



FONDS INTERNATIONAUX
D'INDEMNISATION
POUR LES DOMMAGES
DUS À LA POLLUTION
PAR LES HYDROCARBURES

ASSEMBLÉE
11ème session
Point 19 de l'ordre du jour

92FUND/A.11/18
20 octobre 2006
Original: ANGLAIS

ASSEMBLÉE
2ème session
Point 13 de l'ordre du jour

SUPPFUND/A.2/11

ACCORD DE SIÈGE

Note de l'Administrateur

Résumé: Des consultations se sont tenues entre le Gouvernement du Royaume-Uni et l'Administrateur au sujet du texte d'un Accord de siège révisé à conclure entre le Gouvernement du Royaume-Uni et le Fonds de 1992 et du texte d'un Accord de siège entre ce gouvernement et le Fonds complémentaire. Le Gouvernement et l'Administrateur se sont provisoirement entendus sur des projets de texte.

Mesures à prendre: Examiner les projets de texte des Accords de siège.

1 Question à l'examen

- 1.1 Les relations entre le Fonds de 1992 et l'Etat hôte sont régies par un Accord de siège conclu en 1996 entre le Gouvernement du Royaume-Uni et le Fonds de 1992. Cet accord, qui établit les privilèges et immunités du Fonds de 1992, des délégués assistant aux réunions du Fonds et du personnel du Fonds, se fonde sur l'Accord de siège applicable au Fonds de 1971 conclu en 1979, qui s'inspirait dans une certaine mesure de l'Accord de siège entre le Gouvernement du Royaume-Uni et l'Organisation maritime internationale (OMI), tel que libellé à cette époque.
- 1.2 Lorsque l'Accord de siège entre le Gouvernement du Royaume-Uni et le Fonds de 1971 a été négocié en 1979, le Fonds de 1971 était une toute petite organisation qui comptait 14 États Membres, dont le Secrétariat se composait de cinq fonctionnaires et dont les activités étaient limitées. Au fil des années, les FIPOL ont connu une augmentation sensible du nombre de leurs États Membres, qui atteint désormais près de 100, et leurs activités ont notablement pris de l'ampleur. De l'avis de l'Administrateur, il était donc approprié de réexaminer un certain nombre de questions de fond sur lesquelles porte cet accord. Il y aurait également lieu, à son avis, de s'assurer que les libellés des nouveaux Accords de siège concernant le Fonds de 1992 et le Fonds complémentaire soient étroitement alignés et qu'ils puissent également s'appliquer sans modifications importantes au Fonds international pour les substances nocives et potentiellement dangereuses (Fonds HNS), au cas où les FIPOL et le Fonds HNS auraient un secrétariat commun.
- 1.3 L'Administrateur partage le point de vue du Gouvernement du Royaume-Uni, selon lequel il n'y a pas lieu de réviser l'Accord de siège applicable au Fonds de 1971 étant donné que ce fonds est en cours de liquidation.

2 Examen de la question par les Assemblée antérieures

- 2.1 À sa 8ème session extraordinaire, en mai 2004, l'Assemblée du Fonds de 1992 a noté que, conformément aux instructions qu'elle lui avait données à sa 8ème session, en octobre 2003, l'Administrateur avait procédé à des consultations avec le Gouvernement du Royaume-Uni au sujet de l'élaboration d'un Accord de siège qui régirait les relations entre l'Etat hôte et le Fonds complémentaire. Il a également été noté que l'Administrateur étudiait avec le Gouvernement l'opportunité de réviser l'Accord de siège du Fonds de 1992, compte tenu de l'évolution de la situation.
- 2.2 Comme les Assemblées en ont été informées à leurs sessions de mars 2005, l'Administrateur a soumis au Gouvernement du Royaume-Uni un projet d'Accord de siège révisé pour le Fonds de 1992 ainsi qu'un projet d'Accord de siège pour le Fonds complémentaire. Comme convenu avec le Gouvernement du Royaume-Uni, les deux textes ont été élaborés dans l'esprit de la loi de 1968 sur les organisations internationales (telle que modifiée). Ces projets de texte suivaient d'aussi près que possible l'Accord de siège entre l'OMI et le Gouvernement du Royaume-Uni, qui a été conclu en 2002. Sur certains points, on a estimé nécessaire de s'écarter de cet accord, essentiellement parce que les Fonds n'étaient pas une institution du système des Nations Unies comme l'OMI et également parce que certaines des dispositions de l'Accord de siège de cette dernière ne s'appliquaient pas aux Fonds. L'Accord de siège de l'OMI contient par exemple des dispositions sur les représentants permanents alors que les FIPOL n'ont pas de représentants permanents.
- 2.3 En janvier et février 2006, des réunions ont eu lieu entre l'Administrateur et des représentants du Gouvernement du Royaume-Uni. Lors de ces réunions, les représentants du Gouvernement ont accepté l'approche proposée par l'Administrateur, à savoir suivre la structure de l'Accord de siège conclu entre l'OMI et le Gouvernement du Royaume-Uni. Les deux parties se sont entendues sur certains points. Toutefois, la question de l'exonération de certains impôts en faveur des administrateurs n'a pas encore été résolue.

3 Situation actuelle du personnel des FIPOL en matière de privilèges et d'immunités

- 3.1 En vertu du Statut du personnel du Fonds de 1992, les traitements, indemnités et avantages de tous les membres du personnel du Secrétariat ainsi que les conditions qui y donnent droit devraient correspondre dans toute la mesure du possible au régime commun des Nations Unies tel qu'il est appliqué dans le Statut et le Règlement du personnel de l'OMI.
- 3.2 Lorsqu'il a été procédé en 2002 à une révision de la classification des postes au sein du Secrétariat du Fonds de 1992, il a été fait appel à un consultant qui connaissait bien le régime des Nations Unies et la classification appliquée par l'OMI afin que la classification des postes au Secrétariat du Fonds de 1992 corresponde à celle utilisée à l'OMI pour des postes comportant des responsabilités comparables. Tous les membres du personnel du Fonds de 1992 sont, comme tous les fonctionnaires de l'OMI, exonérés de l'impôt sur le revenu applicable à leurs émoluments, mais pour certains autres impôts, les fonctionnaires de l'OMI sont traités différemment des fonctionnaires du Fonds. Alors qu'aux termes de l'Accord de siège de l'OMI, les fonctionnaires de cette organisation appartenant à la catégorie des administrateurs (autres que les citoyens britanniques et les personnes résidant en permanence au Royaume-Uni) sont également exonérés de certains autres impôts, en particulier des taxes locales, des droits de douane sur les articles importés ainsi que des droits d'accise et de la TVA sur l'essence, seul l'Administrateur est exonéré de ces impôts aux termes de l'Accord de siège du Fonds de 1992.
- 3.3 Compte tenu de la politique en vigueur appliquée par les FIPOL consistant à suivre chaque fois qu'il y a lieu le régime commun des Nations Unies tel qu'appliqué par l'OMI, l'Administrateur s'est efforcé, dans ses pourparlers avec le Gouvernement du Royaume-Uni, d'obtenir que les avantages accordés aux fonctionnaires de l'OMI ayant grade d'administrateur le soient également à leurs homologues des FIPOL.

4 Pourparlers récents avec le Gouvernement du Royaume-Uni

Immunités

- 4.1 Aux termes de l'Accord de siège du Fonds de 1992, l'Administrateur (sauf s'il est ressortissant du Royaume-Uni ou s'il réside en permanence au Royaume-Uni) jouit des immunités auxquelles a droit un agent diplomatique au Royaume-Uni aussi bien pour les actes qu'il accomplit dans l'exercice de ses fonctions que pour ceux qu'il accomplit en dehors de ses fonctions.
- 4.2 Les membres du personnel des FIPOL autres que l'Administrateur jouissent de l'immunité de juridiction en ce qui concerne les actes accomplis par eux dans l'exercice de leurs fonctions, sauf pour les infractions aux règles de circulation ou en cas de dommages causés par un véhicule automobile conduit par un membre du personnel. Les membres du personnel ne jouissent d'aucune immunité pour les actes accomplis en dehors de leurs fonctions.
- 4.3 S'agissant de l'OMI, l'immunité plus large visée au paragraphe 4.1 est accordée au Secrétaire général et à six Directeurs de grade D2.
- 4.4 Le Gouvernement du Royaume-Uni a fait savoir qu'il serait disposé à accorder cette immunité plus large au plus à deux personnes occupant le poste d'Administrateur adjoint des FIPOL (sauf si ces personnes sont ressortissantes du Royaume-Uni ou ont leur résidence permanente au Royaume-Uni).
- 4.5 Étant donné que le Secrétariat des FIPOL est beaucoup plus petit que celui de l'OMI, l'Administrateur estime que l'élargissement de l'immunité à l'Administrateur adjoint ou aux Administrateurs adjoints proposé par le Gouvernement du Royaume-Uni est satisfaisant.

Impôts

- 4.6 Aux termes de l'Accord de siège du Fonds de 1992, l'Administrateur est exonéré non seulement de l'impôt sur le revenu, mais aussi de certains impôts indirects, en particulier des impôts locaux, des droits de douane sur les articles importés ainsi que des droits d'accise et de la TVA sur l'essence. Les autres membres du personnel du Fonds sont uniquement exonérés de l'impôt sur le revenu.
- 4.7 S'agissant de l'OMI, tous les administrateurs sont exonérés des impôts indirects, sauf s'ils sont ressortissants du Royaume-Uni ou s'ils ont leur résidence permanente au Royaume-Uni.
- 4.8 Au cours des pourparlers avec le Gouvernement du Royaume-Uni, l'Administrateur a proposé de faire bénéficier les administrateurs des FIPOL (autres que les ressortissants britanniques ou les fonctionnaires qui ont leur résidence permanente au Royaume-Uni) des mêmes avantages en matière d'exonération de certains impôts autres que l'impôt sur le revenu que ceux dont jouissent les administrateurs de l'OMI.
- 4.9 Le Gouvernement du Royaume-Uni a fait savoir qu'il serait disposé à étendre l'exonération de certains impôts autres que l'impôt sur le revenu au plus à deux personnes occupant le poste d'Administrateur adjoint.
- 4.10 Le Gouvernement a fait observer que les membres du personnel de l'OMI appartenant à la catégorie des administrateurs sont exonérés des impôts indirects parce que l'OMI est une institution spécialisée des Nations Unies qui a son siège au Royaume-Uni et que les dispositions de l'Accord de siège de l'OMI sont pour l'essentiel identiques à celles de la Convention sur les privilèges et immunités des institutions spécialisées des Nations Unies signée en 1947 en vertu de laquelle le Gouvernement accorde déjà certains privilèges et immunités à cette organisation. Le Gouvernement du Royaume-Uni a également fait observer que, les FIPOL ne faisant pas

partie du système des Nations Unies, cette convention ne s'appliquait pas et que certains avantages qui y étaient prévus ne pouvaient donc être accordés aux FIPOL ou à leur personnel. Il est indiqué qu'il en allait de même des privilèges et exemptions accordés dans les Accords de siège conclus avec quelque 35 autres organisations intergouvernementales ayant leur siège au Royaume-Uni et n'appartenant pas à la famille des Nations Unies. Compte tenu des explications données par le Gouvernement du Royaume-Uni l'Administrateur considère que le Fonds de 1992 et le Fonds complémentaire devraient accepter la position adoptée par ce gouvernement selon laquelle l'exonération de certains impôts autres que l'impôt sur le revenu peut être étendue au plus à deux Administrateurs adjoints.

5 Proposition de l'Administrateur

- 5.1 Compte tenu de ce qui précède, l'Administrateur soumet pour examen aux Assemblées les textes des projets d'Accord de siège pour le Fonds de 1992 et le Fonds complémentaire reproduits dans les annexes I et II (en anglais), en recommandant qu'elles les approuvent.
- 5.2 Il y a lieu de noter que ni l'Administrateur ni l'Administrateur élu ne voient le besoin que les FIPOL aient plus d'un Administrateur adjoint, tout au moins pour le moment; toutefois, l'Administrateur a estimé prudent d'accepter l'extension des privilèges et immunités à un nombre maximal de deux Administrateurs adjoints.
- 5.3 Le Gouvernement du Royaume-Uni devra soumettre les Accords de siège au parlement pour qu'ils soient approuvés et exécutés aux termes d'un décret-loi.

6 Mesures que les Assemblées sont invitées à prendre

Les Assemblées sont invitées à:

- a) prendre note des renseignements contenus dans le présent document;
- b) examiner les projets de texte d'Accord de siège qui ont fait l'objet d'un accord provisoire entre l'Administrateur et le Gouvernement du Royaume-Uni.

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ANNEX I

1992 Fund

HEADQUARTERS AGREEMENT

between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Oil Pollution Compensation Fund 1992

The Government of the United Kingdom of Great Britain and Northern Ireland and the International Oil Pollution Compensation Fund 1992;

Desiring to define the status, privileges and immunities of the 1992 Fund and persons connected with it;

Have agreed as follows:

Article 1

Definitions

In this Agreement:

- (a) "Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (being the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 as amended by the Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971).
- (b) "1992 Fund" means the International Oil Pollution Compensation Fund 1992;
- (c) "Government" means the Government of the United Kingdom of Great Britain and Northern Ireland;
- (d) "Director" means the Director of the 1992 Fund and, during his absence from duty, the Deputy Director and, in the absence of both, any other Staff Member specially designated to act on his behalf;
- (e) "High Officials" means the Director and up to two Deputy Directors of the 1992 Fund;
- (f) "law of the United Kingdom" includes Acts of Parliament, Orders in Council and all subordinate legislation;
- (g) "emoluments" means all sums in respect of employment by the 1992 Fund paid to, vested in or accruing to the benefit of Staff Members or Officials other than Staff Members in any form whatsoever;
- (h) "premises of the 1992 Fund" means the buildings or parts of buildings and the land ancillary thereto normally occupied by the 1992 Fund for the fulfilment of its official functions;
- (i) "Member" means a Member State of the 1992 Fund;

- (j) “Representatives of Members” means heads of delegations of Members, participating in meetings convened by the 1992 Fund;
- (k) “Members of Delegations” means representatives, alternates, advisers, technical experts and secretaries of delegations, participating in meetings convened by the 1992 Fund;
- (l) “meetings convened by the 1992 Fund” means sessions of the Assembly, Administrative Council, Executive Committee and of bodies subordinate to those, as well as conferences or other gatherings convened by the 1992 Fund;
- (m) “Staff Members” means the Director and all persons appointed or recruited for employment with the 1992 Fund and subject to its Staff Regulations, with the exception of those recruited locally and assigned to hourly or daily rates;
- (n) “Officials other than Staff Members” means all persons elected or appointed by the Assembly to occupy a position or carry out tasks in the interest of the 1992 Fund, including but not limited to members of the Audit Body and of the Investment Advisory Body;
- (o) “Experts other than Staff Members” means all persons not being Staff Members or Officials other than Staff Members, who carry out tasks in the interest and upon instruction of the 1992 Fund;
- (p) “Official Activities of the 1992 Fund” means all activities undertaken pursuant to the Convention, including its administrative activities; and
- (q) “Official Use” means all use in the context of the Official Activities of the 1992 Fund.

Article 2

Interpretation

1. This Agreement shall be interpreted in the light of its primary objective of enabling the 1992 Fund at its Headquarters in the United Kingdom fully and efficiently to discharge its responsibilities and fulfil its purposes and functions.
2. To the extent that they deal with the same subject matter, this Agreement and any treaty conferring immunities and privileges upon the 1992 Fund shall be complementary.

Article 3

Legal personality

The 1992 Fund shall have legal personality. It shall in particular have the capacity to contract, to acquire and dispose of movable and immovable property and to be a party in legal proceedings.

Article 4

Premises

1. The premises of the 1992 Fund shall be inviolable.

2. The location of the premises and the archives of the 1992 Fund shall be made known to the appropriate authorities by the Director who shall also inform the appropriate authorities of any change in the location or extent of such premises or archives and of any temporary occupation of such premises for the fulfilment of its official functions. Where premises are temporarily used or occupied by the 1992 Fund for the fulfilment of its official functions, these premises shall, with the agreement of the appropriate authorities, be accorded the status of premises of the 1992 Fund.

3. The Government undertakes to assist the 1992 Fund in the acquisition of premises of the 1992 Fund by gift, purchase or lease or the hire of premises at such time as they may be needed.

4. The means of transport which the 1992 Fund uses for official purposes shall be inviolable. The 1992 Fund shall identify such means of transport as being used for official purposes. This paragraph does not apply in so far as may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the 1992 Fund.

5. All archives, correspondence, documents, manuscripts, photographs, films, recordings and other data stored electronically or otherwise, belonging to or held by the 1992 Fund and all information contained therein shall be inviolable, wherever located.

6. The Government shall do its utmost to ensure that the premises of the 1992 Fund shall be supplied with necessary public services including electricity, water, sewerage, gas, post, telephone, access to the internet, drainage, collection of refuse and fire protection and that such public services be supplied on reasonable terms. In case of any interruption or threatened interruption to any such services, the Government shall consider the needs of the 1992 Fund as being of equal importance with those of diplomatic missions and shall accordingly take all reasonable steps to ensure that the 1992 Fund is not prejudiced.

7. Any preferential rates or tariffs which may be granted to diplomatic missions in the United Kingdom for supplies of services mentioned in paragraph 6 of this Article shall, subject to paragraph 2 of Article 9 of this Agreement, also be accorded to the 1992 Fund.

Article 5

Flag and emblem

The 1992 Fund shall be entitled to display its flag and emblem on its premises and on the means of transport of the 1992 Fund and of the Director.

Article 6

Protection of premises

The Government is under a special duty to take all appropriate steps to protect the premises of the 1992 Fund against any intrusion or damage and to prevent any disturbance of the peace of the 1992 Fund or impairment of its dignity.

Article 7

Access to and control over premises

1. The premises of the 1992 Fund shall be under the control and authority of the 1992 Fund which may establish any regulations necessary for the execution of its functions therein.
2. The appropriate authorities shall impose no impediment to the transit to and from the premises of the 1992 Fund of persons having official business at those premises, except where the Director consents to otherwise.
3. No official of the Government or person exercising any public authority, whether administrative, judicial, military or police, shall enter the premises of the 1992 Fund except with the express consent of and under conditions approved by the Director. No service or execution of any legal process whatsoever, irrespective of whether the 1992 Fund is named as defendant, or any ancillary act such as the seizure of private property, shall take place within the premises of the 1992 Fund except with the express consent of and under conditions approved by the Director.
4. Without prejudice to the terms of this Agreement, the 1992 Fund shall not permit the premises of the 1992 Fund to become a refuge from justice for persons who are avoiding arrest or service of legal process under the law of the United Kingdom or against whom an order of extradition or deportation has been issued by the appropriate authorities.
5. Nothing in this Agreement shall prevent the reasonable application by the appropriate authorities of measures for the protection of the premises of the 1992 Fund against fire.

Article 8

Control of entry into the United Kingdom

1. The Government undertakes to authorise the entry into the United Kingdom without delay and without charge for visas of the following persons for the term of their business with the 1992 Fund:
 - (a) Representatives of Members;
 - (b) Members of Delegations;
 - (c) officials designated by Members to represent them;
 - (d) Staff Members as defined in Article 1(m) of this Agreement;
 - (e) officials of the United Nations and its organs, the specialized agencies and the International Atomic Energy Agency;
 - (f) Officials other than Staff Members and Experts other than Staff Members; and
 - (g) members of the families of the above-mentioned persons forming part of their respective households.

2. The provisions of the preceding paragraph shall be applicable irrespective of the relations existing between the Governments of the persons referred to and the Government of the United Kingdom and are without prejudice to any special immunities to which such persons may be entitled. They shall not prevent the requirement of reasonable evidence to establish that persons claiming the aforementioned rights come within the classes described, nor the reasonable application of international quarantine and public health regulations.

3. The Director shall as far as possible inform the Government in advance of their arrival in the United Kingdom of the names of persons within the categories set out in paragraph 1 of this Article to assist the Government to implement the provisions of this Article and of Article 20.

Article 9

Communications and Publications

1. The Government shall permit and protect unrestricted communication on the part of the 1992 Fund for all official purposes. The 1992 Fund may employ all appropriate means of communication, including messages in code or cipher. However, the 1992 Fund may install and use a wireless transmitter only with the consent of the appropriate authorities.

2. The 1992 Fund shall enjoy, for its official communications, treatment not less favourable than that accorded by the Government to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, electronic mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio to the extent that such treatment is compatible with any other international conventions, regulations and arrangements to which the Government are a party.

3. No censorship shall be applied to official communications of the 1992 Fund by whatever means of communication.

4. The circulation of publications and other information material sent by or to the 1992 Fund within the scope of its Official Activities shall not be restricted in any way.

Article 10

Exemptions from taxes and duties for the 1992 Fund

1. The 1992 Fund shall:
 - (a) be exempt from income tax;
 - (b) be exempt from capital gains tax;
 - (c) be exempt from corporation tax;
 - (d) be exempt, under arrangements made by the United Kingdom, from motor vehicle tax and value added tax in respect of new motor vehicles purchased for the Official Use of the 1992 Fund;
 - (e) be exempt from value added tax on the supply of goods or services for the Official Use of the 1992 Fund;

- (f) be exempt from municipal rates levied on the premises of the 1992 Fund except the proportion which, as in the case of diplomatic missions, represents payment for specific services rendered;
- (g) have relief by way of a refund of duty (whether customs or excise) paid on imported hydrocarbon oil within the meaning of the Hydrocarbon Oil Duties Act 1979 or value added tax paid on the importation of such oil which is bought in the United Kingdom by the 1992 Fund and necessary for the exercise of its Official Activities;
- (h) be exempt from excise duty on spirits purchased from an excise warehouse in the United Kingdom for the purpose of official entertainment;
- (i) be exempt from customs duties and any taxes or charges imposed upon it by reason of importation and the procedures in connection therewith excepting charges for storage, cartage and similar services; the certification by the 1992 Fund that any import or export is for its Official Use shall be accepted as conclusive. The 1992 Fund shall be exempt from prohibitions and restrictions on imports and exports in respect of articles imported by the 1992 Fund for its Official Use, except where the prohibitions or restrictions arise from European Community law; and
- (j) have relief by way of a refund of Insurance Premium Tax and Air Passenger Duty paid by the 1992 Fund in the exercise of its Official Activities.

2. The exemptions provided for in paragraph 1(e) of this Article shall be accorded by way of a refund of the tax element in the price paid by the 1992 Fund for purchases for its Official Use. In this connection, the purchases or services envisaged are those made on a recurring basis or involving considerable quantities of goods, commodities or materials, or those involving considerable expenditure such as the furnishing of the premises of the 1992 Fund.

3. The municipal rates referred to in paragraph 1(f) of this Article shall in the first instance be paid by the appropriate authorities and the proportion which represents payment for specific services rendered shall be recovered by them from the 1992 Fund.

4. The exemption provided for in paragraph 1(h) of this Article shall be accorded to the extent that such exemption is accorded to diplomatic missions and by way of a refund of the duty element included in the price of the spirits. A certificate by the Director that any purchase is for the purpose of official entertainment shall be accepted as conclusive.

5. In the event of the introduction of taxes other than those referred to in this Article, the 1992 Fund and the Government shall determine the applicability of this Agreement to such taxes.

6. Goods with a substantial value, which have been acquired or imported under this Article shall not be given away, sold, hired out or otherwise disposed of unless the appropriate authorities have been notified in advance and any necessary duties and taxes paid.

Article 11

Exemptions from taxes and duties for High Officials

1. The High Officials shall:
 - (a) be exempt from tax on income arising outside the United Kingdom;
 - (b) be exempt from capital gains tax other than that imposed on immovable property (not occupied by them as a principal residence) in the United Kingdom or investments in commercial undertakings in the United Kingdom;
 - (c) be granted relief from rates or any other local taxes or duties or rates in substitution therefore or in addition thereto, with the exception of the proportion which, as in the case of diplomatic missions, represents a charge for public services. The rates or any other local taxes or duties or rates in substitution therefore or in addition thereto referred to in this paragraph, shall in the first instance be paid by the Government, which shall recover through the channels of the 1992 Fund the proportion which represents a charge for public services;
 - (d) be exempt, under arrangements made by the United Kingdom, from motor vehicle tax and value added tax in respect of the purchase of new motor vehicles;
 - (f) be exempt from customs duty in respect of hydrocarbon oils; and
 - (g) be exempt from motor vehicle excise duty.
2. The Director shall be exempt, to the extent that such exemption is accorded to the head of a diplomatic mission, from value added tax on the supply of fine quality goods of United Kingdom manufacture purchased on a substantial scale for the furnishing of their principal residence. The privileges and immunities described in this paragraph shall not be accorded to other High Officials.
3. The privileges and immunities set out in this Article, with the exception of paragraph 1 (d) of this Article, shall also apply to members of the Director's family forming part of his household. The privileges and immunities described in this paragraph shall not be accorded to other High Officials.
4. The council tax referred to in paragraph 1(c) of this Article shall in the first instance be paid by the appropriate authorities and the proportion which represents payment for specific services rendered shall be recovered by them through the channels of the 1992 Fund. The exemption provided for in paragraph 1(d) of this Article shall be accorded to the extent and by procedures applicable to diplomatic agents.
5. If the 1992 Fund changes the titles of any of the posts falling within the definition of "High Officials" at any time, paragraphs 1 and 2 of this Article shall continue to apply to the holders for the time being of such posts and to members of their families forming part of their households.
6. In addition to the provisions set out in paragraph 1 of this Article and subject to the provisions of paragraphs 2 and 3 of this Article, the High Officials shall also enjoy the privileges and immunities (other than priority for telecommunications) to which a diplomatic agent in the United Kingdom is entitled.

7. The privileges and immunities described in this Article shall not be accorded to British citizens, British overseas territories citizens, British Overseas citizens, British Nationals (Overseas), or those permanently resident in the United Kingdom.

Article 12

Exemptions from social security schemes

1. When the 1992 Fund has established its own social security schemes or has joined that of another international organisation under conditions laid down in the Staff Regulations of the 1992 Fund, those staff members who are not nationals of the United Kingdom or permanently resident in the United Kingdom, shall with respect to services rendered for the 1992 Fund be exempt from the provisions of any social security scheme established by the law of the United Kingdom.

2. The exemptions provided for in this Article shall not preclude voluntary participation in any social security scheme in the United Kingdom, provided that such participation is permitted by the law.

Article 13

Exemptions in respect importation of articles for personal use

1. Provided that they are not British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) nor permanently resident in the United Kingdom, the High Officials shall be exempt from all customs duties, motor vehicle tax, value added tax and similar charges or levies (excepting charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (including motor vehicles) for their personal use or the use of members of their families forming part of their households or for their establishment. If the 1992 Fund changes the titles of any of the posts falling within the definition of “High Officials” at any time, this paragraph shall continue to apply to the holders for the time being of such posts.

2. Staff Members and members of their families forming part of their respective households shall be exempt from all customs duties, motor vehicle tax, value added tax and similar charges or levies (excepting charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (including one motor vehicle each) in their ownership or possession or already ordered by them and intended for their personal use or for their establishment at the time of first taking up their post in the United Kingdom. Such articles shall normally be imported within a reasonable period of first entry of such persons into the United Kingdom. Staff Members (other than British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) or permanent residents of the United Kingdom) who are entitled to import a motor vehicle under this concession but do not do so shall be given relief from motor vehicle tax and value added tax in respect of the purchase of a new motor vehicle (to the extent that such relief is given to members of the administrative and technical staff of diplomatic missions) provided the motor vehicle is ordered within a reasonable period of first entry of the Staff Member. Relief from motor vehicle tax, value added tax and customs duties on the purchase or import of a replacement motor vehicle will be allowed in cases where the appropriate authorities are satisfied that this is justified by the condition of the motor vehicle being replaced.

Article 14

Privileges and Immunities of Representatives of Member States

1. Representatives shall enjoy, while exercising their functions and 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 when found committing, attempting to commit, or just having committed an offence;
- (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; this immunity shall not however apply in the case of a motor traffic offence committed by a representative nor in the case of damage caused by a motor vehicle belonging to or driven by him;
- (c) inviolability for all their official papers and documents;
- (d) exemption for themselves and their spouses from all measures restricting entry, from charges for visas and from registration formalities for the purpose of immigration control; and
- (e) the same facilities as regards their personal luggage as are accorded to officials of foreign Governments on temporary official missions.

2. The provisions of the preceding paragraph shall be applicable irrespective of the relations existing between the Governments which the persons referred to represent and the Government of the United Kingdom and are without prejudice to any special immunities to which such persons may be entitled.

3. The privileges and immunities described in paragraph 1 of this Article shall not be accorded to any representative of the Government or to any national of the United Kingdom.

4. Privileges and immunities are accorded to representatives in order to ensure complete independence in the exercise of their functions in connection with the 1992 Fund. It is expected that a Member State will waive the immunity of its representative where the immunity would impede the course of justice and where it can be waived without prejudicing the purposes for which it was accorded.

5. In order to assist the Government to implement the provisions of this Article, the 1992 Fund shall as far as possible inform the Government of the names of representatives in advance of their arrival in the United Kingdom.

Article 15

Staff Members and Officials other than Staff Members

1. Staff Members and Officials other than Staff Members of the 1992 Fund:

- (a) shall have (even after they have left the service of the 1992 Fund) immunity from jurisdiction in respect of acts done by them in the exercise of their functions,

including words written or spoken; this immunity shall not however apply in the case of a motor traffic offence committed by a Staff Member or Official other than a Staff Member, nor in the case of damage caused by a motor vehicle belonging to or driven by him;

- (b) shall, together with members of their families forming part of their households, be exempt from any obligations in respect of military service, provided that this exemption shall not apply to any person who is a national of the United Kingdom;
 - (c) shall enjoy inviolability for all their official papers and documents; and
 - (d) shall enjoy exemption from all measures restricting immigration, from charges for visas and from registration formalities for the purpose of immigration control; and members of their families forming part of their households shall enjoy the same facilities.
2. All Staff Members shall be exempt from income tax on their emoluments.
3. Provided that they are not British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) and are not permanently resident in the United Kingdom, Staff Members shall be exempt from the taxes listed in Article 11, paragraph 1 (d), provided the motor vehicle is ordered within a reasonable period of first entry of the Staff Member.

Article 16

Experts other than Staff Members

In the exercise of their functions in connection with the 1992 Fund or in carrying out missions for the 1992 Fund, Experts other than Staff Members shall enjoy the following immunities to the extent necessary for the carrying out of their functions, including during journeys made in carrying out their functions and in the course of such missions:

- (a) even after they have ceased to be employed by the 1992 Fund, immunity from jurisdiction in respect of acts done by them in the exercise of their functions, including words written or spoken; and
- (b) inviolability for all their official papers and documents.

Article 17

Immunity

1. Within the scope of its Official Activities the 1992 Fund shall have immunity from jurisdiction and execution except:

- (a) to the extent that the 1992 Fund waives such immunity from jurisdiction or immunity from execution in a particular case;
- (b) in respect of actions brought against the 1992 Fund in accordance with the provisions of the Convention;
- (c) in respect of any contract for the supply of goods or services, and any loan or other transaction for the provision of finance and any guarantee or indemnity in respect of any such transaction or of any other financial obligation;

- (d) in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the 1992 Fund or in respect of a motor traffic offence involving such a vehicle;
 - (e) in respect of a civil action relating to death or personal injury caused by an act or omission in the United Kingdom;
 - (f) in the event of the attachment, pursuant to the final order of a court of law, of the salaries, wages or other emoluments owed by the 1992 Fund to a Staff Member of the 1992 Fund;
 - (g) in respect of the enforcement of an arbitration award made under Article 22 of this Agreement; and
 - (h) in respect of a counter-claim directly connected with proceedings initiated by the 1992 Fund.
2. The 1992 Fund's property and assets wherever situated shall be immune from any form of administrative or provisional judicial constraint, such as requisition, confiscation, expropriation or attachment, except in so far as may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the 1992 Fund.

Article 18

Purpose of privileges and immunities

1. The privileges and immunities accorded in this Agreement to Staff Members, Officials other than Staff Members and Experts other than Staff Members are provided solely to ensure in all circumstances the unimpeded functioning of the 1992 Fund and the complete independence of the persons to whom they are accorded.
2. The Director has the right and the duty to waive such immunities (other than his own and those of members of his family forming part of his household) when he considers that such immunities are preventing the carrying out of justice and when it is possible to dispense with them without prejudicing the interests of the 1992 Fund. In respect of the Director and members of his family forming part of his household, the Assembly may waive such immunities.

Article 19

Abuse of privileges and immunities

The 1992 Fund shall co-operate at all times with the appropriate authorities in order to prevent any abuse of the privileges and immunities and facilities provided for in this Agreement. The right of the Government to take all precautionary measures in the interests of its security shall not be prejudiced by any provision in this Agreement.

Article 20

Information on Staff Members

1. The Director shall from time to time send to the Government a list of all Staff Members, indicating in each case the appropriate staff category as defined in Article 1 of this Agreement and whether the individual is a British citizen, British overseas territories

citizen, British Overseas citizen, or British National (Overseas) or permanently resident in the United Kingdom. The Director may inform the Government of the appointment of Staff Members individually for addition to the list.

2. The Government shall issue to all Staff Members on notification of their appointment, a card bearing the photograph of the holder and identifying him as a Staff Member. This card shall be accepted by the appropriate authorities as evidence of identity and appointment.

Article 21

Consultations regarding implementation and modification

At the request either of the 1992 Fund or of the Government, consultations shall take place respecting the implementation, modification or extension of this Agreement. Any understanding, modification or extension may be given effect by an Exchange of Notes between the Director and a duly authorized representative of the Government.

Article 22

Disputes

Any dispute between the 1992 Fund and the Government concerning the interpretation or application of this Agreement or any question affecting the relations between the 1992 Fund and the Government which is not settled by negotiation or by some other agreed method shall be referred for final decision to a panel of three arbitrators. One of those arbitrators shall be chosen by the Director, one shall be chosen by Her Majesty's Secretary of State and the third, who shall be the Chairman of the Tribunal, shall be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within one year of their own appointment, the third arbitrator, at the request of the 1992 Fund or of the Government, shall be chosen by the President of the International Court of Justice.

Article 23

Entry into force

1. This Agreement shall enter into force on signature and replace as of that date the Headquarters Agreement between the International Oil Pollution Compensation Fund 1992 and the Government of the United Kingdom of Great Britain and Northern Ireland, signed on 30 May 1996.

2. This Agreement may be terminated by agreement between the 1992 Fund and the Government. In the event of the Headquarters of the 1992 Fund being moved from the territory of the United Kingdom, this Agreement shall, after the period reasonably required for such transfer and for the disposal of the property of the 1992 Fund in the United Kingdom, cease to be in force.

* * *

ANNEX II

Supplementary Fund

HEADQUARTERS AGREEMENT

between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Oil Pollution Supplementary Compensation Fund 2003

The Government of the United Kingdom of Great Britain and Northern Ireland and the International Oil Pollution Compensation Supplementary Fund 2003;

Desiring to define the status, privileges and immunities of the International Oil Pollution Compensation Supplementary Fund 2003 and persons connected with it;

Have agreed as follows:

Article 1

Definitions

In this Agreement:

- (a) "Protocol" means the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (being the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 as amended by the Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971).
- (b) "Supplementary Fund" means the International Oil Pollution Compensation Supplementary Fund 2003;
- (c) "Government" means the Government of the United Kingdom of Great Britain and Northern Ireland;
- (d) "Director" means the Director of the Supplementary Fund and, during his absence from duty, the Deputy Director and, in the absence of both, any other Staff Member specially designated to act on his behalf;
- (e) "High Officials" means the Director and up to two Deputy Directors of the Supplementary Fund;
- (f) "law of the United Kingdom" includes Acts of Parliament, Orders in Council and all subordinate legislation;
- (g) "emoluments" means all sums in respect of employment by the Supplementary Fund paid to, vested in or accruing to the benefit of Staff Members or Officials other than Staff Members in any form whatsoever;
- (h) "premises of the Supplementary Fund" means the buildings or parts of buildings and the land ancillary thereto normally occupied by the Supplementary Fund for the fulfilment of its official functions;

- (i) “Member” means a Member State of the Supplementary Fund;
- (j) “Representatives of Members” means heads of delegations of Members, participating in meetings convened by the Supplementary Fund;
- (k) “Members of Delegations” means representatives, alternates, advisers, technical experts and secretaries of delegations, participating in meetings convened by the Supplementary Fund;
- (l) “meetings convened by the Supplementary Fund” means sessions of the Assembly, Administrative Council, and of bodies subordinate to those, as well as conferences or other gatherings convened by the Supplementary Fund;
- (m) “Staff Members” means the Director and all persons appointed or recruited for employment with the Supplementary Fund and subject to its Staff Regulations, with the exception of those recruited locally and assigned to hourly or daily rates;
- (n) “Officials other than Staff Members” means all persons elected or appointed by the Assembly to occupy a position or carry out tasks in the interest of the Supplementary Fund, including but not limited to members of the Audit Body and of the Investment Advisory Body;
- (o) “Experts other than Staff Members” means all persons not being Staff Members or Officials other than Staff Members, who carry out tasks in the interest and upon instruction of the Supplementary Fund;
- (p) “Official Activities of the Supplementary Fund” means all activities undertaken pursuant to the Protocol, including its administrative activities; and
- (q) “Official Use” means all use in the context of the official activities of the Supplementary Fund.

Article 2

Interpretation

1. This Agreement shall be interpreted in the light of its primary objective of enabling the Supplementary Fund at its Headquarters in the United Kingdom fully and efficiently to discharge its responsibilities and fulfil its purposes and functions.
2. To the extent that they deal with the same subject matter, this Agreement and any treaty conferring immunities and privileges upon the Supplementary Fund shall be complementary.

Article 3

Legal personality

The Supplementary Fund shall have legal personality. It shall in particular have the capacity to contract, to acquire and dispose of movable and immovable property and to be a party in legal proceedings.

Article 4

Premises

1. The premises of the Supplementary Fund shall be inviolable.
2. The location of the premises and the archives of the Supplementary Fund shall be made known to the appropriate authorities by the Director who shall also inform the appropriate authorities of any change in the location or extent of such premises or archives and of any temporary occupation of such premises for the fulfilment of its official functions. Where premises are temporarily used or occupied by the Supplementary Fund for the fulfilment of its official functions, these premises shall, with the agreement of the appropriate authorities, be accorded the status of premises of the Supplementary Fund.
3. The Government undertakes to assist the Supplementary Fund in the acquisition of premises of the Supplementary Fund by gift, purchase or lease or the hire of premises at such time as they may be needed.
4. The means of transport which the Supplementary Fund uses for its official purposes shall be inviolable. The Supplementary Fund shall identify such means of transport as being used for official purposes. This paragraph does not apply in so far as may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the Supplementary Fund.
5. All archives, correspondence, documents, manuscripts, photographs, films, recordings and other data stored electronically or otherwise, belonging to or held by the Supplementary Fund and all information contained therein shall be inviolable, wherever located.
6. The Government shall do its utmost to ensure that the premises of the Supplementary Fund shall be supplied with necessary public services including electricity, water, sewerage, gas, post, telephone, access to the internet, drainage, collection of refuse and fire protection and that such public services be supplied on reasonable terms. In case of any interruption or threatened interruption to any such services, the Government shall consider the needs of the Supplementary Fund as being of equal importance with those of diplomatic missions and shall accordingly take all reasonable steps to ensure that the Supplementary Fund is not prejudiced.
7. Any preferential rates or tariffs which may be granted to diplomatic missions in the United Kingdom for supplies of services mentioned in paragraph 6 of this Article shall, subject to paragraph 2 of Article 9 of this Agreement, also be accorded to the Supplementary Fund.

Article 5

Flag and emblem

The Supplementary Fund shall be entitled to display its flag and emblem on its premises and on the means of transport of the Supplementary Fund and of the Director.

Article 6

Protection of premises

The Government are under a special duty to take all appropriate steps to protect the premises of the Supplementary Fund against any intrusion or damage and to prevent any disturbance of the peace of the Supplementary Fund or impairment of its dignity.

Article 7

Access to and control over premises

1. The premises of the Supplementary Fund shall be under the control and authority of the Supplementary Fund which may establish any regulations necessary for the execution of its functions therein.
2. The appropriate authorities shall impose no impediment to the transit to and from the premises of the Supplementary Fund of persons having official business at those premises, except where the Director consents to otherwise.
3. No official of the Government or person exercising any public authority, whether administrative, judicial, military or police, shall enter the premises of the Supplementary Fund except with the express consent of and under conditions approved by the Director. No service or execution of any legal process whatsoever, irrespective of whether the Supplementary Fund is named as defendant, or any ancillary act such as the seizure of private property, shall take place within the premises of the Supplementary Fund except with the express consent of and under conditions approved by the Director.
4. Without prejudice to the terms of this Agreement, the Supplementary Fund shall not permit the premises of the Supplementary Fund to become a refuge from justice for persons who are avoiding arrest or service of legal process under the law of the United Kingdom or against whom an order of extradition or deportation has been issued by the appropriate authorities.
5. Nothing in this Agreement shall prevent the reasonable application by the appropriate authorities of measures for the protection of the premises of the Supplementary Fund against fire.

Article 8

Control of entry into the United Kingdom

1. The Government undertakes to authorise the entry into the United Kingdom without delay and without charge for visas of the following persons for the term of their business with the Supplementary Fund:
 - (a) Representatives of Members;
 - (b) Members of Delegations;
 - (c) officials designated by Members to represent them;
 - (d) Staff Members as defined in Article 1(m) of this Agreement;

- (e) officials of the United Nations and its organs, the specialized agencies and the International Atomic Energy Agency;
- (f) Officials other than Staff Members and Experts other than Staff Members; and
- (g) members of the families of the above-mentioned persons forming part of their respective households.

2. The provisions of the preceding paragraph shall be applicable irrespective of the relations existing between the Governments of the persons referred to and the Government of the United Kingdom and are without prejudice to any special immunities to which such persons may be entitled. They shall not prevent the requirement of reasonable evidence to establish that persons claiming the aforementioned rights come within the classes described, nor the reasonable application of international quarantine and public health regulations.

3. The Director shall as far as possible inform the Government in advance of their arrival in the United Kingdom of the names of persons within the categories set out in paragraph 1 of this Article to assist the Government to implement the provisions of this Article and of Article 20.

Article 9

Communications and Publications

1. The Government shall permit and protect unrestricted communication on the part of the Supplementary Fund for all official purposes. The Supplementary Fund may employ all appropriate means of communication, including messages in code or cipher. However, the Supplementary Fund may install and use a wireless transmitter only with the consent of the appropriate authorities.

2. The Supplementary Fund shall enjoy, for its official communications, treatment not less favourable than that accorded by the Government to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, electronic mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio to the extent that such treatment is compatible with any other international conventions, regulations and arrangements to which the Government are a party.

3. No censorship shall be applied to official communications of the Supplementary Fund by whatever means of communication.

4. The circulation of publications and other information material sent by or to the Supplementary Fund within the scope of its Official Activities shall not be restricted in any way.

Article 10

Exemptions from taxes and duties for the Supplementary Fund

1. The Supplementary Fund shall:
- (a) be exempt from income tax;
 - (b) be exempt from capital gains tax;

- (c) be exempt from corporation tax;
- (d) be exempt, under arrangements made by the United Kingdom, from motor vehicle tax and value added tax in respect of new motor vehicles purchased for the Official Use of the Supplementary Fund;
- (e) be exempt from value added tax on the supply of goods or services for the Official Use of the Supplementary Fund;
- (f) be exempt from municipal rates levied on the premises of the Supplementary Fund except the proportion which, as in the case of diplomatic missions, represents payment for specific services rendered;
- (g) have relief by way of a refund of duty (whether customs or excise) paid on imported hydrocarbon oil within the meaning of the Hydrocarbon Oil Duties Act 1979 or value added tax paid on the importation of such oil which is bought in the United Kingdom by the Supplementary Fund and necessary for the exercise of its Official Activities;
- (h) be exempt from excise duty on spirits purchased from an excise warehouse in the United Kingdom for the purpose of official entertainment;
- (i) be exempt from customs duties and any taxes or charges imposed upon it by reason of importation and the procedures in connection therewith excepting charges for storage, cartage and similar services; the certification by the Supplementary Fund that any import or export is for its Official Use shall be accepted as conclusive. The Supplementary Fund shall be exempt from prohibitions and restrictions on imports and exports in respect of articles imported by the Supplementary Fund for its Official Use, except where the prohibitions or restrictions arise from European Community law; and
- (j) have relief by way of a refund of Insurance Premium Tax and Air Passenger Duty paid by the Supplementary Fund in the exercise of its Official Activities.

2. The exemptions provided for in paragraph 1(e) of this Article shall be accorded by way of a refund of the tax element in the price paid by the Supplementary Fund for purchases for its Official Use. In this connection, the purchases or services envisaged are those made on a recurring basis or involving considerable quantities of goods, commodities or materials, or those involving considerable expenditure such as the furnishing of the premises of the Supplementary Fund.

3. The municipal rates referred to in paragraph 1(f) of this Article shall in the first instance be paid by the appropriate authorities and the proportion which represents payment for specific services rendered shall be recovered by them from the Supplementary Fund.

4. The exemption provided for in paragraph 1(h) of this Article shall be accorded to the extent that such exemption is accorded to diplomatic missions and by way of a refund of the duty element included in the price of the spirits. A certificate by the Director that any purchase is for the purpose of official entertainment shall be accepted as conclusive.

5. In the event of the introduction of taxes other than those referred to in this Article, the Supplementary Fund and the Government shall determine the applicability of this Agreement to such taxes.

6. Goods with a substantial value, which have been acquired or imported under this Article shall not be given away, sold, hired out or otherwise disposed of unless the appropriate authorities have been notified in advance and any necessary duties and taxes paid.

Article 11

Exemptions from taxes and duties for High Officials

1. The High Officials shall:
 - (a) be exempt from tax on income arising outside the United Kingdom;
 - (b) be exempt from capital gains tax other than that imposed on immovable property (not occupied by them as a principal residence) in the United Kingdom or investments in commercial undertakings in the United Kingdom;
 - (c) be granted relief from rates or any other local taxes or duties or rates in substitution therefore or in addition thereto, with the exception of the proportion which, as in the case of diplomatic missions, represents a charge for public services. The rates or any other local taxes or duties or rates in substitution therefore or in addition thereto referred to in this paragraph, shall in the first instance be paid by the Government, which shall recover through the channels of the Supplementary Fund the proportion which represents a charge for public services;
 - (d) be exempt, under arrangements made by the United Kingdom, from motor vehicle tax and value added tax in respect of the purchase of new motor vehicles;
 - (f) be exempt from customs duty in respect of hydrocarbon oils; and
 - (g) be exempt from motor vehicle excise duty.
2. The Director shall be exempt, to the extent that such exemption is accorded to the head of a diplomatic mission, from value added tax on the supply of fine quality goods of United Kingdom manufacture purchased on a substantial scale for the furnishing of their principal residence. The privileges and immunities described in this paragraph shall not be accorded to other High Officials.
3. The privileges and immunities set out in this Article, with the exception of paragraph 1 (d) of this Article, shall also apply to members of the Director's family forming part of his household. The privileges and immunities described in this paragraph shall not be accorded to other High Officials.
4. The council tax referred to in paragraph 1(c) of this Article shall in the first instance be paid by the appropriate authorities and the proportion which represents payment for specific services rendered shall be recovered by them through the channels of the Supplementary Fund. The exemption provided for in paragraph 1(d) of this Article shall be accorded to the extent and by procedures applicable to diplomatic agents.
5. If the Supplementary Fund changes the titles of any of the posts falling within the definition of "High Officials" at any time, paragraphs 1 and 2 of this Article shall continue to apply to the holders for the time being of such posts and to members of their families forming part of their households.

6. In addition to the provisions set out in paragraph 1 of this Article and subject to the provisions of paragraphs 2 and 3 of this Article, the High Officials shall also enjoy the privileges and immunities (other than priority for telecommunications) to which a diplomatic agent in the United Kingdom is entitled.

7. The privileges and immunities described in this Article shall not be accorded to British citizens, British overseas territories citizens, British Overseas citizens, British Nationals (Overseas), or those permanently resident in the United Kingdom.

Article 12

Exemptions from social security schemes

1. When the Supplementary Fund has established its own social security schemes or has joined that of another international organisation under conditions laid down in the Staff Regulations of the Supplementary Fund, those staff members who are not nationals of the United Kingdom or permanently resident in the United Kingdom, shall with respect to services rendered for the Supplementary Fund be exempt from the provisions of any social security scheme established by the law of the United Kingdom.

2. The exemptions provided for in this Article shall not preclude voluntary participation in any social security scheme in the United Kingdom, provided that such participation is permitted by the law.

Article 13

Exemptions in respect importation of articles for personal use

1. Provided that they are not British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) nor permanently resident in the United Kingdom, the High Officials shall be exempt from all customs duties, motor vehicle tax, value added tax and similar charges or levies (excepting charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (including motor vehicles) for their personal use or the use of members of their families forming part of their households or for their establishment. If the Supplementary Fund changes the titles of any of the posts falling within the definition of "High Officials" at any time, this paragraph shall continue to apply to the holders for the time being of such posts.

2. Staff Members and members of their families forming part of their respective households shall be exempt from all customs duties, motor vehicle tax, value added tax and similar charges or levies (excepting charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (including one motor vehicle each) in their ownership or possession or already ordered by them and intended for their personal use or for their establishment at the time of first taking up their post in the United Kingdom. Such articles shall normally be imported within a reasonable period of first entry of such persons into the United Kingdom. Staff Members (other than British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) or permanent residents of the United Kingdom) who are entitled to import a motor vehicle under this concession but do not do so shall be given relief from motor vehicle tax and value added tax in respect of the purchase of a new motor vehicle (to the extent that such relief is given to members of the administrative and technical staff of diplomatic missions) provided the motor vehicle is ordered within a reasonable period of first entry of the Staff Member. Relief from motor vehicle tax, value added tax and customs duties on the purchase or import of a replacement motor vehicle will be allowed

in cases where the appropriate authorities are satisfied that this is justified by the condition of the motor vehicle being replaced.

Article 14

Privileges and Immunities of Representatives of Member States

1. Representatives shall enjoy, while exercising their functions and 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 when found committing, attempting to commit, or just having committed an offence;
- (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; this immunity shall not however apply in the case of a motor traffic offence committed by a representative nor in the case of damage caused by a motor vehicle belonging to or driven by him;
- (c) inviolability for all their official papers and documents;
- (d) exemption for themselves and their spouses from all measures restricting entry, from charges for visas and from registration formalities for the purpose of immigration control; and
- (e) the same facilities as regards their personal luggage as are accorded to officials of foreign Governments on temporary official missions.

2. The provisions of the preceding paragraph shall be applicable irrespective of the relations existing between the Governments which the persons referred to represent and the Government of the United Kingdom and are without prejudice to any special immunities to which such persons may be entitled.

3. The privileges and immunities described in paragraph 1 of this Article shall not be accorded to any representative of the Government or to any national of the United Kingdom.

4. Privileges and immunities are accorded to representatives in order to ensure complete independence in the exercise of their functions in connection with the Supplementary Fund. It is expected that a Member State will waive the immunity of its representative where the immunity would impede the course of justice and where it can be waived without prejudicing the purposes for which it was accorded.

5. In order to assist the Government to implement the provisions of this Article, the Supplementary Fund shall as far as possible inform the Government of the names of representatives in advance of their arrival in the United Kingdom.

Article 15

Staff Members and Officials other than Staff Members

1. Staff Members and Officials other than Staff Members of the Supplementary Fund:
 - (a) shall have (even after they have left the service of the Supplementary Fund) immunity from jurisdiction in respect of acts done by them in the exercise of their functions, including words written or spoken; this immunity shall not however apply in the case of a motor traffic offence committed by a Staff Member or Official other than a Staff Member, nor in the case of damage caused by a motor vehicle belonging to or driven by him;
 - (b) shall, together with members of their families forming part of their households, be exempt from any obligations in respect of military service, provided that this exemption shall not apply to any person who is a national of the United Kingdom;
 - (c) shall enjoy inviolability for all their official papers and documents; and
 - (d) shall enjoy exemption from all measures restricting immigration, from charges for visas and from registration formalities for the purpose of immigration control; and members of their families forming part of their households shall enjoy the same facilities.
2. All Staff Members shall be exempt from income tax on their emoluments.
3. Provided that they are not British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) and are not permanently resident in the United Kingdom, Staff Members shall be exempt from the taxes listed in Article 11, paragraph 1 (d), provided the motor vehicle is ordered within a reasonable period of first entry of the Staff Member.

Article 16

Experts other than Staff Members

In the exercise of their functions in connection with the Supplementary Fund or in carrying out missions for the Supplementary Fund, Experts other than Staff Members shall enjoy the following immunities to the extent necessary for the carrying out of their functions, including during journeys made in carrying out their functions and in the course of such missions:

- (a) even after they have ceased to be employed by the Supplementary Fund, immunity from jurisdiction in respect of acts done by them in the exercise of their functions, including words written or spoken; and
- (b) inviolability for all their official papers and documents.

Article 17

Immunity

1. Within the scope of its Official Activities the Supplementary Fund shall have immunity from jurisdiction and execution except:
 - (a) to the extent that the Supplementary Fund waives such immunity from jurisdiction or immunity from execution in a particular case;

- (b) in respect of actions brought against the Supplementary Fund in accordance with the provisions of the Protocol;
 - (c) in respect of any contract for the supply of goods or services, and any loan or other transaction for the provision of finance and any guarantee or indemnity in respect of any such transaction or of any other financial obligation;
 - (d) in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Supplementary Fund or in respect of a motor traffic offence involving such a vehicle;
 - (e) in respect of a civil action relating to death or personal injury caused by an act or omission in the United Kingdom;
 - (f) in the event of the attachment, pursuant to the final order of a court of law, of the salaries, wages or other emoluments owed by the Supplementary Fund to a Staff Member of the Supplementary Fund;
 - (g) in respect of the enforcement of an arbitration award made under Article 23 of this Agreement; and
 - (h) in respect of a counter-claim directly connected with proceedings initiated by the Supplementary Fund.
2. The Supplementary Fund's property and assets wherever situated shall be immune from any form of administrative or provisional judicial constraint, such as requisition, confiscation, expropriation or attachment, except in so far as may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the Supplementary Fund.

Article 18

Purpose of privileges and immunities

1. The privileges and immunities accorded in this Agreement to Staff Members, Officials other than Staff Members and Experts other than Staff Members are provided solely to ensure in all circumstances the unimpeded functioning of the Supplementary Fund and the complete independence of the persons to whom they are accorded.
2. The Director has the right and the duty to waive such immunities (other than his own and those of members of his family forming part of his household) when he considers that such immunities are preventing the carrying out of justice and when it is possible to dispense with them without prejudicing the interests of the Supplementary Fund. In respect of the Director and members of his family forming part of his household, the Assembly may waive such immunities.

Article 19

Abuse of privileges and immunities

The Supplementary Fund shall co-operate at all times with the appropriate authorities in order to prevent any abuse of the privileges and immunities and facilities provided for in this Agreement. The right of the Government to take all precautionary measures in the interests of its security shall not be prejudiced by any provision in this Agreement.

Article 20

Information on Staff Members

1. The Director shall from time to time send to the Government a list of all Staff Members, indicating in each case the appropriate staff category as defined in Article 1 of this Agreement and whether the individual is a British citizen, British overseas territories citizen, British Overseas citizen, or British National (Overseas) or permanently resident in the United Kingdom. The Director may inform the Government of the appointment of Staff Members individually for addition to the list.

2. The Government shall issue to all Staff Members on notification of their appointment, a card bearing the photograph of the holder and identifying him as a Staff Member. This card shall be accepted by the appropriate authorities as evidence of identity and appointment.

Article 21

Consultations regarding implementation and modification

At the request either of the Supplementary Fund or of the Government, consultations shall take place respecting the implementation, modification or extension of this Agreement. Any understanding, modification or extension may be given effect by an Exchange of Notes between the Director and a duly authorized representative of the Government.

Article 22

Disputes

Any dispute between the Supplementary Fund and the Government concerning the interpretation or application of this Agreement or any question affecting the relations between the Supplementary Fund and the Government which is not settled by negotiation or by some other agreed method shall be referred for final decision to a panel of three arbitrators. One of those arbitrators shall be chosen by the Director, one shall be chosen by Her Majesty's Secretary of State and the third, who shall be the Chairman of the Tribunal, shall be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within one year of their own appointment, the third arbitrator, at the request of the Supplementary Fund or of the Government, shall be chosen by the President of the International Court of Justice.

Article 23

Entry into force

1. This Agreement shall enter into force on signature.

2. This Agreement may be terminated by agreement between the Supplementary Fund and the Government. In the event of the Headquarters of the Supplementary Fund being moved from the territory of the United Kingdom, this Agreement shall, after the period reasonably required for such transfer and for the disposal of the property of the Supplementary Fund in the United Kingdom, cease to be in force.
