

No. 27326

**FRANCE
and
LATIN UNION**

Agreement concerning the establishment in Paris of the Secretariat of the Latin Union and its privileges and immunities in French territory (with annex). Signed at Paris on 13 January 1988

Authentic text: French.

Registered by France on 3 July 1990.

**FRANCE
et
UNION LATINE**

Accord relatif à l'établissement à Paris du Secrétariat de l'Union latine et à ses privilèges et immunités sur le territoire français (avec annexe). Signé à Paris le 13 janvier 1988

Texte authentique : français.

Enregistré par la France le 3 juillet 1990.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE LATIN UNION CONCERNING THE ESTABLISHMENT IN PARIS OF THE SECRETARIAT OF THE LATIN UNION AND ITS PRIVILEGES AND IMMUNITIES IN FRENCH TERRITORY

The Government of the French Republic and the Latin Union,

Considering that a Secretariat of the Latin Union has been established in Paris,

Desiring to regulate by this Agreement matters relating to the establishment in Paris of this Secretariat of the Latin Union and to define its privileges and immunities;

Have agreed as follows:

Article 1

The Latin Union is authorized to establish in France a secretariat hereinafter referred to as the "Secretariat". This Secretariat is authorized to perform its official functions in France.

The official functions of the Secretariat within the meaning of this Agreement shall include activities consistent with the goals of the Latin Union as defined in article II and set out in article XVII, paragraphs (a) to (h) inclusive, of the Convention of 15 May 1954 establishing the Latin Union,² as well as actions taken by the Secretariat to ensure the administrative efficiency of the Latin Union.

Article 2

1. The premises which the Latin Union owns or rents and which the Secretariat occupies or may occupy for the purpose of its official functions, not including premises used as living quarters by the staff of the Secretariat, shall be inviolable.

2. Officers and officials of the French Government may not enter the premises of the Secretariat to discharge any official duty save at the request or with the consent of the Secretary-General or of any of his assistants for the purpose of, *inter alia*, restoring law and order or expelling any person whose presence is deemed undesirable by the Secretary-General or any of his assistants. Consent may be presumed in the case of a serious accident requiring immediate protective measures.

3. The Latin Union shall not permit the premises of the Secretariat to become a refuge for any person who is sought for a crime or flagrant offence, who has been convicted of a criminal offence or against whom a warrant of arrest or a deportation order has been issued by the French authorities.

¹ Came into force on 1 November 1989, i.e., the first day of the second month following the date of the last notification (of 15 September 1989) by which the Contracting Parties had informed each other of its approval, in accordance with article 19 (2).

² The Convention was not submitted for registration as at the date of publication of the Agreement of 13 January 1988.

Article 3

The Latin Union shall have immunity from jurisdiction and execution, except:

When it shall have expressly waived such immunity in a particular case;

In respect of any civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Latin Union or in respect of a motor traffic offence involving such a vehicle;

In respect of the enforcement of an arbitration award made under article 17 of this Agreement;

In the event of an attachment order in respect of the salaries, wages and emoluments owed by the Latin Union to a member of its staff.

Article 4

Subject to the exceptions to immunity provided for in article 3, the property and assets made available by the Latin Union to the Secretariat for the performance of its official functions shall be immune from search, seizure, confiscation, requisition, expropriation or any other form of administrative or judicial restraint.

Article 5

1. The Secretariat, as well as the property and assets made available by the Latin Union to the Secretariat for the performance of its official functions, shall be exempt from all direct taxation. This exemption shall not, however, extend to charges for services rendered.

2. Buildings purchased or rented by the Latin Union for the performance of the official functions of the Secretariat shall be exempt from the registration tax, the tax on real-estate advertisements and the lease tax.

3. The Latin Union shall pay, in accordance with the provisions of ordinary law, all indirect taxes which form part of the cost of goods sold and services rendered to the Secretariat.

Nevertheless, turnover taxes levied by the State in respect of large purchases of operating equipment or of services needed for the performance of the official functions of the Secretariat of the Latin Union shall be reimbursed under conditions to be agreed with the competent French authorities.

Article 6

Furniture, furnishings and office supplies for the Secretariat's operating purposes, as well as publications, cinematographic films or photographic documents needed for performance of its official functions shall, when imported or exported, be exempt from customs duties and charges and turnover taxes.

Subject to the provisions of article 16 below, the import and export of articles belonging to the categories of goods specified in the preceding paragraph shall also be exempt from all prohibitions or restrictions.

Articles imported under such exemptions may not be transferred free of charge or against payment or be loaned in French territory save on conditions previously approved by the competent French authorities.

Article 7

1. Official correspondence sent by the Secretariat to the headquarters of the Latin Union and vice versa shall be inviolable.
2. The Secretariat shall be entitled to send or receive its official correspondence by special couriers of the Latin Union and by sealed bags.

Article 8

1. Except where it is not in the interest of national security, the Government of the French Republic shall issue at the request of the Secretariat, without charge and without unwarranted delay, visas for their entry into and stay in France for the terms of their duty or mission with the Latin Union:

(a) To staff members of the Secretariat within the meaning of the annex to this Agreement and to members for their families;

(b) To staff members of the Latin Union residing abroad who are sent on mission to the Secretariat.

2. The Government of the French Republic shall authorize on the same conditions the entry into and stay in France of delegates to the Congress of the Latin Union and representatives of the members of the Executive Council of the Latin Union sent on mission to the Secretariat.

Article 9

Subject to the provisions of article 11:

1. The staff members of the Secretariat referred to in the annex to this Agreement shall enjoy:

(a) As regards categories I, II and III, even after the termination of their functions, immunity from jurisdiction in respect of acts performed by them in their official capacity and within the limits of their authority; however, this immunity shall not extend to violations of traffic regulations by persons enjoying such immunity or to damage caused by a motor vehicle belonging to them or driven by them.

Staff members enjoying immunity from jurisdiction must be insured under an insurance policy covering both their contractual and their criminal liability arising from acts in respect of which their immunity from jurisdiction may be validly challenged.

(b) As regards categories I, II, III and IV:

(1) In the case of staff members who formerly resided abroad, the right to import free of duty their furniture and personal effects at the time of their installation in France;

(2) Special residence permits issued by the competent French authorities for themselves and their spouses and minor children;

(3) In time of international crisis, the same facilities for repatriation for themselves and their family members as are granted to members of diplomatic missions.

2. In addition, the Secretary-General and his assistants shall benefit from arrangements for the temporary duty-free import of their automobiles.

Article 10

1. Within one year from the entry into force of this Agreement, the Latin Union shall subject the salaries, emoluments and allowances paid by it to the Secretary-General and his assistants to an effective internal tax, levied for the benefit of the Organization.

2. From the date on which this tax shall be applied, these salaries, emoluments and allowances shall be exempt from French income tax. This exemption shall not apply to pensions paid by the Latin Union to the Secretary-General and his assistants.

3. The Government of the French Republic may take into account the aforementioned salaries, emoluments and allowances in calculating the amount of the tax to be levied on income from other sources.

4. For the purpose of the implementation of this article, the Latin Union shall remit annually to the Secretary-General and his assistants a certificate stating the amount of the salary, emoluments and allowances which it has paid to them during the previous year.

Article 11

The Government of the French Republic shall be under no obligation to grant to French nationals or to permanent residents of France the privileges and immunities referred to in article 9, paragraphs 1 (b) and 2.

Article 12

In order to implement the provisions of articles 8, 9 and 10, the Secretariat shall periodically send to the competent authorities the names of the staff members benefiting from these privileges and immunities.

Article 13

1. The Latin Union may determine, in agreement with the competent French authorities, the specific rules governing social security benefits applicable to the staff of the Secretariat referred to in the annex to this Agreement.

2. If the specific rules referred to in paragraph 1 above have not been determined,

(a) Staff members who are not French nationals or permanent residents of France may opt to be governed either by French legislation or by the legislation of the State of which they are nationals.

This option, which may be exercised only once, shall be available for a period of three months following the date of entry into force of this Agreement or from the date of entry on duty in the Latin Union as a member of the Secretariat, as the case may be. If the option is not exercised within this period, the persons in question shall be governed by French legislation.

(b) Staff members who are French nationals or permanent residents of France shall be governed by the French social security regulations.

3. In the case of staff members subject to French legislation, the Latin Union shall authorize verification of contributions by the Unions de recouvrement des cotisations de sécurité sociale (URSAFF).

Article 14

1. The privileges and immunities provided for in this Agreement are granted to the beneficiaries in the interest of the efficiency of the Latin Union and its Secretariat. The Latin Union shall agree to waive the immunity of any beneficiary where such immunity might impede the course of justice and provided it can be waived without prejudice to the interests of the Secretariat.

2. The Latin Union and the Secretariat shall cooperate on a continuing basis with the competent French authorities to facilitate the proper administration of justice and compliance with police regulations, and to prevent any abuse in connection with the exercise of the immunities and facilities provided for in this Agreement.

Article 15

The provisions of this Agreement shall not affect the right of the Government of the French Republic to take the measures it considers necessary to the security of France and to the maintenance of public order.

Article 16

1. The privileges and immunities provided for in this Agreement for the benefit of the Secretariat shall be granted to the Secretariat so long as it maintains an establishment in France.

2. The annex to this Agreement shall constitute an integral part of the Agreement.

3. Consultations may take place with a view to amending this Agreement at the request of either of the Parties.

Article 17

1. The Latin Union shall be required to include in all the written contracts to which it is a party an arbitration clause to the effect that any dispute as to the interpretation or application of the contract may, at the request of either party, be submitted to private arbitration. This arbitration clause shall indicate the method of appointment of the arbitrators, the applicable law or laws and the State in which the arbitrators shall sit. The arbitration procedure shall be the procedure of that State.

2. Enforcement of the decision resulting from this arbitration shall be governed by the laws in force in the State in whose territory the decision is to be enforced.

Article 18

Any dispute which may arise between the Government of the French Republic and the Latin Union concerning the interpretation or application of this Agreement or of any supplementary arrangements and which has not been settled by negotiation shall be referred, unless the Parties agree otherwise and at the request of either of them, to an arbitration tribunal composed of three members, one appointed by the Secretary-General of the Latin Union, another by the French Government and the third, who shall preside over the tribunal, by agreement between the other two. The third arbitrator shall not be a staff member or a former staff member of the Latin Union or a French national.

The application instituting arbitration proceedings must bear the name of the arbitrator appointed by the applicant, and the respondent must communicate to the

other Party the name of the arbitrator whom he has appointed within two months after receipt of the application. Should the respondent fail to make this notification in the prescribed time period, or should the two arbitrators fail to agree on the choice of a third arbitrator within two months from the most recent appointment of an arbitrator, the arbitrator or the third arbitrator, as the case may be, shall be appointed by the Secretary-General of the Permanent Court of Arbitration, at the request of the more diligent Party.

The decisions of the tribunal shall be automatically enforceable and may not be appealed.

Article 19

1. This Agreement may be denounced by either of the Contracting Parties after one year's notice.

The withdrawal of the French Republic from the Convention of 15 May 1954 establishing the Latin Union in accordance with article XXVII thereof shall entail the denunciation of this Agreement with effect from the same date.

2. This Agreement shall be approved by the Government of the French Republic and by the Latin Union. Each of the Parties shall notify the other that it has approved the Agreement, which shall enter into force on the first day of the second month following the date of the final notification.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

DONE in Paris on 13 January 1988 in duplicate in the French language.

For the Government
of the French Republic:

DIDIER BARIANI

For the Latin Union:

PHILIPPE ROSSILLON

ANNEX

The Secretariat shall have four categories of staff, as follows:

- I. The Secretary-General;
 - II. The assistants to the Secretary-General;
 - III. Middle-level supervisory staff and administrative and technical staff;
 - IV. Service staff, i.e., persons employed as domestic staff of the Secretariat (in particular: drivers, ushers, caretakers, etc.) excluding persons serving staff members at home.
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