

HEADQUARTERS AGREEMENT WITH EXCHANGE OF LETTERS

BETWEEN

THE KINGDOM OF BELGIUM

AND

THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION – INTERPOL

(ICPO – INTERPOL)

The Kingdom of Belgium, hereinafter referred to as “Belgium”, represented by:

- the Federal Government,
- the Flemish Government,
- the Government of the French Community,
- the Walloon Government,
- the Government of the Brussels-Capital Region,
- the Government of the German-speaking Community;

and

The International Criminal Police Organization - INTERPOL, hereinafter referred to as “the Organization”;

Considering that the International Criminal Police Organization – INTERPOL is a recognised international intergovernmental organisation;

Responding to the desire of the Organization to establish a Liaison Office in Belgium, hereinafter referred to as “the Office”;

Considering that it is desirable that INTERPOL can enjoy the privileges and immunities that are usually granted to international organisations who established an office on Belgian territory;

Wishing to conclude an agreement to determine the privileges and immunities necessary for the functioning of the Office and for the successful accomplishment of the official mission of its staff;

Have agreed as follows:

CHAPTER I

LEGAL PERSONALITY, PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION - INTERPOL

Article 1

For the purpose of this Agreement:

- a) "the Office" means the liaison office of the Organization, officially established in Belgium;
- b) "the official activities of the Office" means the activities that are necessary for the accomplishment in Belgium by the Office of the objectives and the statutory missions of general interest the office was charged with by the Organization;
- c) "the official use" means the actions as well as the acquisition of goods or services that are indispensable for the performance by the Office of its official activities in Belgium, or that are necessary for its good functioning, and the costs of which are finally paid for by the Organization;
- d) "the archives" means all records, correspondence, documents, manuscripts, computer and media data, databases, photographs, films, video and sound recordings belonging to or held by the Office or by its staff members within the scope of its official activities;
- e) "the premises of the Office" are the land and the buildings or parts of buildings used exclusively for the exercising of the official activities of the Office;
- f) "the Head of the Office" means the highest ranking staff member of the Office;
- g) "the staff members of the Office" include the following categories:
 - i. the Secretary General, the highest ranking staff member of the Organization;
 - ii. the staff members, seconded to the Organization by their national administration, and engaged and appointed by INTERPOL in accordance with the provisions of the Staff Regulations of INTERPOL;
 - iii. the staff members of the Organization, engaged directly and paid by INTERPOL, who hold a permanent or a temporary position on the staff of the Organization, and are known as "contractual staff members".

Article 2

The Organization shall have international legal personality and capacity.

Article 3

Within the scope of its official activities the Organization shall enjoy immunity from jurisdiction and execution, except that the immunity of the Organization shall not apply:

- a) to the extent that the Organization shall have expressly waived such immunity in a particular case;
- b) in respect of a civil action by a third party relating to persons or goods, insofar as this civil action is not directly connected with the official activities of the Organization;

- c) in respect of a civil action by a third party for damage caused by a motor vehicle belonging to, or operated on behalf of, the Organization or in respect of a motor traffic offence involving such a vehicle;
- d) the seizure, pursuant to the final order of a court of law, of the salaries and emoluments owed by the Organization to a staff member;
- e) in respect of any counter-claim directly connected with court proceedings initiated by the Organization;
- f) in respect of the enforcement of an arbitration award made in accordance with article 32 of the present Agreement.

Article 4

1. The property and assets of the Organization used for the exercise of the official activities of the Office may not be subject to any form of requisition, confiscation, sequestration nor to any other form of seizure or constraint.
2. Should any form of expropriation be necessary, all appropriate action will be taken to prevent the exercising of the activities of the Office being impeded in any way. In this case Belgium will give its assistance to enable relocation of the Office.

Article 5

The archives of the Organization shall be inviolable.

Article 6

1. The premises of the Office are inviolable. Permission by the Head of the Office or any other authorized representative of the Office shall be required for access to its premises.
2. This permission, however, shall be assumed to be given in case of emergencies requiring prompt protective action.
3. Belgium shall take all appropriate measures to prevent invasion or damage to the Office premises, to prevent the peace of the Office being disturbed or its dignity being diminished in any way.

Article 7

Freedom of communication for its official purposes shall be guaranteed to the Office. Its official correspondence shall be inviolable and may not be censored. The Organization is allowed to use codes.

Article 8

Without prejudice to the provisions of international treaties and to the obligations arising for Belgium from the treaties concerning the European Union, the Organization may:

- a) receive and hold funds and currency of any kind and operate accounts in all currencies;
- b) freely transfer its funds and currencies within the Belgian territory, from Belgium abroad or from abroad to Belgium.

Article 9

1. The Organization, its property, its incomes and other goods destined for its official use shall be exempt from all direct taxes.
2. No exemption from direct taxes shall be granted for incomes of the Organization which originate from an economical, industrial or commercial activity exercised by the Office or by one of its members on behalf of the Organization.

Article 10

When the Organization makes substantial purchases of movable or immovable goods or has substantial services performed that are strictly necessary for the exercise of its official activities in Belgium and where the price includes indirect taxes or VAT, appropriate measures shall be taken whenever possible with a view to the remission or reimbursement of the amount of these taxes.

Article 11

Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and the application of the Belgian legal and regulatory provisions regarding public order, security, health or morals, the Organization may import all goods and publications destined for its official use in Belgium.

Article 12

The Organization shall be exempt of all indirect taxes regarding goods imported, acquired or exported by it or in its name for its official use in Belgium.

Article 13

The Organization shall be exempt from all indirect taxes regarding the official publications that it receives or sends abroad for its official use.

Article 14

In order to avoid that the application of the exemptions should result in any distortion of competition, no exemption of duties or of indirect taxes is granted for activities or for the acquisition of goods or services that are destined:

- for any other professional activity than the official use of the Office;
- for an economical, an industrial or a commercial activity exercised by the Office or by one of its staff members for the Office, for the Organization or for a Member State of the Organization;
- for an activity exercised within the scope of a programme of an other international organisation;
- for the personal advantage of staff members of the Office.

Article 15

The goods belonging to the Organization cannot be disposed of in Belgium except under conditions defined by Belgian laws and regulations.

Article 16

The Organization shall not be exempt from taxes and duties that are, in fact, no more than charges for public utility services.

Article 17

Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and the application of Belgian laws and regulations, the conditions and modes for the application of articles 9, 10, 11, 12, 13, 14 and 15 shall be determined by the authorities competent for fiscal matters.

CHAPTER II

LEGAL POSITION OF STAFF MEMBERS

Article 18

Representatives of the Member States, the staff of the General Secretariat of the Organization, the members of the Executive Committee of the Organization and their delegations, as well as the members and persons exercising official functions at the Commission for the Control of INTERPOL's Files, shall enjoy on the Belgian territory, while exercising their functions and during their journeys to and from the place of the meeting, the following privileges and immunities:

- a) immunity from personal arrest or detention and from seizure of their personal baggage, except when caught in flagrante delicto;
- b) immunity from legal process in respect of acts done by them, including words spoken or written;
- c) inviolability for all official papers and documents;
- d) the same facilities with respect to currency or exchange restrictions as are accorded to persons on temporary missions.

Article 19

1. The Head of the Office and his/her assistant shall enjoy the immunities, privileges and facilities granted to the members of the diplomatic personnel of diplomatic missions. Their legal partner and their minor children, both dependent and living under the same roof, shall enjoy the privileges granted to the legal partners and to the minor children of the diplomatic personnel.
2. In addition to the privileges provided for in article 18, the Secretary General of INTERPOL, as well as his legal partner and his children, shall enjoy the facilities granted to diplomatic envoys.

Article 20

1. All staff members of the Office, including those mentioned in article 19 of this Agreement, shall enjoy exemption from all taxes on salaries, emoluments and indemnities paid to them by the organization; Belgium reserves for itself the right to take into account the said salaries, emoluments and indemnities for calculating the amount of tax to be levied on the taxable income originating from other sources.

The conditions and the modes for the application of this paragraph shall be determined by the Minister of Finance of the Belgian government.

2. Concerning the staff members seconded to the Organization by their national administration and engaged by INTERPOL in accordance with articles 2.1 *et seq* of the Staff Regulations of INTERPOL, the Belgian fiscal administration shall, without prejudice to the agreements preventing double taxation concluded by Belgium and without prejudice to the existing reciprocity agreements between Belgium and certain States, make every effort, on condition of reciprocity and under the conditions mentioned in articles 4 and 231 of the income tax code, to resolve the cases of double taxation on the salaries and emoluments payed to these persons by the States, political subdivisions or local authorities.
3. All staff members of the Office shall enjoy the facilities accorded to officials of international organisations in respect of currency or exchange regulations.
4. All staff members of the Office shall enjoy:
 - a) legal immunity for acts performed in their official capacity, including words written or spoken; such immunity shall apply even after they have left the service;
 - b) inviolability of all official papers and documents.
5. All staff members shall enjoy, together with their legal partner and dependent minor children, living under the same roof, the same repatriation facilities in times of international crises as diplomatic envoys.
6. All staff members of the Office, as well as their legal partner and their dependent minor children, living under the same roof, shall enjoy exemption from measures restricting immigration and from aliens registration formalities. This exemption shall be given in accordance with Belgian legislation on the matter.
7. For the exercising of their official functions within the Office, the staff members of the Office shall not be subject to Belgian legislation on employment of foreign workers and independents.
8. The Office shall notify the Protocol Service of the Federal Public Service Foreign Affairs of the arrival and final departure of its staff members and shall also provide the following specific information about all its staff members and other servants:
 - a) surname and first name
 - b) place and date of birth
 - c) sex
 - d) nationality
 - e) permanent residence (country, town, street, number)
 - f) civil status
 - g) composition of the family
 - h) the social security scheme applicable to the staff memberThe Protocol Service of the Federal Public Service Foreign Affairs shall be notified, within two weeks, of any changes to the above-mentioned data.

Article 21

1. Experts on missions of the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective and independent exercise of their functions including the time spent on journeys in connection with such functions:
 - a) immunity from personal arrest or detention and from seizure of their personal baggage;
 - b) in respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer performing official functions for the Organization;
 - c) inviolability for all official papers and documents;
 - d) for the purposes of their communications with the Organization, the right to use codes and to send or receive papers or correspondence by courier or in sealed bags;
 - e) the same facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and
 - f) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.
2. The privileges and immunities are accorded to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. It is the duty of all persons enjoying such privileges and immunities to respect the Belgian laws and regulations. The Organization shall have the right and the duty to waive the immunity of any of its experts in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article 22

The provisions of article 20.1 shall not apply to pensions and annuities paid by the Organization to its former officials in Belgium or to their successors nor to salaries, emoluments and indemnities paid by the Organization or by the Office to its servants engaged for a period of less than one year or who do not occupy a permanent position at the Organization considering the mission and the statutory regulations of that Organization.

Article 23

1. Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and to the application of laws and regulations, the officials of the Office, except the persons referred to in Article 19, shall enjoy the right, during a period of twelve months following their first taking up their duties in Belgium, to import or purchase, in exemption of import duties and value added tax (VAT), furniture and a motor vehicle for their personal use in Belgium.
2. The Minister for Finance of the Belgian government shall determine the limits and conditions under which this Article applies.

Article 24

1. Belgium shall not be bound to extend to its own nationals or to permanent residents the advantages, privileges and immunities granted in article 20, except for those provided for in article 20.1, 20.4 and 21.1 b), c) and d).
2. Without prejudice to article 20.2, Belgium shall not be bound to extend the privilege provided for in article 20.1 to staff members appointed or engaged for a period of less than one year; article 20.4, on the other hand, will be applicable to all staff members.
3. Belgium shall not be bound to extend the advantages of article 23 to contractual staff members, engaged or appointed by INTERPOL for a period of less than one year, nor to seconded staff members other than those mentioned in article 1, nor to experts.

Article 25

1. The Office shall issue, before the 1st of March of each year, to its staff members a form specifying, besides their names and addresses, the amount of the salaries, emoluments and indemnities, pensions or annuities paid to them by the Organization or by the Office during the course of the previous year.
2. Besides, the Office shall send before the same date a duplicate of this form directly to the competent Belgian fiscal administration.

CHAPTER III

GENERAL PROVISIONS

Article 26

The privileges and immunities are granted to the staff members of the Office only in the interest of the Organization and not for their personal advantage. The Secretary General of the Organization shall waive all immunity whenever the immunity would impede the course of justice and such waiver does not prejudice the proper functioning of the Office.

Article 27

Without prejudice to the rights conferred upon the Organization and its staff members by this Agreement, Belgium reserves the right to take all necessary precautions in the interest of its national security and public order.

Article 28

1. The persons mentioned in articles 19, 20 and 21 of this agreement shall not enjoy any legal immunity regarding motor traffic offences or damages caused by a motor vehicle.
2. The Organization, its staff members and its experts shall comply with all obligations imposed by Belgian legislation concerning civil liability insurance for the use of any motor vehicle.

Article 29

The Organization, its staff members and its experts shall co-operate at all times with the appropriate Belgian authorities to facilitate the proper administration of justice, to ensure observation of police regulations and to prevent the occurrence of any abuse in connection with the immunities, privileges and facilities provided for in this Agreement.

Article 30

The Organization and all its staff members shall observe Belgian laws and regulations and judgments rendered against them.

Article 31

Belgium shall have no international responsibility whatsoever for the activities of the Organization on its territory as regards the acts or omissions of the Organization or of its staff members and its experts acting or failing to act in the exercise of their functions.

Article 32

1. Any difference of views regarding the application or interpretation of this Agreement, which cannot be resolved through direct negotiations between the Parties, may be submitted, by one of the Parties, to an arbitral tribunal composed of three members.
2. The Parties shall each appoint one arbitrator.
3. The third arbitrator shall be appointed by both Parties upon consultation.
4. The third arbitrator shall be the President of the arbitral tribunal.
5. In case of disagreement on the choice of the third arbitrator, the third arbitrator shall be appointed by the President of the International Court of Justice at the request of the Parties.
6. The dispute shall be brought to the arbitral tribunal upon application of either Party.
7. The arbitral tribunal shall determine its own procedure.

CHAPTER IV

FINAL PROVISIONS

Article 33

The Organization will inform the Host nation of any modification of its statutes or of the closure of the Office.

Article 34

Both Parties shall notify each other of the completion of the internal constitutional and legal procedures required for the entry into force of this Agreement.

The Agreement shall enter into force on the first day of the second month following the date of exchange of the last notification with effect to the date of the establishment of the Office of INTERPOL in Belgium on 1 January 2012, except as regards articles 3 and 20.4.

This Agreement can be revised at the request of one of the Parties.

IN WITNESS WHEREOF, the Representatives of the Kingdom of Belgium and of the International Criminal Police Organization - INTERPOL have signed this Agreement with exchange of letters.

DONE in duplicate, in the English, French and Dutch languages, the French and English texts being equally authentic.

For the Government of the Kingdom of Belgium,
represented by:
the Federal Government,
the Flemish Government,
the Government of the French Community,
the Walloon Government,
the Government of the Brussels-Capital Region,
the Government of the German-speaking Community:

For the International Criminal Police Organization - INTERPOL:



Peter MARTIN
President CIPS-ICZ

in... Brussels

on... 24/10/2014



Ronald K. NOBLE
Secretary General

in... Lyon

on... 14/10/2014