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SUPPFUND/A.2/11

HEADQUARTERS AGREEMENT

Note by the Director

Summary:	Consultations have been taking place between the United Kingdom Government and the Director concerning the text of a revised Headquarters Agreement between the United Kingdom Government and the 1992 Fund and a Headquarters Agreement between the Government and the Supplementary Fund. Draft texts of such agreements have been provisionally agreed between the Government and the Director.
Action to be taken:	Consider the draft texts of the Headquarters Agreements.

1 The issue

- 1.1 The relationship between the 1992 Fund and the Host State is governed by a Headquarters Agreement concluded in 1996 between the United Kingdom Government and the 1992 Fund. This Agreement, which *inter alia* sets out the privileges and immunities of the 1992 Fund, of delegates to Fund meetings and of staff members, is based on the Headquarters Agreement applicable to the 1971 Fund concluded in 1979, which was to some extent based on the Headquarters Agreement between the United Kingdom Government and the International Maritime Organization (IMO) as worded at that time.
- 1.2 When in 1979 the Headquarters Agreement between the United Kingdom Government and the 1971 Fund was agreed, the 1971 Fund was a very small organisation with 14 Member States, the Secretariat was composed of five staff members and the Fund's activities were limited. The IOPC Funds have over the years seen a significant increase in the number of Member States to close to 100, and the activities of the Funds have expanded considerably. In the Director's view, it was therefore appropriate to reconsider a number of substantive issues dealt with in the Agreement. It would also, in his view, be appropriate to ensure that the texts of the new Headquarters Agreements for the 1992 Fund and for the Supplementary Fund are closely aligned and that they could be used without substantive amendments also for the International Hazardous and Noxious Substances Fund (HNS Fund), should the IOPC Funds and the HNS Fund have a joint Secretariat.

- 1.3 The Director agrees with the United Kingdom Government that there is no need to amend the Headquarters Agreement relating to the 1971 Fund since that Fund is being wound up.

2 Previous consideration by the Assemblies

- 2.1 At its 8th extraordinary session in May 2004, the 1992 Fund Assembly noted that, as instructed by it at its 8th session in October 2003, the Director had entered into consultations with the United Kingdom Government on the preparations of a Headquarters Agreement governing the relationship between the Host State and the Supplementary Fund. It was also noted that the Director was considering with the Government whether the 1992 Fund's Headquarters Agreement should be revised in the light of developments.
- 2.2 As reported to the March 2005 sessions of the Assemblies, the Director had submitted to the United Kingdom Government a draft text of a revised Headquarters Agreement for the 1992 Fund and a draft text of a Headquarters Agreement for the Supplementary Fund. As agreed with the United Kingdom Government, both texts had been drafted within the scope of the International Organisations Act 1968 (as amended). The draft texts followed, as closely as possible, the Headquarters Agreement between IMO and the United Kingdom Government, which was concluded in 2002. On some points it had been considered necessary to deviate from the IMO Agreement, mainly because the Funds were not a UN organisation like IMO, and also because some of the provisions of the IMO Headquarters Agreement were not relevant for the Funds. For example, the IMO Headquarters Agreement contains provisions on permanent representatives which the IOPC Funds do not have.
- 2.3 In January and February 2006 meetings were held between the Director and representatives of the United Kingdom Government. At the meetings the Government representatives agreed with the approach proposed by the Director, ie to follow the structure of the Headquarters Agreement between IMO and the United Kingdom Government. Agreement was reached on a number of points. However, the issue of exemption of professional staff from certain taxes had yet to be resolved.

3 Present situation as regards privileges and immunities of Fund staff

- 3.1 Under the 1992 Fund's Staff Regulations the salaries, allowances and grants and the conditions of entitlement thereto for all members of the Secretariat should conform whenever appropriate with the United Nations (UN) Common System as applied by IMO under its Staff Regulations and Staff Rules.
- 3.2 When a review was carried out in 2002 of the grading of posts within the 1992 Fund Secretariat, a consultant was used who was familiar with the UN system and the grading applied by IMO, in order to ensure that the level of post grading in respect of the 1992 Fund Secretariat corresponded to that within IMO for posts with similar levels of responsibility. Although all 1992 Fund staff are, like all IMO staff, exempt from income tax on their salaries, there is, however, a difference between the treatment of IMO staff and that of the Fund staff in respect of certain other taxes. Whereas under the IMO Headquarters Agreement IMO staff in the professional category (other than British citizens and staff permanently resident in the United Kingdom) are exempt also from certain other taxes, in particular local taxes, customs duties on imported articles and duties and VAT on petrol, under the 1992 Fund's Headquarters Agreement only the Director is exempt from such taxes.

- 3.3 In view of the existing policy for the Funds to follow whenever appropriate the UN Common System as applied by IMO, the Director has in his discussions with the United Kingdom Government aimed at the same benefits being awarded to professional grades in the Funds as apply to professional staff in the IMO.

4 Recent discussions with the United Kingdom Government

Immunities

- 4.1 Under the 1992 Fund Headquarters Agreement, the Director (unless he is a national or a permanent resident of the United Kingdom) shall enjoy the immunities to which a diplomatic agent is entitled, ie in respect of both acts done by him in the exercise of his functions and in respect of acts outside these functions.
- 4.2 IOPC Funds staff members other than the Director have immunity from jurisdiction in respect of acts done by them in the exercise of their functions, except in respect of motor traffic offences or damage caused by a motor vehicle driven by a staff member. They do not have any immunity in respect of acts outside their functions.
- 4.3 As regards IMO, the wider immunity referred to in paragraph 41 is enjoyed by the Secretary-General and six Directors at grade D2 level.
- 4.4 The United Kingdom Government has indicated that it is prepared to grant the wider immunity also to up to two persons who occupy the post of Deputy Director of the IOPC Funds (unless they are a national or a permanent resident of the United Kingdom).
- 4.5 Since the IOPC Funds' Secretariat is considerably smaller than that of IMO, the Director considers that the extension of the wider immunity to the Deputy Director or Deputy Directors offered by the United Kingdom Government is satisfactory.

Taxes

- 4.6 Under the 1992 Fund's Headquarters Agreement, the Director is exempt not only from income tax but also from certain indirect taxes, in particular local taxes, customs duties on imported articles and duties and VAT on petrol. Other Fund staff members are only exempt from income tax.
- 4.7 As regards IMO, all professional staff are exempt from indirect taxes unless they are United Kingdom citizens or permanently resident in the United Kingdom.
- 4.8 In the discussion with the United Kingdom Government the Director has proposed that the professional staff of the IOPC Funds (other than British citizens or staff permanently resident in the United Kingdom) should be given the same benefits in respect of exemption from certain taxes other than income tax as are enjoyed by IMO professional staff.
- 4.9 The United Kingdom Government has indicated that it is prepared to extend the exemption from certain taxes other than income tax only to up to two Deputy Directors.
- 4.10 The United Kingdom Government has pointed out that the professional staff of IMO enjoy exemption from indirect taxes only because IMO was a United Nations Specialised Agency, which had its Headquarters in the United Kingdom, and that the provisions of the IMO Headquarters Agreement were in substance in conformity with the Convention on the Privileges

and Immunities of the Specialised Agencies of the United Nations, signed in 1947, under which the Government already accorded certain immunities and privileges to the Organisation. The United Kingdom Government has also pointed out that, as the IOPC Funds are not part of the United Nations system, this Convention was not relevant and that therefore certain benefits embedded in the Convention could not be accorded to the IOPC Funds or its staff. It has been mentioned that this was in line with the privileges and exemptions accorded in the Headquarters Agreements of some 35 other intergovernmental organisations not belonging to the United Nations family and based in the United Kingdom. In view of the explanations given by the United Kingdom Government the Director considers that the 1992 Fund and the Supplementary Fund should accept the position by the United Kingdom Government that the exemptions from certain taxes other than income tax only be extended to up to two Deputy Directors.

5 Director's proposal

- 5.1 In the light of the foregoing the Director submits the texts of the draft Headquarters Agreements for the 1992 Fund and the Supplementary Fund reproduced in Annexes I and II to the Assemblies for consideration, with his recommendation that they be approved.
- 5.2 It should be noted that neither the Director nor the Director Elect see the need for more than one Deputy Director, at least not for the time being; however, the Director considered it nevertheless prudent to accept the extension of the privileges and immunities to up to two Deputy Directors.
- 5.3 The Headquarters Agreements will have to be submitted by the United Kingdom Government to Parliament for approval and implementation by an Order in Council.

6 Action to be taken by the Assemblies

The Assemblies are invited:

- (a) to take note of the information contained in this document; and
- (b) to consider the draft texts of the Headquarters Agreements which have been agreed by the Director with the United Kingdom Government on a provisional basis.

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.

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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.
