

Agreement on the Status of Western European Union (Paris, 11 May 1955)

Caption: On 11 May 1955, the Foreign Ministers of Belgium, France, the Federal Republic of Germany, Italy Luxembourg, the Netherlands and the United Kingdom sign in Paris the Agreement on the Status of Western European Union (WEU), National Representatives and International Staff.

Source: Western European Union - Union de l'Europe Occidentale. [EN LIGNE]. [Bruxelles]: Union de l'Europe occidentale, [06.10.2000]. Disponible sur <http://www.weu.int/index.html>.

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Agreement on the Status of Western European Union, National Representatives and International Staff (Paris, 11 May 1955)

Part I - General.....

Part II - The Organisation.....

Part III - Permanent representatives to the Organisation.....

Part IV - Representatives to the Council and its subsidiary bodies.....

Part V - Representatives to the Assembly.....

Part VI - International staff and experts on missions for the Organisation.....

Part VII - Settlement of disputes.....

Part VIII - Supplementary agreements.....

Part IX - Final provisions.....

Annex: Declaration by the Governments of Belgium, Luxembourg and The Netherlands (Paris, May 11, 1955)

Annex: Declaration by the Government of Italy (Paris, May 11, 1955).....

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 Treaty as modified and completed by the Protocols signed in Paris on 23rd October, 1954;
- 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 co-operate 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 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 funds 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 and 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 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 representative 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 procedure 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 of 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 reason 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 eleventh day of May, 1955, in French and in 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 Belgium:

(l.s.) P.-H. Spaak.

For France:

(l.s.) Antoine Pinay.

For the Federal Republic of Germany:

(l.s.) Adenauer.

For Italy:

(l.s.) G. Martino.

For Luxembourg:

(l.s.) Jos. Bech.

For the Netherlands:

(l.s.) J. W. Beyen.

For the United Kingdom of Great Britain and Northern Ireland:

(l.s.) Harold Macmillan.

Annex: Declaration by the Governments of Belgium, Luxembourg and The Netherlands (Paris, May 11, 1955)

On the signing of the Agreement of today's date regarding the Status of Western European Union, National Representatives and International Staff, the Plenipotentiaries of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands make the following Declaration:

The nationals of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands may not avail themselves of the provisions of the present Agreement to claim in the territory of one of these aforementioned Powers any exemption which they do not enjoy in their own territory with respect to duties, taxes and other dues which have been or will be standardised by virtue of conventions which have been or will be concluded for the purposes of bringing about the Economic Union of Belgium, Luxembourg and the Netherlands.

Annex: Declaration by the Government of Italy (Paris, May 11, 1955)

Lettre adressée au président du Conseil de l'Union de l'Europe occidentale par le ministre des Affaires étrangères

Monsieur le Président,

Au moment de signer la Convention sur le Statut de l'Union de l'Europe Occidentale, des représentants nationaux et du personnel international, j'ai l'honneur de vous faire part que, selon l'interprétation du Gouvernement italien, l'immunité de juridiction prévue à l'article 4, titre II, sera accordée à l'Union de l'Europe Occidentale dans la mesure où une telle immunité est accordée aux pays étrangers selon le droit international.

Egalement, selon l'interprétation du Gouvernement italien, les privilèges, immunités, exemptions et autres facilités prévus à l'article 12, titre IV, seront accordés aux fonctionnaires italiens avec les restrictions applicables, suivant le droit international, aux diplomates de nationalité italienne.

Veillez agréer, Monsieur le Président, les assurances de ma plus haute considération.

(signé) G. MARTINO