

1st General Assembly
International Organization for
Marine Aids to Navigation



18-21 February 2025
Singapore

I-Consideration of reports and proposals received from member States, the Council or the Secretary-General

I.2.2– Resolution on the Headquarters Agreement

Resolution GA01-08

Adopted on ###.###.####
Agenda item I

Confirmation of the Headquarters Agreement between the Organization and the French Republic
(effective immediately)

THE ASSEMBLY,

RECALLING that International Governmental Organizations sign “Headquarters Agreements” with their host nation including all the rights and obligations of the Organization and its staff within the territory of the host nation;

MINDFUL OF the provision of Article 7.7 (m) of the Convention which requires the General Assembly to approve agreements with States;

APPROVES to establish a Headquarters Agreement between the Organization and the French Republic as set out in the Annex to this resolution.



Annex

AGREEMENT

BETWEEN

THE INTERNATIONAL ORGANIZATION FOR MARINE AIDS TO NAVIGATION

AND

THE GOVERNMENT OF THE FRENCH REPUBLIC

REGARDING THE HEADQUARTERS OF THE ORGANIZATION



THE INTERNATIONAL ORGANIZATION FOR MARINE AIDS TO NAVIGATION (hereinafter referred to as “the Organization”) AND THE GOVERNMENT OF THE FRENCH REPUBLIC (hereinafter referred to as “the Government”);

CONSIDERING the Convention on the International Organization for Marine Aids to Navigation;

CONSIDERING that under Article 1.3 of the Convention on the International Organization for Marine Aids to Navigation, the headquarters of the International Organization for Marine Aids to Navigation shall be located in France;

DESIRING to set out the privileges and immunities enjoyed by the Organization and its staff in the territory of France;

HAVE AGREED AS FOLLOWS:

Article 1

Legal personality

The Government recognizes the legal personality of the Organization in the territory of the French Republic, and its capacity to:

- a) Conclude contracts;
- b) Acquire and dispose of movable and immovable property;
- c) Be a party to legal proceedings.

ARTICLE 2 Inviolability of the premises of the Organization

- 1) The premises of the Organization shall be inviolable. The French authorities may only enter these premises to fulfil their duties with the consent or at the request of the Secretary-General of the Organization or the representative thereof, and under the conditions accepted by the request. However, such consent may be assumed in the event of a fire or other emergency requiring immediate protection measures;
- 2) The Organization shall not permit its offices to become a refuge for persons sought on the grounds of a crime or obvious offence or subject to an arrest warrant, a criminal conviction or a deportation order issued by the French authorities;
- 3) The Government shall take all appropriate measures to maintain and restore order and safety in the immediate vicinity of the Organization’s premises.

ARTICLE 3 Inviolability of documents and archives

The archives of the Organization and, in general, all documents belonging to it or held by it in any form, shall be inviolable, wherever they may be.

ARTICLE 4 Flag and emblem

The Organization may display its flag and emblem on its premises and on the means of transport of the Organization and the Secretary-General.

**ARTICLE 5 Immunity from jurisdiction and execution**

The Organization shall enjoy immunity from jurisdiction except:

- a) When the Secretary-General expressly waives such immunity in a particular case;
- b) When a civil action is brought by a third party for damage arising from an accident caused by a ground-based motor vehicle or other means of transport belonging to or used on behalf of the Organization, or from an infringement of road traffic regulations involving such a vehicle;
- c) In the event of a counter-claim directly connected with proceedings initiated by the Organization.

2) In all other cases, the immunity from jurisdiction enjoyed by the Organization under this Article may only be claimed by the Organization if the other party to a dispute has access to a dispute settlement mechanism which guarantees impartiality and equity in accordance with the requirements of the French conception of international law;

3) The property and assets of the Organization, wherever located and by whomever held, shall be immune from search, confiscation, requisition, expropriation and any other form of executive, administrative, judicial or legislative constraint.

ARTICLE 6 Exemptions from taxes and duties

- 1) The Organization, its assets, income and other property shall be exempt from all direct taxes. It is however understood that the Organization will not request exemption from taxes that do not exceed the ordinary payment for public utilities.
- 2) The Organization shall be exempt from Value Added Tax on deliveries of goods and provision of services for its official use, where necessary within the limits and conditions set by the international conventions establishing the Organization and, in any case, within the limits and conditions set by French tax legislation.
- 3) The Organization shall be exempt from transfer duties when acquiring immovable property for its official use.

ARTICLE 7 Exemption from import and export duties and taxes

- 1) **The Organization shall be exempt from all customs duties and all other taxes on goods of all kinds which it imports or exports as part of its official activities, insofar as such an exemption is compliant with European Union law;**
- 2) **Imported goods which have been exempted from taxes and customs duties pursuant to the provisions of this Agreement shall not be disposed of, whether or not in return for payment, in the territory of the French Republic, except in accordance with conditions approved by the French Government.**



- 3) These provisions shall not apply to taxes, duties or charges included in the payment of services rendered.

ARTICLE 8 Funds, currency and securities

- 1) The Organization may receive and hold funds and currency of any nature and hold bank accounts in any currency;
- 2) The Organization may also receive, hold and dispose freely of transferable securities, under applicable national legislation, including as regards exchange controls.

ARTICLE 9 Communications and publications

- 1) As regards its official communications and the distribution of all its documents, the Organization shall be accorded no less favourable treatment in terms of tariffs, taxes and priority than that generally granted in France to equivalent intergovernmental organizations.
- 2) The Organization may employ all appropriate means of communication, including encrypted and encoded messages. The Government shall not impose any restriction on the official communications of the Organization or the circulation of its publications.

ARTICLE 10 Representatives of Member States

- 1) Representatives of Member States, when present in French territory for the activities of the Organization and during their journeys to and from the Organization, shall enjoy the following privileges and immunities:
 - a) Immunity from arrest and detention, except if caught in act of an obvious offence or crime;
 - b) Immunity from legal process in respect of acts carried out by them in the exercise of their functions, including words written or spoken. This immunity may not be invoked in relation to infringements of road traffic regulations, nor when damages and interest are claimed as a result of an accident caused by a vehicle;
 - c) Exemption from provisions limiting immigration and registration formalities for representatives of Member States of the Organization who are not of French nationality, who will have to request a special residence permit from the competent French authorities. This exemption shall apply without prejudice to measures taken by the French authorities regarding entry into French territory that they deem necessary for national security or public order.
 - d) Inviolability of all documents relating to the official activities of the Organization;
 - e) The same facilities with regard to currency and exchange control as those granted to diplomatic agents;
 - f) The same immunities and facilities in relation to their personal baggage as those granted to members of diplomatic missions of comparable rank.
- 2) These privileges and immunities are not be granted to the Representatives of Member States for their own personal benefit, but to ensure complete independence in the exercise of their functions relating to the Organization. Member States have the right and duty to lift the



immunities enjoyed by their representatives if these immunities may be lifted without harming the interests of the Organization;

- 3) In order for the Government to be able to implement this Article, the Organization shall regularly communicate to it the names of the Representatives of the Member States to the Organization and all information regarding their stays in French territory in the exercise of their functions.

ARTICLE 11 Immunities and privileges of permanent staff members

- 1) Permanent staff members of the Organization shall enjoy the following privileges and immunities:
 - a) Immunity from legal process in respect of acts carried out by them in the exercise of their functions, including words written or spoken. This immunity may not be invoked in relation to infringements of road traffic regulations, nor when damages and interest are claimed as a result of an accident caused by a vehicle;
 - b) Inviolability of all documents relating to the official activities of the Organization;
 - c) Exemption from provisions limiting immigration and registration formalities for members of the Organization who are not of French nationality, who will have to request a residence permit from the competent French authorities; This exemption shall apply without prejudice to measures taken by the French authorities regarding entry into French territory that they deem necessary for national security or public order;
 - d) In times of international crisis, the same repatriation facilities as those granted to diplomatic envoys;
 - e) The right to import their furniture and personal belongings free of duty when taking up their post for the first time in France, and the right, upon termination of their functions in France, to re-export their furniture and personal belongings free of duty, both cases being subject to the conditions considered to be necessary by the competent French authorities;
 - f) The right to import free of duty a car for their personal use which was purchased in their last country of residence or in the country of which they are nationals, under the conditions of that country's internal market, and to re-export it free of duty, both cases being subject to the conditions considered to be necessary by the competent French authorities;
 - g) The right to purchase a car free of duty and to register it with a special series number plate if they have not already requested such a plate for an imported car as part of their move, in accordance with the previous paragraph;
 - h) The same treatment with regard to currency and exchange controls as that granted to diplomatic agents.
- 2) Salaries and emoluments – with the exception of annuities and pensions – which are paid to permanent staff members of the Organization shall be exempt from income tax, provided that the Organization deducts internal tax from such remuneration. The permanent staff members concerned shall remain obliged to declare their tax-exempt income to the competent French authorities so that they are not granted unwarranted social benefits;
- 3) Each year, the Organization shall provide each staff member with a statement setting out the amounts paid to him or her by the Organization in the previous year in the form of salaries, emoluments and allowances;
- 4) The Organization shall determine the staff categories to which the provisions of this Article shall apply. It shall communicate this information to the Government of the French Republic.



The names of the staff members listed in these categories shall be regularly communicated to the Government of the French Republic.

ARTICLE 12 The Secretary-General

In addition to the privileges and immunities set out for permanent staff members in Article 11 of this Agreement, the Secretary-General shall enjoy the same privileges and immunities as those of heads of diplomatic missions under the Vienna Convention on Diplomatic Relations of 18 April 1961.

ARTICLE 13 Social security

All of the Organization's staff (including interns and students) shall be affiliated to French social security for all risks and shall be subject to unemployment insurance contributions in France. If, for all or some of risks, the Organization wishes to create its own social security system or join a system implemented by another Organization, a specific agreement will have to be drawn up in advance with the competent French social security authorities.

ARTICLE 14 Experts, consultants and seconded officers

Experts on missions on behalf of the Organization, when present in French territory as part of the missions they are conducting for the Organization and during their journeys to and from the Organization, shall enjoy the following privileges and immunities:

- a) Immunity from legal process in respect of acts carried out by them in the exercise of their functions, including words written or spoken. This immunity may not be invoked in relation to infringements of road traffic regulations, nor when damages are claimed as a result of an accident caused by a vehicle;
- b) Inviolability of all documents relating to the official activities of the Organization;
- c) The same facilities as regards foreign exchange regulations as those granted to State representatives on special assignments in France.

ARTICLE 15 Access to the headquarters of the Organization

Insofar as possible, the French authorities shall facilitate access to the headquarters of the Organization for:

- a) Representatives of Member States of the Organization;
- b) Experts on assignments on behalf of the Organization;
- c) Any person officially invited by the Organization to attend its work.

ARTICLE 16 Purpose of privileges and immunities – Waivers

- 1) The privileges and immunities set out by this Agreement are not established for the purpose of granting their beneficiaries personal advantages. They are established solely to ensure, under every circumstance, the free functioning of the activities of the Organization in France and the total independence of persons to whom they are granted;
- 2) The Secretary-General has the right and duty to waive the immunities granted to permanent staff members of the Organization or experts on assignments if he or she believes that they



would impede the normal operation of justice and if they can be waived without harming the interests of the Organization. The Council of the Organization may waive the immunities of the Secretary-General under the same conditions.

ARTICLE 17 Cooperation

The Organization shall constantly cooperate with the competent French authorities to facilitate the proper administration of justice, secure the enforcement of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities set out in this Agreement.

ARTICLE 18 Notification of appointments – Residence permits

The Government of the French Republic shall authorize, subject to Articles 10(c) and 11(c), without visa fees and within reasonable time, the entry into and stay in France for the duration of their duties and assignments with the Organization of:

- 1) Representatives of Member States of the Organization;
- 2) Staff members of the Organization and their spouses and minor children living in their households.

ARTICLE 19 Settlement of disputes between the Government and the Organization

Any dispute between the Organization and the Government concerning the interpretation or application of this Agreement shall be settled by negotiation or by any other means of settlement agreed by the Parties.

ARTICLE 20 Amendments

Any amendment to the provisions of this Agreement will have to be submitted for approval to the competent authorities of the Organization and of the Government of the French Republic. They will enter into force in line with the procedure set out in Article 21.

ARTICLE 21 Entry into force

This Agreement, as well as any amending agreement, will enter into force following the exchange of instruments of ratification by the Government of the French Republic and the notification of approval by the Organization.

IN TESTIMONY TO WHICH, the undersigned, duly authorized, have signed this Agreement.

Done at Paris in duplicate, on, in French.

For the Government of the French Republic

For the International Organization for Marine
Aids to Navigation

(Signature)

(Signature)

