enter into force on signature.

(2) This Agreement may be terminated by agreement between the Government and the Commissions. In the event of the Secretariat of the Commissions being moved from the territory of the United Kingdom, this Agreement shall, after the period reasonably required for such transfer and the disposal of the property of the Commissions in the United Kingdom, cease to be in force.

(3) If the Commissions cease to share a joint Secretariat negotiations shall take place between the Government and the Commissions with a view to modifying or terminating this Agreement.

[For the testimonium and signatures, see p. 150 of this volume.]

IN WITNESS WHEREOF the respective representatives have signed this Agreement.

DONE in duplicate in English and French at London this 27th day of July 1979, both texts being equally authoritative.

For the Government
of the United Kingdom of Great Britain
and Northern Ireland:

P. A. R. BLAKER

For the Oslo Commission:

HUGH R. NEILSON

For the Paris Commission:

GABRIEL DE BELLESCIZE

EN FOI DE QUOI les représentants respectifs ont signé le présent Accord.

FAIT en double exemplaire en langues anglaise et française, les deux textes faisant également foi, à Londres le 27 juillet 1979.

Pour le Gouvernement
du Royaume-Uni de Grande-Bretagne
et d'Irlande du Nord :

Pour la Commission d'Oslo :

Pour la Commission de Paris :