

Law No 9 of the Allied High Commission for Germany (Bonn, 20 October 1949)

Caption: On 20 October 1949, six months after the establishment of the International Authority for the Ruhr (IAR), the Allied High Commission for Germany promulgates the law on the privileges and immunities of the IAR.

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Law No. 9**Privileges and Immunities of the International Authority for the Ruhr (Bonn, 20 October 1949)**

WHEREAS by an Agreement signed at London on 28 April, 1949, the Governments of Belgium, France, Luxembourg, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America have established an International Authority for the Ruhr, and

WHEREAS it was provided by Article 28 of the said Agreement that the Authority and its officials and the representatives of its members should enjoy certain privileges and immunities,

The Council of the Allied High Commissions enacts as follows:

PART I: Juridical Personality**Article 1**

The International Authority for the Ruhr (hereinafter referred to as the Authority) shall possess juridical personality. It shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

PART II: Property, Funds and Assets**Article 2**

The Authority, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case it has expressly waived its immunity. Any such waiver shall not be deemed to extend to measures of execution.

Article 3

The premises of the Authority shall be inviolable; its property and assets, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference whether by executive, administrative, judicial or legislative action.

Article 4

The archives of the Authority and, in general, all documents belonging to it or held by it shall be inviolable wherever located.

Article 5

Without being restricted by financial controls, regulations or moratoria of any kind:

- (a) the Authority may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) the Authority shall be free to transfer its funds, gold or currency from, into and within the Territory of the Federal Republic and to convert any currency held by it into any other currency.

Article 6

The Authority, its assets, income and other property shall be:

- (a) exempt from all direct taxes;
- (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Authority for its official use;
- (c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article 7

Where- taxes or excise duties form part of the purchase price chargeable or charged on an important purchase of immovable or movable property made by the Authority for official use, the appropriate German authorities shall, upon request of the Authority, make suitable administrative, arrangements for the remission or return of the amounts of such taxes or excise duties.

PART III: Facilities in respect of Communications**Article 8**

The Authority shall enjoy for its official communications treatment not less favourable than that accorded to any foreign Government, including its diplomatic mission, in matter of priorities, rates and- taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio. No censorship shall be applied to the official correspondent and other official communications of the Authority.

Article 9

The Authority shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags which shall have the same privileges and immunities as diplomatic couriers and bags.

PART IV: Representatives of Members of the Authority**Article 10**

The regular representatives of the Governments signatory to the above-mentioned Agreement of 28 April, 1949 who are on the Council of the Authority, shall be accorded both in respect of themselves and of their spouses and minor children the privileges, immunities, exemptions and facilities accorded to the heads of diplomatic missions under international law and practice.

Article 11

Alternate representatives, advisers, technical experts and secretaries and staff of delegations (other than German nationals) shall be accorded both in respect of, themselves and of their spouses and minor children, the privileges, immunities, exemptions and facilities accorded under international law and practice to members of diplomatic missions of equivalent rank or grade.

Article 12

In order to secure for the representatives of the members of the Authority, the alternate representatives, advisers, technical experts, secretaries and members of the staff of the delegations complete freedom of speech and independence in the discharge of their duties, immunity from legal process shall be accorded to such persons in respect of words spoken or- written and ail acts per-formed by them in discharging their duties. This immunity as to such words and acts shall continue to be accorded notwithstanding that the persons concerned no longer occupy their official positions.

PART V: Officials of the Authority**Article 13**

The Executive Secretary of the Authority shall be accorded the respect of himself, his spouse and minor children, the privileges I and immunities, exemptions and facilities accorded to heads of diplomatic missions under international law and practice.

Article 14

Such non-German officials of the Authority as may be specified in a list drawn up by the Executive Secretary shall enjoy the following privileges and immunities:

- (a). immunity from legal process in respect of words spoken or written and, all acts performed by them in their official capacity;
- (b) exemption from taxation on the salaries and emoluments paid to them by the Authority,

- (c) exemption in respect of themselves and those members of their families and non-German persons in their service who reside with them from restrictions on immigration, residence and housing, from compulsory service and from registration of every kind;
- (d) such privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions;
- e) together with those members of their families and non-German persons in their service who reside with them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (f) the right to import and export free of duty their personal and household effects.

Article 15

German nationals, on the staff of the Authority shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. This immunity shall continue to be accorded notwithstanding that the persons concerned no longer occupy their official positions.

Done at BONN, Petersberg, 20 October 1949.

John J. McCLOY, U. S. High Commissioner for Germany
B H. ROBERTSON, U. K. High Commissioner for Germany
A. FRANÇOIS-PONCET, French High Commissioner for Germany