

K oznámeniu č. 95/2005 Z. z.

AGREEMENT

on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff

The States signatory to the present Agreement,

Considering that for the exercise of their functions and the fulfilment of their purposes it is necessary that the North Atlantic Treaty Organization, its international staff and the representatives of Member States attending meetings thereof should have the status set out hereunder,

Have agreed as follows:

PART I GENERAL

Article I

In the present Agreement,

- a. 'the Organization' means the North Atlantic Treaty Organization consisting of the Council and its subsidiary bodies;
- b. 'the Council' means the Council established under Article IX of the North Atlantic Treaty and the Council Deputies;
- c. 'subsidiary bodies' means any organ, committee or service established by the Council or under its authority, except those to which, in accordance with Article II, this Agreement does not apply;
- d. 'Chairman of the Council Deputies' includes, in his absence, the Vice-Chairman acting for him.

Article II

The present Agreement shall not apply to any military headquarters established in pursuance of the North Atlantic Treaty nor, unless the Council decides otherwise, to any other military bodies.

Article III

The Organization 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 connection 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 that State and the Organization, or between the 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 ORGANIZATION

Article IV

The Organization 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 V

The Organization, 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 Chairman of the Council Deputies, acting on behalf of the Organization, may expressly authorize 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 VI

The premises of the Organization 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 VII

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

Article VIII

1. Without being restricted by financial controls, regulations or moratoria of any kind,
 - a. the Organization may hold currency of any kind and operate accounts in any currency;
 - b. the Organization 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 Organization 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 IX

The Organization, its assets, income and other property shall be exempt:

- a. from all direct taxes; the Organization 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 Organization 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 X

While the Organization 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 Organization 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 XI

1. No censorship shall be applied to the official correspondence and other official communications of the Organization.

2. The Organization 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 Organization.

PART III

REPRESENTATIVES OF MEMBER STATES

Article XII

Every person designated by a Member State as its

principal permanent representative to the Organization 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 Organization and between the Organization 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.

Article XIII

1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article XII 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 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 XIV

Official clerical staff accompanying a representative of a Member State who are not covered by Articles XII or XIII 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 XIII.

Article XV

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 connection with the North Atlantic Treaty. Consequently, a Member State not only has the right but is under a duty to waive the immunity of its representatives 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 XVI

The provisions of Articles XII to XIV above shall not require any 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 IV

INTERNATIONAL STAFF AND EXPERTS ON MISSIONS FOR THE ORGANIZATION

Article XVII

The categories of officials of the Organization to which Articles XVIII to XX apply shall be agreed between the Chairman of the Council Deputies and each of the Member States concerned. The Chairman of the Council Deputies shall communicate to the Member States the names of the officials included in these categories.

Article XVIII

Officials of the Organization agreed upon under Article XVII 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 XIX

Officials of the Organization agreed under Article XVII shall be exempt from taxation on the salaries and emoluments paid to them by the Organization in their capacity as such officials. Any Member State may, however, conclude an arrangement with the Council acting on behalf of the Organization whereby such Member State will employ and assign to the Organization all of its nationals (except, if such Member State so desires, any not ordinarily resident within its territory) who are to serve on the international staff of the Organization and pay the salaries and emoluments of such persons from its own funds at a scale fixed by it. The salaries and emoluments so paid may be taxed by such Member State but shall be exempt from taxation by any other Member State. If such an arrangement is entered into by any Member State and is subsequently modified or terminated, Member States shall no longer be bound under the first sentence of this Article to exempt from taxation the salaries and emoluments paid to their nationals.

Article XX

In addition to the immunities and privileges specified in Articles XVIII and XIX, the Executive Secretary of the Organization, the Co-ordinator of North Atlantic Defence Production, and such other permanent officials of similar rank as may be agreed between the Chairman of the Council Deputies and the Governments of Member States, shall be accorded the privileges and immunities normally accorded to diplomatic personnel of comparable rank.

Article XXI

1. Experts (other than officials coming within the scope of Articles XVIII to XX) employed on missions on behalf of the Organization 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 Organization, 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 Organization.

2. The Chairman of the Council Deputies shall communicate to the Member States concerned the names of any experts to whom this Article applies.

Article XXII

Privileges and immunities are granted to officials and experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any official or expert 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 Organization.

Article XXIII

The provisions of Articles XVIII, XX and XXI above shall not require any 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 Organization;
- b. inviolability for all papers and documents relating to the work on which he is engaged for the Organization;
- c. facilities in respect of currency or exchange restrictions so far as necessary for the effective exercise of his functions.

**PART V
SETTLEMENT OF DISPUTES**

Article XXIV

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 Organization is a party;
- b. disputes involving any official or expert of the Organization to whom Part IV 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 XXII.

**PART VI
SUPPLEMENTARY AGREEMENTS**

Article XXV

The Council acting on behalf of the Organization may conclude with any Member State or States supplementary agreements modifying the provisions of the present Agreement, so far as that State or those States are concerned.

**PART VII
FINAL PROVISIONS**

Article XXVI

1. The present Agreement shall be open for signature by Member States of the Organization and shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the United States of America, which will notify all signatory States of each such deposit.

2. As soon as six signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect of those States. It shall come into force in respect of each other signatory State on the date of the deposit of its instrument of ratification.

Article XXVII

The present Agreement may be denounced by any Contracting State by giving written notification of denunciation to the Government of the United States of America, 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 the United States of America.

In witness whereof the undersigned plenipotentiaries have signed the present Agreement. Done in Ottawa this twentieth day of September, 1951, 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 the United States of America which

will transmit a certified copy to each of the signatory States.