

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission -

MEASURE N°06/119

concerning the approval of a Seat Agreement with the Kingdom of Belgium

THE PERMANENT COMMISSION FOR THE SAFETY OF AIR NAVIGATION:

Having regard to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960 as amended by the Protocol signed at Brussels on 12 February 1981, and in particular Articles 6.3, 7.2 and 11.3 thereof;

Having regard to Measure 04/101 of the Permanent Commission dated 8 July 2004 authorising the Agency to open negotiations for the conclusion of bilateral Agreements regarding the application of the privileges, immunities, exemptions and facilities specified in the EUROCONTROL Convention with Member States where the Organisation has installations;

On the proposal of the Agency and of the Provisional Council;

HEREBY TAKES THE FOLLOWING MEASURE:

Article 1

The Seat Agreement with the Kingdom of Belgium at Annex to this measure is hereby approved.

Article 2

The Director General is authorised to sign the Agreement on behalf of the Organisation.

Done at Brussels on 12.07.06

(To be signed)

Pavol PROKOPOVIČ
President of the Commission

(DRAFT)

Agreement between the Kingdom of Belgium
and the European Organisation for the Safety of Air Navigation
on the privileges and immunities of the Organisation
complementary to the
Eurocontrol International Convention
relating to Co-operation for the Safety of Air Navigation of 13 December 1960

THE KINGDOM OF BELGIUM, hereinafter referred to as “Belgium”,

THE EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION, hereinafter referred to as “Eurocontrol”,

Having regard to the Eurocontrol International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as amended by the Protocol of 6 July 1970, in turn amended by the Protocol of 21 November 1978, all amended by the Protocol of 12 February 1981 (hereinafter referred to as “the Convention”);

Having regard to the Protocol consolidating the Eurocontrol International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as variously amended, signed at Brussels on 27 June 1997;

Considering that, when the Protocol of 27 June 1997 enters into force, the Convention shall be replaced, according to article I of the said Protocol, by the consolidated version of the Eurocontrol International Convention relating to Co-operation for the Safety of Air Navigation, and its Annexes I, II, III and IV;

Considering that according to article 1 §3 of the Convention the headquarters of Eurocontrol shall be in Brussels;

Considering that it is important to provide for specific provisions relating to the privileges and immunities granted to Eurocontrol;

Desirous to conclude to this end an additional Agreement to the Convention,

Have agreed as follows:

Article 1

The Director General of Eurocontrol and the Deputy Director General shall be granted the privileges and immunities accorded to the members of the diplomatic staff of diplomatic missions. Their spouses and minor children, dependent and living under the same roof, shall enjoy the status given to the spouse and minor dependent children of the members of the diplomatic staff of diplomatic missions.

Article 2

Representatives of the Contracting Parties to the Convention, their deputies, their advisers or their experts shall enjoy, while participating in the meetings of the General Assembly, of the Council or of any body created by the General Assembly or by the Council, as well as in the course of their journeys to and from the place of meeting, the following privileges and immunities:

- a) immunity from arrest and detention and from seizure of their personal luggage, except in case of flagrante delicto;
- b) immunity from jurisdiction, even after the termination of their mission, in respect of acts, including words written or spoken, done by them in the exercise of their functions; however, this immunity does not apply in the case of a motor traffic offence committed by one of the persons mentioned above, nor in the case of damage caused by a motor vehicle belonging or driven by him;
- c) the same facilities in respect of currency or exchange regulations as those accorded to representatives of foreign governments on temporary missions;
- d) inviolability for all their official papers and documents;
- e) the right to use codes and to receive documents or correspondence by special courier;
- f) exemption from all measures restricting entry for aliens; this exemption shall be given in accordance with Belgian legislation on the matter.

Article 3

Under the terms of the present Agreement "Eurocontrol staff members" means all members of personnel engaged in accordance with the statutes of Eurocontrol.

Article 4

1. Eurocontrol staff members shall enjoy exemption from all taxes on salaries, emoluments and indemnities paid to them by Eurocontrol, from the date on which their incomes are subject to taxation for the benefit of Eurocontrol. Belgium reserves for itself the right to take into account the said salaries, emoluments and indemnities for calculating the amount of tax to be levied on the taxable income originating from other sources.
2. The exemption from taxes mentioned in §1 of the present Article shall not apply to pensions and annuities paid by Eurocontrol to its former staff members taxable in Belgium or their successors who are taxable in Belgium.
3. Eurocontrol staff members shall enjoy:
 - a) legal immunity, even after they have left the service of Eurocontrol, for acts performed in their official capacity, including words written or spoken; however, this immunity does not apply in the case of a motor traffic offence committed by one of the Eurocontrol staff members, nor in the case of damage caused by a motor vehicle belonging or driven by him;
 - b) inviolability for all their official papers and documents;
 - c) the facilities accorded to officials of international organisations in respect of currency or exchange regulations.

4. Eurocontrol shall notify the Protocol Service of the Federal Public Service Foreign Affairs of the arrival and final departure of its staff members and shall also provide the following specific information about all its staff members:
 - a) surname and first name
 - b) place and date of birth
 - c) sex
 - d) nationality
 - e) permanent residence (town, street, number)
 - f) civil status
 - g) composition of the familyThe Protocol Service of the Federal Public Service Foreign Affairs shall be notified, within fifteen days, of any changes to the above-mentioned data.

Article 5

1. Without prejudice to the obligations arising for Belgium from the provisions of the treaties concerning the European Union and to the application of laws and regulations, Eurocontrol staff members shall enjoy the right, during a period of twelve months following their first taking up their duties in Belgium, to import or purchase, in exemption of import duties and value added tax (VAT), furniture and a motor vehicle for their personal use.
2. The Minister of Finance of the Government of Belgium shall determine the limits and conditions under which this article applies.
3. Belgium shall not be bound to grant its own nationals or permanent residents the advantages referred to in §1 of the present article.

Article 6

Eurocontrol staff members, who do not exercise any gainful activity in Belgium other than that pertaining to their functions within Eurocontrol or within a body created by the Eurocontrol General Assembly or by the Eurocontrol Council, shall not be subject to Belgian legislation on the employment of foreign workers and on the exercising of professional self-employed activities by foreigners.

Article 7

Within the framework of the applicable Belgian and international legislation, the Belgian Government shall facilitate the entry into, presence on, and departure from Belgian territory of persons invited by Eurocontrol for official purposes.

Article 8

Eurocontrol and its staff members shall comply with the Belgian laws and regulations, in particular with those on civil liability insurance concerning the use of motor vehicles. Eurocontrol shall maintain an appropriate civil liability insurance coverage for vehicles used in Belgium.

Article 9

1. Any dispute arising between the Kingdom of Belgium and Eurocontrol relating to the interpretation, application or performance of this Agreement, which shall not be settled by direct negotiation or by any other means within a period of six months, may, at the request of either party, be referred to arbitration of the Permanent Court of Arbitration in The Hague pursuant to its Optional Rules for Arbitration involving International Organisations and States.
2. The number of arbitrators shall be three.
3. The place of arbitration shall be The Hague. The International Bureau of the Permanent Court of Arbitration shall serve as Registrar, and shall provide such administrative services as determined by the arbitral tribunal.
4. The decisions of the Permanent Court of Arbitration shall be binding on the Parties to the dispute.

Article 10

Each Party to this Agreement shall notify the other Party that the procedures required for the entry into force of this Agreement have been completed.

IN WITNESS WHEREOF, the plenipotentiaries of the parties have signed this Agreement.

Done in Brussels, on ... , in three originals, in the French, Dutch and English languages, the three texts being equally authentic.

For the
Kingdom of Belgium

For the European Organisation
for the Safety of Air Navigation