

AGREEMENT

BETWEEN

THE INTERNATIONAL ORGANIZATION FOR MARINE AIDS TO NAVIGATION

AND

THE GOVERNMENT OF THE FRENCH REPUBLIC

REGARDING THE HEADQUARTERS OF THE ORGANIZATION

THE INTERNATIONAL ORGANIZATION FOR MARINE AIDS TO NAVIGATION (hereinafter referred to as “the Organization”) AND THE GOVERNMENT OF THE FRENCH REPUBLIC (hereinafter referred to as “the Government”);

CONSIDERING the Convention on the International Organization for Marine Aids to Navigation;

CONSIDERING that under Article 1.3 of the Convention on the International Organization for Marine Aids to Navigation, the headquarters of the International Organization for Marine Aids to Navigation shall be located in France;

WISHING to set out the privileges and immunities enjoyed by the Organization and its staff in the territory of France;

HAVE AGREED AS FOLLOWS:

ARTICLE 1 Legal status

The Organization shall enjoy legal capacity in the territory of the French Republic. It may, in this capacity, contract, acquire and dispose of movable and immovable property and go to court.

ARTICLE 2 Premises of the Organization

- 1) The premises of the Organization shall be inviolable. French authorities may only enter the premises of the Organization with its prior consent, or at its request under conditions which it has set. The Organization’s consent to enter its premises shall be deemed to have been given in the case of fire or any other emergencies requiring immediate action;
- 2) The Organization shall not permit its offices to become a refuge for persons sought on the grounds of a crime or obvious offence, an arrest warrant, a criminal conviction or a deportation order issued by the French authorities;
- 3) The Government shall take all appropriate measures to maintain and restore law and order in the immediate vicinity of the Organization’s premises.

ARTICLE 3 Archives

The documents and archives of the Organization, wherever they are and whoever they are held by, shall be inviolable.

ARTICLE 4 Flag and emblem

The Organization shall have the right to display its flag and emblem on its premises and on the means of transport used by the Organization and the Secretary-General.

ARTICLE 5 Immunity from jurisdiction and execution

The Organization shall benefit from immunity from jurisdiction except:

- a) When the Secretary-General expressly waives such immunity in a particular case;
- b) When a civil action is brought by a third party for damage arising from an accident caused by a ground-based motor vehicle or other means of transport belonging to or operated on behalf of the Organization, or from an infringement of road traffic regulations involving such a vehicle;
- c) During a counter-claim directly connected with proceedings initiated by the Organization.

2) In all other cases, the immunity from jurisdiction enjoyed by the Organization under this Article can only be claimed by the Organization if the other party to the potential dispute has access to a dispute settlement mechanism which guarantees impartiality and equity in accordance with the requirements of the French conception of international public policy;

3) The property and assets of the Organization, wherever located and by whomever held, shall be immune from search, confiscation, requisition, expropriation and any other form of executive, administrative, or legislative action.

ARTICLE 6 Tax exemption

- 1) The Organization, its assets, income and other property shall be exempt from all direct taxes;
- 2) The Government shall take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property and of services when the Organization makes, for its official use, purchases in excess of 150 euros and the price includes taxes of this nature. Such items shall not be disposed of, whether or not in return for payment, in the territory of the French Republic, except in accordance with conditions agreed by the Government. No exemption shall be granted in respect of taxes and duties which amount merely to charges for public utility services.
- 3) The Organization shall be exempt from transfer duties on donations of all assets and rights transferred by an association for the Organization's official use.

ARTICLE 7 Duties and taxes

- 1) The Organization shall be exempt from all customs duties and all other taxes on goods of all kinds which it imports or exports as part of its official activities, provided that such an exemption complies with European Union law;

- 2) Imported goods which are exempt from taxes and customs duties under the provisions of this Agreement shall not be disposed of, whether or not in return for payment, in the territory of the French Republic, except in accordance with conditions agreed by the French Government.
- 3) These provisions shall not apply to taxes, duties or charges included in the payment of services rendered.

ARTICLE 8 Funds, currencies and securities

- 1) The Organization may receive and hold funds and currencies of any nature and hold bank accounts in any currency;
- 2) The Organization may also receive, hold and dispose freely of transferable securities, under applicable national legislation, including as regards exchange control.

ARTICLE 9 Communications and publications

- 1) As regards its official communications and the distribution of all its documents, the Organization shall be accorded no less favourable treatment than that generally granted in France to equivalent intergovernmental organizations.
- 2) The Organization may employ all appropriate means of communication, including encrypted and coded messages. The Government shall not impose any restriction on the official communications of the Organization or the circulation of its publications.

ARTICLE 10 Representatives of Member States

- 1) Representatives of Member States, when present in French territory for the activities of the Organization and during their journeys to and from the Organization, shall enjoy the following privileges and immunities:
 - a) Immunity from arrest and detention, except in the case of a crime or obvious offence;
 - b) Immunity from legal process in respect of acts carried out by them in the exercise of their functions, including words written or spoken. This immunity shall not apply to infringements of road traffic regulations, nor when damages are claimed as a result of an accident caused by a vehicle;
 - c) Inviolability of all documents relating to the official activities of the Organization;
 - d) The same facilities with regard to currency and exchange control as those granted to diplomatic agents;
 - e) The same immunities and facilities in relation to their personal baggage as those granted to

members of diplomatic missions of comparable rank.

- 2) These privileges and immunities shall not be granted to the Representatives of Member States for their own personal benefit, but to ensure complete independence in the exercise of their functions relating to the Organization. The Member States can waive the immunities granted to their representatives if in the opinion of these States, such immunities would impede the course of justice and if they can be waived without prejudice to the purposes for which they were granted;
- 3) In order for the government to be able to implement this Article, the Organization shall regularly communicate to it the names of the Representatives of the Member States to the Organization and all information regarding their stays in French territory in the exercise of their functions.

ARTICLE 11 Immunities and privileges of permanent staff members

- 1) Permanent staff members of the Organization shall enjoy the following privileges and immunities:
 - a) Immunity from legal process in respect of acts carried out by them in the exercise of their functions, including words written or spoken. This immunity shall not apply to infringements of road traffic regulations, nor when damages are claimed as a result of an accident caused by a vehicle;
 - b) Inviolability of all documents relating to the official activities of the Organization;
 - c) Exemption from provisions limiting immigration and registration formalities for expatriate staff members of the Organization who require a residence permit from the competent French authorities;
 - d) In times of international crisis, the same repatriation facilities as those granted to diplomatic envoys.
 - e) The right to import their furniture and personal belongings free of duty when first taking up their post in France, and the right, upon completion of their functions in France, to re-export their furniture and personal belongings free of duty, both cases being subject to the conditions considered to be necessary by the competent French authorities;
 - f) The right to import free of duty a car for their personal use which was purchased in their last country of residence or in the country of which they are nationals, under the conditions of that country's internal market, and to re-export it free of duty, both cases being subject to the conditions considered to be necessary by the competent French authorities;
 - g) The right to purchase a car free of duty and to register it with a special series number plate if they have not already requested such a plate for an imported car as part of their move, pursuant to the previous paragraph;
 - h) The same treatment with regard to currency and exchange control as that granted to diplomatic agents.
- 2) Salaries and emoluments – with the exception of annuities and pensions – which are paid by the Organization shall be exempt from income tax, provided that the Organization deducts internal tax from such remuneration;
- 3) Exemption from income tax on wages and salaries paid by the Organization in France. The relevant

permanent staff members shall remain obliged to declare their tax-exempt income to the competent French authorities so that they are not granted unwarranted social benefits.

- 4) Each year, the Organization shall provide each staff member with a statement setting out the amounts paid to him or her by the Organization in the previous year in the form of salaries, emoluments and allowances;
- 5) The Organization shall determine the staff categories to which the provisions of this Article shall apply. It shall communicate this information to the Government of the French Republic. The names of the staff members listed in these categories shall be regularly communicated to the Government of the French Republic.

ARTICLE 12 The Secretary-General

In addition to the privileges and immunities set out for permanent staff members in Article 11 of this Agreement, the Secretary-General shall enjoy the same privileges and immunities as those of the heads of diplomatic missions under the Vienna Convention on Diplomatic Relations of 18 April 1961.

ARTICLE 13 Social security

All of the Organization's staff shall be affiliated to French social security for all risks and shall be subject to unemployment contributions in France. If, for all or some of the risks, the Organization wishes to create its own social security system or join a system implemented by another Organization, a specific agreement must be drawn up in advance with the competent French social security authorities.

ARTICLE 14 Experts, consultants and seconded officers

Experts on missions on behalf of the Organization, when present in French territory as part of the missions they are conducting for the Organization and during their journeys to and from the Organization, shall enjoy the following privileges and immunities:

- a) Immunity from legal process in respect of acts carried out by them in the exercise of their functions, including words written or spoken. This immunity shall not apply to infringements of road traffic regulations, nor when damages are claimed as a result of an accident caused by a vehicle;
- b) Inviolability of all documents relating to the official activities of the Organization;
- c) The same facilities as regards foreign exchange regulations as those granted to officials from foreign governments on temporary official missions.

ARTICLE 15 Access to the headquarters of the Organization

The French authorities shall not restrict access to the headquarters of the Organization to:

- a) representatives of Member States of the Organization;
- b) experts on missions on behalf of the Organization;

- c) any person officially invited by the Organization to observe its work.

ARTICLE 16 Purpose of privileges and immunities – Waiving of rights

- 1) The privileges and immunities granted under this Agreement to permanent staff members and experts on missions on behalf of the Organization are granted in the interests of the Organization and not for their own personal benefit;
- 2) The Secretary-General can waive the immunities granted to permanent staff members or experts on missions if he believes that they would impede the course of justice and if they can be waived without prejudice to the interests of the Organization. The Council of the Organization may waive the immunities of the Secretary-General under the same conditions.

ARTICLE 17 Cooperation

The Organization shall constantly cooperate with the competent French authorities to facilitate the proper administration of justice, secure the enforcement of police regulations and prevent the occurrence of any abuse in connection with the immunities and facilities set out in this Agreement.

ARTICLE 18 Notification of appointments – Residence permits

- 1) The Organization shall inform the Government at the beginning or the end of the functions of a staff member or of experts on missions on behalf of the Organization. Furthermore, at least once per year, the Organization shall send the Government a list of all staff members and experts on missions on behalf of the Organization. In each case, it shall indicate the nationality or nationalities of the person in question and whether he or she is a permanent resident in France;
- 2) Once it has been informed of their appointment, the Government shall issue each staff member (except those with French nationality or permanent residents in France) and their family members, under the procedures in force in France, with a special FI-type residence permit, identifying him or her as a staff member of the Organization. The Organization must ensure that as soon as a staff member of the Organization is no longer employed by the Organization, their permits are returned to the Ministry for Europe and Foreign Affairs (Protocol).

ARTICLE 19 Settlement of disputes between the Government and the Organization

Any dispute between the Organization and the Government concerning the interpretation or application of this Agreement shall be settled by negotiation or by any other means of settlement agreed by the Parties.

ARTICLE 20 Amendments

All amendments to the provisions of this Agreement must be submitted for approval to the competent authorities of the Organization and to the Government of the French Republic. They shall enter into force in

line with the procedure set out in Article 21.

ARTICLE 21 Entry into force

This Agreement, as well as any amending agreement, shall enter into force following the exchange of instruments of ratification by the Government of the French Republic and the notification of approval by the Organization.

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

Done at Paris in duplicate, on in French and English.

Commenté [CA1]: si l'accord est destiné à être signé en anglais

For the Government of the French Republic For the International Organization for Marine
Aids to Navigation

(Signature) (Signature)