

Treaty constituting the ECSC — Protocol on the privileges and immunity accorded the Community (Paris, 18 April 1951)

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Protocol on the privileges and immunities of the Community

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THE HIGH CONTRACTING PARTIES:

CONSIDERING that, under the terms of Article 76 of the Treaty, the Community will enjoy on the territories of the members States the immunities and privileges necessary to the fulfillment of its mission under the conditions provided for in an annexed Protocol;

HAVE AGREED to the following:

CHAPTER I – Property, funds and assets

Article 1

The premises and buildings of the Community shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Community may not be the object of any administrative or judicial measure of constraint without the authorization of the Court.

Article 2

The archives of the Community are inviolable.

Article 3

The Community may hold any kind of currency and have accounts in any kind of money.

Article 4

The Community, its assets, income and other properties are exempt from:

(a) all direct taxes; however, the Community will not request exemption from such taxes, charges and duties as constitute only direct remuneration for public utility services;

(b) all customs duties, prohibitions and restrictions on imports and exports with respect to articles intended for its official use; articles thus imported free of duty shall not be sold on the territory of the country into which they shall have been imported except under conditions agreed to by the government of such country;

(c) all customs duties and all prohibitions and restrictions on imports and exports with respect to its publications.

CHAPTER II – Communications and travel documents

Article 5

For their official communications, the institutions of the Community shall enjoy on the territory of each member State the treatment granted by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Community shall not be subject to censorship.

Article 6

The President of the High Authority will issue *laissez-passer* to the members of the High Authority and to the higher officials of the institutions of the Community. These passes shall be recognized as valid travel documents by the authorities of the member States.

CHAPTER III – Members of the Assembly

Article 7

No restrictions of an administrative or other nature shall be placed on the free travel of members of the Assembly proceeding to or coming from the place of meeting of the Assembly.

As concerns customs and exchange control, members of the Assembly shall be granted:

- (a) by their own governments, the facilities granted to high officials proceeding abroad on temporary official missions;
- (b) by the governments of the other member States, the facilities granted to representatives of foreign governments on temporary official missions.

Article 8

Members of the Assembly may not be examined, held or prosecuted by reason of opinions or votes expressed by them in the exercise of their functions.

Article 9

During the sessions of the Assembly, its members shall enjoy:

- (a) on their national territory, the immunity granted to members of the Parliament of their country;
- (b) on the territory of any other member State, exemption from all measures of detention and from any legal prosecution.

They shall likewise be covered by such immunity when proceeding to or returning from the place of meeting of the Assembly. Such immunity may not be invoked in the case of *flagrante delicto*, nor may it hinder the right of the Assembly to waive the immunity of any of its members.

CHAPTER IV – Representatives in the Council

Article 10

Representatives in the Council and persons accompanying them officially shall enjoy, during the exercise of their functions and during their travel to or from the place of meeting, the customary privileges and immunities.

CHAPTER V – Members of the High Authority and officials of the institutions of the Community

Article 11

On the territory of each of the member States, and regardless of their nationality, the members of the High Authority and officials of the Community:

(a) shall enjoy, subject to the provisions of the second paragraph of Article 40 of the Treaty, immunity from legal action for acts performed by them in their official capacity, including their speeches and writings; this immunity shall continue after their functions have ceased;

(b) shall be exempt from any tax on salaries or emoluments paid by the Community;

(c) shall be exempt, along with their spouses and the dependent members of their families, from regulations limiting immigration and from formalities for the registration of foreigners;

(d) shall enjoy the right to import their personal property and effects free of duty at the time they initially assume their functions in the country in question, and to re-export such property and effects free of duty to their country of residence when their functions cease.

Article 12

The President of the High Authority shall determine the classes of officials to which the provisions of the present Chapter shall apply. He shall submit the list thereof to the Council and then communicate it to the governments of all the member States. The names of the officials included in such classes shall be communicated periodically to the governments of the member States.

Article 13

Privileges, immunities and facilities are granted to members of the High Authority and to officials of the institutions of the Community solely in the interest of the Community.

The President of the High Authority shall be required to waive the immunity granted to an official in any case where he deems that the waiver of such immunity is not contrary to the interests of the Community.

CHAPTER VI – General provisions

Article 14

The High Authority may conclude, with one or several member States, complementary agreements adjusting the provisions of the present Protocol.

Article 15

The privileges, immunities and facilities granted to the judges, clerk and personnel of the Court shall be governed by its code.

Article 16

Any dispute concerning the interpretation or application of the present Protocol shall be submitted to the Court.

Done at Paris, the eighteenth of April, one thousand nine hundred and fifty-one.

ADENAUER.
Paul VAN ZEELAND.
J. MEURICE.
SCHUMAN.
SFORZA.
Jos. BECH.
STIKKER.
VAN DEN BRINK