

HEADQUARTERS AGREEMENT

BETWEEN

THE KINGDOM OF BELGIUM

AND

THE OFFICE INTERNATIONAL DES EPIZOOTIES

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THE KINGDOM OF BELGIUM,
hereinafter referred to as “Belgium”,
represented by:

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

and

THE OFFICE INTERNATIONAL DES EPIZOOTIES,
(Common name: World Organisation for Animal Health; Resolution adopted by the International Committee of the OIE on 23 May 2003),
hereinafter referred to as “the OIE”;
represented by the Director General, Dr Bernard Vallat

HAVING REGARD TO the International Agreement for the creation of an Office International des Epizooties in Paris, dated 25 January 1924, hereinafter referred to as “the Treaty”;

RESPONDING TO the desire of the OIE to establish a Sub-Regional Representation in Belgium, hereinafter referred to as “the Office”;

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 mission of its staff;

CONSIDERING THAT Belgium recognises the international legal personality of the OIE;

CONSIDERING THAT these privileges and immunities are granted to the Office and its staff in the interest of its independence and its good functioning in Belgium, and that the Office and its staff shall always comply with Belgian laws and regulations;

HAVE AGREED as follows:

CHAPTER I

PERSONALITY, PRIVILEGES AND IMMUNITIES OF THE OIE OFFICE

Article 1

For the purpose of this Agreement,

- a) “the Office” means the OIE Sub-Regional Representation, 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 it has been charged with by the OIE in accordance with the provisions of the Treaty;
- 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 OIE;
- 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 personnel within the scope of their official activities in Belgium;
- e) “the premises of the Office” means the land and the buildings or parts of buildings used exclusively for the exercising of official activities of the Office in Belgium;
- f) “Head of the Office” means the highest ranking official of the Office;
- g) “staff members of the Office” means
 - i. the officials of the OIE Office or the agents recruited under contract by the OIE for a period of more than one year and remunerated by the OIE;
 - ii. the agents placed at the disposal of the OIE by a Member State of the OIE for a period of more than one year and remunerated by their State of origin.

Article 2

The Office shall have legal capacity, and in particular the capacity to:

- conclude contracts;
- acquire and dispose of movable and immovable property;
- institute and participate in legal proceedings.

Article 3

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

- a) to the extent that the OIE 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 OIE;
- 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 OIE or in respect of a motor traffic offence involving such a vehicle;
- d) the attachment, pursuant to the final order of a court of law, of the salaries and emoluments owed by the OIE to a staff member;
- e) in respect of any counter-claim directly connected with court proceedings initiated by the OIE;
- f) in respect of the enforcement of an arbitration award made in accordance with Article 30 of the present Agreement.

Article 4

1. The properties and assets of the OIE used for the exercising 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 functions of the Office being impeded in any way. In this case Belgium shall give its assistance to enable relocation of the Office.

Article 5

The archives of the Office shall be inviolable.

Article 6

1. The premises of the Office shall be inviolable. Permission by the Head 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 of 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 within the scope of its official activities shall be guaranteed to the Office. Its official correspondence shall be inviolable.

Article 8

1. Without prejudice to the international provisions and to the relevant provisions of the European Union, the Office may hold currency of any kind and operate accounts in all currencies insofar as necessary for the execution of its official activities.
2. Belgium undertakes to grant the Office all authorisations necessary to freely transfer, according to the modalities provided for in the applicable national regulations and international agreements, funds necessary for the setting up, the operation or the closing down of the Office.

Article 9

1. The Office, its assets, income and other property allocated for its official use, shall be exempt from all direct taxes.
2. No exemption from direct taxes shall be granted for revenues that the Office receives from any industrial or commercial activity carried on by the Office or by one of its members on behalf of the Office.

Article 10

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

Article 11

Upon purchase by the Office of substantial real or personal property, or important services strictly necessary for the performance of its official functions, the price of which includes indirect duties or VAT, appropriate measures shall be taken to the extent possible on each such occasion for the purpose of remitting or refunding the amount of such duties or taxes.

Article 12

The Office shall be exempt from all indirect taxes in respect of goods imported, acquired or exported by it or on its behalf for its own official use.

Article 13

The Office shall be exempt from all indirect taxes in respect of official publications sent to it or that it sends abroad.

Article 14

In order to avoid the application of exemptions having the effect of distorting competition, no exemption from duties and indirect taxes shall be granted for actions and acquisitions of goods or services intended either:

- for a professional activity other than the official use of the Office;
- for an industrial or commercial activity that may be engaged in by the Office or by one of its members on behalf of the Office or on behalf of the OIE or a Member State of the OIE;
- for an activity engaged in within the framework of a programme of another international organisation; or
- for the personal benefit of staff members of the Office.

Article 15

Property belonging to the Office may only be sold in Belgium if the sale complies with the conditions laid down in Belgian laws and regulations.

Article 16

The Office shall not be exempt from taxes and dues which amount merely to charges for public utility services.

Article 17

Without prejudice to the obligations arising for Belgium from treaties relating to the European Union and the application of Belgian legal and regulatory provisions, the conditions and modalities for the application of Articles 8, 9, 10, 11, 12, 13, 14 and 15 shall be determined by the competent Belgian authorities for such fiscal matters.

CHAPTER II

LEGAL POSITION OF STAFF MEMBERS

Article 18

The Head of the Office shall enjoy the immunities, privileges and facilities granted to members of the diplomatic personnel of diplomatic missions. His or her legal spouse and his or her dependent minor children, living in the same household, shall enjoy the privileges granted to the legal spouse and to the minor children of diplomatic personnel.

Article 19

1. All staff members of the Office shall enjoy:
 - a) exemption from all taxes on the salaries, emoluments and indemnities paid to them by the OIE, from the day when this income is subject to a tax in favour of the OIE created by the Member States of the OIE, and provided that Belgium recognises this internal tax system; Belgium reserves the possibility of taking these salaries, emoluments and indemnities into account for the purpose of determining the amount of tax payable on income from other sources;
 - b) the facilities granted to officials of international organisations in respect of monetary or exchange regulations.
2. 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 their official papers and documents.
3. All staff members of the Office, as well as their legal spouse and their dependent minor children, living in the same household, 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.
 4. 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.
 5. The Office shall notify the Protocol Service of the Federal Public Service Foreign Affairs of the arrival and final departure of its staff and shall also provide the following specific information about all its officials and agents:
 - a) surname and first name
 - b) place and date of birth
 - c) sex
 - d) nationality
 - e) principal residence (town, street, number)
 - f) civil status
 - g) composition of the family
 - h) the social security scheme to which the staff member is affiliated.

The Protocol Service of the Federal Public Service Foreign Affairs shall be notified, within two weeks, of any changes to the above-mentioned data.

Article 20

1. The provisions of Article 19.1 a) shall not apply either to the pensions and annuities paid by the OIE to its former staff members in Belgium or to their beneficiaries, or to the salaries, emoluments and allowances paid by the OIE to its agents employed for a period of less than one year or who do not hold permanent positions with the OIE, taking into account the mission and the statutory rules of the OIE.
2. The competent Minister of Finance shall determine the conditions and modalities of the application of Article 19.1 a) and of the present article.

Article 21

1. Without prejudice to the obligations incumbent upon Belgium arising from the provisions of treaties relating to the European Union and the application of legal and regulatory provisions, the staff members of the Office referred to in Article 1 g) i, except for those mentioned in Article 18, shall enjoy the right, during a period of 12 months following their first taking up of their duties, to import or acquire, free of customs duties and value added tax, furniture and a car for their personal use.

2. The staff members of the Office placed at the disposal of the OIE by one of its Member States, referred to in Article 1 g) ii, shall not enjoy the rights mentioned in the first paragraph of the present article.
3. The competent Minister of Finance shall determine the limits on and conditions of the application of present article.

Article 22

1. The Office shall provide all beneficiaries before 1st March of every year with a certificate mentioning their name and address as well as the amount of the salaries, emoluments, indemnities, pensions or annuities paid to them by the OIE during the previous year.
2. With regard to salary, emoluments and indemnities subject to tax in favour of the OIE, the statement shall also mention the amount of this tax.
3. With regard to staff members of the Office made available by, and remunerated by, a Member State, the OIE shall provide before 1st March a certificate stating the name of the person and his or her State of origin.
4. The OIE shall also send duplicates of the certificates to the competent Belgian fiscal administration before the same date.

Article 23

Belgium shall not be bound to accord the privileges and immunities other than those mentioned in Article 19.1 a) and 19.2. of this Agreement to its own nationals or to permanent residents.

CHAPTER III

GENERAL PROVISIONS

Article 24

The privileges and immunities are granted to the staff members of the Office only in the interests of the OIE and not for their personal advantage. The Head of the Office 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 25

The OIE, the Office and their staff members shall comply with Belgian laws and regulations and with judgments rendered against them.

Article 26

The Office and all its staff members 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 and privileges provided for in this Agreement.

Article 27

1. The persons referred to in Articles 18 and 19 of the present Agreement shall not enjoy any legal immunity regarding motor traffic offences or damage caused by a motor vehicle.
2. The Office and its staff members shall comply with all obligations imposed by Belgian legislation concerning civil liability insurance for the use of any motor vehicle.

Article 28

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

Article 29

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

CHAPTER IV

FINAL PROVISIONS

Article 30

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 arbitration 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 arbitration 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 arbitration tribunal upon application of either Party.
7. The arbitration tribunal shall determine its own procedure.

Article 31

The OIE shall notify the Protocol Service of the Federal Public Service Foreign Affairs of the end of the activities of its Office in Belgium three months before its closure.

Article 32

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 from the date of signature of the present Agreement, except in respect of Articles 3 and 19.2 a).

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 Office International des Epizooties have signed this Agreement.

DONE at Brussels, in three copies, in the French and Dutch languages, the two texts being authentic, March 14th 2013.

FOR THE KINGDOM OF BELGIUM:

**FOR THE OFFICE INTERNATIONAL
DES EPIZOOTIES:**

**represented by:
the Federal Government,
the Government of the French Community,
the Flemish Government,
the Government of the German-speaking
Community,
the Walloon Government
and
the Government of the Brussels-Capital
Region:**

**Peter MARTIN,
Ambassador,
Chairman of the Interministerial Committee
for Host Nation Policy**

**Dr Bernard VALLAT,
Director General**