ORGANISATION EUROPÉENNE POUR LA RECHERCHE NUCLÉAIRE

CERN EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

AGREEMENT BETWEEN

THE GOVERNMENT OF THE FRENCH REPUBLIC

AND THE EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

CONCERNING THE LEGAL STATUS OF THE SAID ORGANIZATION

IN FRANCE

The European Organization for Nuclear Research (CERN), established by a Convention signed in Paris on 1st July, 1953, has its seat in Geneva. Its status in Switzerland is defined by an Agreement with the Swiss Federal Council, dated 11 June, 1955.

In 1965, following the development of the Organization, its site was extended into French territory. To this end, on 13 September, 1965, a Lease Agreement was concluded and an Agreement defining the Organization's status on French territory was signed.

On the same date, a Convention was concluded between the Swiss Federal Council and the Government of the French Republic relating to the extension of the Organization's site on French territory.

In 1971, for the same reasons, a further extension of the Organization's site on to French territory took place. To this effect, the aforementioned Status Agreement was revised. In addition, on 9 December, 1972, the 1965 Lease Agreement was amended and a new Lease Agreement was signed.

The present document gives the text of the Agreement between the Government of the French Republic and the European Organization for Nuclear Research concerning the legal status of the said Organization in France, signed at Geneva on 16 June, 1972, which entered into force on 8 March, 1973, and constitutes revision of the 1965 Status Agreement.

Geneva, 30 August, 1973

A G R E E M E N T

between

the Government of the French Republic

and

the European Organization for Nuclear Research

concerning the legal status of the said Organization in France

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The Government of the French Republic,

of the one part,

the European Organization for Nuclear Research, hereinafter referred to as "the Organization",

of the other,

WHEREAS, on 1st July, 1953, a Convention was signed in Paris for the establishment of the European Organization for Nuclear Research,

WHEREAS it is laid down in the second paragraph of Article I of that Convention that "the seat of the Organization shall be at Geneva" and the Organization has concluded an Agreement with the Swiss Federal Council determining the legal status of the Organization in Switzerland,

CONSIDERING that, because of the development of the activities of the Organization, it has become necessary to extend its site, and that the Government of the French Republic, in order to help the Organization accomplish its task, has once already placed at its disposal land contiguous to that which it occupies in Switzerland and that, to this

end, agreements were concluded on 13th September, 1965, between the Government of the French Republic and the Organization concerning the legal status of the Organization on French territory together with a lease making land available, and also between the Government of the French Republic and the Swiss Federal Council concerning the extension of the Organization's site on to French territory,

WHEREAS the Convention of 1st July, 1953, was revised to allow for the execution of a programme for the construction and operation of a laboratory to include a proton synchrotron for energies of about three hundred gigaelectronvolts and the Convention, as amended, hereinafter referred to as "the Convention", entered into force on 17th January, 1971,

WHEREAS the Government of the French Republic, in order to facilitate the execution of this major programme, most of which is to be carried out on French territory, has once more agreed to place at the Organization's disposal a piece of land contiguous to its existing site, to which purpose a Lease Agreement will be concluded,

CONSIDERING that the extension of the Organization's site in France and the increased scope of its activities on French territory justify a revision of its present legal status as defined in the Agreement of 13th September, 1965, between the Government of the French Republic and the Organization,

BY VIRTUE of the provisions of Article XXIII of the aforementioned Agreement of 13th September, 1965, and observing the provisions of the Convention,

HAVE AGREED AS FOLLOWS:

ARTICLE I

The Organization shall enjoy the immunities and privileges generally granted to intergovernmental organizations under international law in order to help them to carry out their functions.

ARTICLE II

1. The Government of the French Republic shall recognize the legal personality of the Organization and its capacity to contract, to acquire and dispose of immovable and movable property necessary for the exercise of its functions and to institute legal proceedings.

2. The whole site on which the Organization exercises the functions for which it was established shall be placed under its authority and control. The Organization consequently shall have the right to issue internal rules applicable to the whole of its site and intended to establish thereon the conditions necessary for the exercise of its functions.

ARTICLE III

1. The buildings, enclosed premises and underground installations of the Organization shall be inviolable.

2. Within the limits of the aforementioned buildings, enclosed premises and installations, the execution of legal process, including seizure of private property, shall be subject to the prior consent of and to conditions approved by the Director-General of the Organization or the person acting in his stead.

3. Without prejudice to the provisions of the present Agreement, the Organization shall not allow the aforementioned buildings, enclosed premises and installations to serve as a refuge to a person sought for the execution of a judicial decision or wanted for committing, attempting to commit or just having committed a crime or for whom a warrant of arrest or a deportation order has been issued.

4. The terms of execution of legal, police or customs measures of any of the kinds mentioned in the previous paragraph, to be carried out by a French official on a part of the site of the Organization situate on Swiss territory or vice versa shall form the subject of an agreement between the two Governments concerned which will settle this special problem in a reciprocal manner and will take into account the various interests and prerogatives concerned.

ARTICLE IV

1. Arrangements between the two parties shall specify appropriate ways of safeguarding the right of the French authorities to control the movement of persons and goods between French and Swiss territory by way of the Organization's site.

2. (a) In so far as it is its concern, the Government of the French Republic shall ensure the protection of the Organization's land and the maintenance of order in its immediate vicinity.

(b) At the request of the Director-General of the Organization or of the person acting in his stead, the French authorities shall, within the means at their disposal, give the assistance of the necessary police forces to maintain order within the Organization's site.

(c) In the event of the French or Swiss police forces being used, without distinction as to nationality in certain parts of the land forming the whole site of the Organization, the agreement provided for in paragraph 4 of Article III shall determine the conditions governing the use of the said forces.

ARTICLE V

1. The competent French authorities shall, at the request of the Director-General or of the person acting in his stead, endeavour to arrange for the provision of the necessary public utility services under fair terms.

2. For the provision of all public utility services by the Government of the French Republic or by the bodies under its control the Organization shall enjoy the same price reductions as are granted to the French Government departments.

3. In the event of these services being wholly or partially interrupted owing to force majeure, the Organization shall be granted the same priority for its requirements as the French Government departments.

ARTICLE VI

1. The Organization, its property, funds and assets shall enjoy immunity from legal process, except in so far as this immunity is specifically waived in a particular case by the Director-General of the Organization or the person acting in his stead. However, if the Organization institutes proceedings, it may no longer invoke immunity from legal process concerning any counter-claim directly connected with the main claim.

2. Waiver of immunity from legal process shall not imply waiver of immunity from the execution of judgement, which must always be waived separately.

ARTICLE VII

The inviolability of the official correspondence of the Organization shall be guaranteed. Its official communications may not be censored and it may use codes and also forward and receive correspondence by courier or sealed bag enjoying the usual privileges and immunities.

ARTICLE VIII

1. The property and assets of the Organization wherever they may be shall enjoy immunity from perquisition, confiscation, requisition and expropriation or any other form of constraint.

2. The archives of the Organization and, in general, all documents belonging to it or in its possession shall be inviolable wherever they may be.

ARTICLE IX

1. The Organization, its assets and income and other property shall be exempt from all direct taxation. The Organization, however, shall pay charges for services rendered.

2. The Organization shall be exempt from all customs duties and charges and sales taxes other than charges for services rendered, on the

import or export of materials and equipment needed for its administrative and scientific functions in accordance with the Convention.

Articles included in the categories of goods referred to in the preceding sub-paragraph shall also be exempt from all import and export prohibitions and restrictions.

3. The Organization shall be exempt from the incidence of sales taxes forming part of the price of goods sold or services rendered to it for its administrative and scientific functions in accordance with the Convention.

4. Objects acquired or imported by the Organization free from duties and taxes may be disposed of or loaned for profit on French territory only on terms to be fixed by agreement between the Government of the French Republic and the Organization.

5. The facilities mentioned in the present Article shall not apply to purchases and imports of goods intended exclusively for the personal use of officials of the Organization.

6. The method of implementation of the provisions of the present Article shall be defined by agreement between the Government of the French Republic and the Organization.

ARTICLE X

1. The Organization may freely receive, hold and transfer, inside French territory and from France to another country or vice versa, funds, money or currencies and keep accounts in any currency.

2. Subject to the regulations in force in France, it may, under the same conditions, inside French territory and from France to another country or vice versa, receive, hold and transfer securities necessary for the exercise of its functions.

3. In the exercise of the rights granted to it under the present Article the Organization shall take into account any representation made by the Government of the French Republic and which is not prejudicial to its own interests.

ARTICLE XI

1. The competent French authorities shall facilitate the transit to or from the seat of the Organization of all persons called upon to discharge official duties there or who are invited by the Organization.

2. The members of the delegations of the States party to the Convention, whatever may be the relations existing between France and the said States, the Director-General and the members of the staff of the Organization, and the persons, whatever their nationality, summoned by the Organization, and their spouses, are authorized by the Government of the French Republic, without visa charges or delay, to enter into and sojourn in France for the duration of their duties with or missions to the Organization.

3. The persons referred to in paragraph 2 shall not be exonerated from the quarantine or public health regulations in force.

4. Members of the delegations of the States party to the Convention shall in the exercise of their functions and in the course of their journeys to and from the place of meeting enjoy the following privileges and immunities:

(a) immunity from personal arrest and detention, and from seizure of their personal luggage, except when found committing, attempting to commit or just having committed a crime;

(b) immunity from jurisdiction, even after the termination of their mission, in respect of acts, including words spoken and written, performed by them in the exercise of their functions;

(c) inviolability for all their official papers and documents;

(d) the right to use codes and to receive documents or correspondence by courier or sealed bag;

(e) the same facilities in the matter of currency and exchange control as are accorded to the representatives of foreign Governments on temporary official missions;

(f) the same customs facilities as regards their personal luggage as are accorded to diplomatic agents.

5. Privileges and immunities are accorded to members of the delegations of the States party to the Convention not for their personal advantage but in order to ensure complete independence in the exercise of their functions in connection with the Organization. Consequently, a Member State of the Organization has not only the right but also the duty to waive the immunity of its representative in all cases where, in the opinion of that State, the immunity would impede the course of justice and where it can be waived without prejudicing the purpose for which it was accorded.

6. Persons of French nationality shall not be entitled to benefit from any of the provisions of paragraph 4 of the present Article.

7. The provisions of paragraphs 1 and 2 of the present Article shall not prejudice the right of the Government of the French Republic to take such measures in individual cases as it may deem necessary to preserve public order.

ARTICLE XII

In addition to the privileges and immunities laid down in Articles XIII et XIV, the Director-General, or the person acting in his stead, pursuant to Article VI. 1 (b) of the Convention, shall enjoy the privileges and immunities accorded to diplomatic agents of comparable rank. However, if the Director-General is of French nationality or is permanently resident in France, he shall benefit only from the provisions of Article XIII.

ARTICLE XIII

1. The employees of the Organization shall enjoy immunity in France from any legal proceedings for acts performed by them in the exercise of their functions and within the limits of their duties.

2. This immunity shall not apply, however, in the case of a road traffic offence committed by an employee of the Organization, nor in the case of damage caused by a motor vehicle belonging to or driven by him.

ARTICLE XIV

1. The officials of the Organization:

(a) shall be exempt in France from any direct taxation on salaries and emoluments paid by the Organization;

(b) shall be exempt from any obligation relating to military service or from any other obligatory service in France;

(c) shall, together with their spouse and members of their family dependent on them, not be subject to immigration restrictions; they shall be granted a special residence permit issued by the French authorities on conditions identical to those applicable to officials of international organizations having their seat in France;

(d) shall enjoy the same privileges concerning currency exchange facilities as are granted to the members of diplomatic missions;

(e) shall enjoy, together with their spouse and members of their family dependent on them, the same repatriation facilities as are granted to members of diplomatic missions in a time of international tension;

(f) if formerly resident outside France, shall enjoy the right to import their furniture and personal effects free of customs duty upon their first installation in France;

(g) shall benefit from the system of temporary duty-free import for their motor vehicle.

2. The Government of the French Republic shall not be obliged to grant the privileges and immunities specified in the present Article to its own nationals or persons permanently resident in France.

ARTICLE XV

The inviolability of the buildings and enclosed premises of the Organization and of its underground installations and the privileges and immunities laid down in the present Agreement are accorded in the interests of the Organization and not for personal benefit. The Director-General of the Organization or the person acting in his stead shall consent

to waive the immunity granted to an official or the inviolability of the buildings, enclosed premises and underground installations of the Organization in all cases in which he considers that the maintenance of these privileges would impede the course of justice and the said privileges can be waived without prejudice to the interests of the Organization. In the case of the Director-General himself, only the Council of the Organization shall be entitled to waive the immunities by which he is covered.

ARTICLE XVI

1. The Government of the French Republic shall issue to officials of the Organization not resident in France, whatever their nationality, a document attesting their status within the Organization.

2. The Organization shall inform the Government of the French Republic in due course of the names of the persons referred to in Articles XI, XII, XIII, XIV, XVI and XVII respectively.

ARTICLE XVII

1. The provisions of Article XIII shall apply to experts called in by the Organization when they exercise functions in the Organization or carry out missions on its behalf.

2. The Director-General of the Organization or the person acting in his stead shall consent to waive the immunity of an expert, when he considers that this can be done without prejudice to the interests of the Organization.

ARTICLE XVIII

The Organization shall co-operate with the competent French authorities in order to facilitate the proper administration of justice, secure the execution of police regulations and avoid any abuse in connection with the immunities and facilities provided for by the present Agreement.

ARTICLE XIX

1. The Organization shall lay down appropriate rules for the settlement of disputes arising out of contracts to which the Organization is a party.

2. If immunity has not been waived in application of the provisions of Articles VI and XV of the present Agreement, disputes, other than those mentioned in the previous paragraph, involving the Organization or one of its officials who enjoys immunity on account of his official position, shall be submitted to arbitration.

ARTICLE XX

Any dispute which may arise between the Organization and the Government of the French Republic concerning the interpretation or application of the present Agreement and which cannot be settled by direct negotiation shall, unless the parties agree to another method of settlement, be submitted at the request of any one of them to an arbitration tribunal composed of three members, namely an arbitrator chosen by the Director-General of the Organization or the person acting in his stead, an arbitrator chosen by the Government of the French Republic

and a third arbitrator chosen jointly by the two others, who should be neither an official of the Organization nor a French national and who shall be Chairman of the tribunal.

The application shall include the name of the arbitrator chosen by the applicant; the respondent shall appoint his arbitrator and inform the other party of his name within two months of receiving the application. If the respondent fails to notify the name of his arbitrator within the said period of two months or if the two arbitrators fail to agree on the choice of a third arbitrator within two months of the last arbitrator having been appointed, the arbitrator or the third arbitrator, as the case may be, shall be chosen by the President of the International Court of Justice, at the request of whichever party is first to apply to the Court.

The tribunal shall establish its own rules of procedure. Its decisions shall be binding on the parties and the parties shall have no right of appeal.

ARTICLE XXI

By reason of the activities of the Organization on French territory France shall not incur any international responsibility for acts or omissions of the said Organization or of its agents in the exercise of their functions.

ARTICLE XXII

1. Nothing in the present Agreement shall affect the right of the Government of the French Republic to take appropriate measures for the security of France.

2. If the Government of the French Republic considers it necessary to avail itself of this right, it shall approach the Organization as soon as circumstances allow, in order to determine by mutual agreement the steps necessary to protect the interests of the Organization.

3. The Organization shall collaborate with the French authorities to avoid any prejudice to the security of France resulting from its activities.

ARTICLE XXIII

At the request of either party, negotiations shall take place to modify or supplement the present Agreement. Should such negotiations not lead to an agreement, the present Agreement may be terminated by either party giving two years' notice.

ARTICLE XXIV

The present Agreement shall constitute revision of the Agreement of 13th September, 1965, between the Government of the French Republic and the European Organization for Nuclear Research concerning the legal status of the said Organization on French territory.

Each party shall notify the other of its approval of the present Agreement, which shall come into force on the thirtieth day following the day on which the last notification has been received.

Done in duplicate, in the English and French languages, both texts being equally authentic, and signed at Meyrin (Geneva), on this sixteenth day of June, 1972.

For the Government of the French Republic:	For the European Organization for Nuclear Research:	
Gilles Curien Minister Plenipotentiary	Willibald Jentschke Director-General	John Adams Director-General