

AGREEMENT
BETWEEN
THE KINGDOM OF BELGIUM
AND
THE EUROPEAN FOREST INSTITUTE
ON
THE PRIVILEGES AND IMMUNITIES
OF THE EUROPEAN FOREST INSTITUTE LIAISON OFFICE

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

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

and

THE EUROPEAN FOREST INSTITUTE,
hereinafter referred to as “the EFI”, represented by its Director;

HAVING REGARD TO the Convention on the European Forest Institute adopted at Joensuu the 28th August 2003, hereafter named “the Convention”;

RESPONDING TO the desire of the Council of the European Forest Institute to establish a Liaison Office in Belgium, hereinafter referred to as “the Office”;

CONSIDERING the Decision taken by the Council on 21 June 2011: “In order to have a permanent and effective link between the European Forest Institute on the one hand and the EU, the States and the international organizations represented in Belgium on the other hand, the Council of the European Forest Institute formally decides to open a liaison office in Brussels. The liaison office shall represent the European Forest Institute in Brussels for the benefit of its Member States. The liaison office will be financed exclusively by Member States through a specific budget line”;

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

PERSONALITY, PRIVILEGES AND IMMUNITIES OF THE LIAISON OFFICE OF THE EFI

Article 1

For the purpose of this Agreement:

- a) “the Office” means the liaison office of the EFI, 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 EFI in accordance with the provisions of the Convention and the Council Decision of 21 June 2011;
- 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 Member States of the EFI in accordance with the Council Decision of 21 June 2011;
- 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” means any person who is directly recruited by the EFI and employed in the Office in accordance with the EFI Staff Regulations;
- h) “legal partner” of a member of staff means either spouse, provided that the marriage has not been the subject of an annulment or divorce, or partner with whom a union similar to marriage is in force and is of public record in a registry established for such purpose in the state of origin of that member of staff.

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 Office shall enjoy immunity from jurisdiction and execution, except that the immunity of the Office shall not apply:

- a) to the extent that the Office 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 Office;
- 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 Office 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 EFI to a staff member;
- e) in respect of any counter-claim directly connected with court proceedings initiated by the Office;
- f) in respect of the enforcement of an arbitration award made in accordance with article 31 of the present Agreement.

Article 4

1. The property and assets of the Office 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 Office shall be inviolable.

Article 6

Freedom of communication for its official purposes shall be guaranteed to the Office. Its official correspondence shall be inviolable.

Article 7

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 8

Without prejudice to the provisions of international treaties and to the obligations arising for Belgium from the treaties concerning the European Union and to the application of laws and regulations

1. The Office may hold in Belgium currency of any kind and operate accounts in all currencies insofar as necessary for the execution of operations corresponding to its official aim in Belgium.
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 and operation of the Office.

Article 9

1. The Office, 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 Office which originate from non official or an industrial or commercial activity exercised by the Office, the Head of Office or his/her assistant, or by a staff member of the Office on behalf of the Office or of an other organ or any Member of the EFI.

Article 10

When the Office 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

The Office 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 12

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

Article 13

The Office 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 industrial or commercial activity exercised by the Office or by one of its staff members for the Office, for the EFI or for a Member of the EFI;
- 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 Office, acquired or imported in exemption, cannot be disposed of except under conditions defined by Belgian laws and regulations.

Article 16

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

Article 17

1. Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and the application of laws and regulations, the conditions and modes for the application of Articles 8, 9, 10, 11, 12, 13, 14 and 15 of this Agreement shall be determined by the competent Belgian authorities.
2. In case the conditions for granting fiscal exemptions, as stated in the Council Decision of 21 June 2011, should cease to be met, the competent Belgian authorities, mentioned in the first paragraph of this article, may decide to suspend the application of the exemptions provided for in the articles 8, 9, 10, 11, 12, 13, 14 and 15 of this Agreement.

CHAPTER II

LEGAL POSITION OF STAFF MEMBERS

Article 18

1. Members of the Council and representatives of Member States at the Conference, the Director, officials sent by the Member States, together with alternates and advisers of their delegations at meetings convened by the EFI, shall, while exercising their functions and during their journeys to and from the place of the meeting, enjoy the following privileges and immunities:
 - a) immunity from personal arrest or detention;
 - b) immunity from legal process of any kind in respect of words spoken or written and all acts done by them, in their official capacity; such immunity shall continue to be accorded, notwithstanding that the persons concerned may no longer be engaged in the performance of such functions;
 - c) inviolability for all official papers and, documents;
 - d) the right to use codes and to dispatch or receive papers, correspondence or official material by courier or in sealed bags;
 - e) exemption in respect of themselves and their legal partners from immigration restrictions, alien registration or national service obligations while they are visiting or passing through Belgium in the exercise of their functions;
 - f) the same facilities with respect to currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions; and
 - g) 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 the persons designated in paragraph 1 of this Article in order to safeguard the independent exercise of their functions in connection with the EFI 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.
3. The provisions of paragraphs 1 and 2 of this Article are not applicable in relation to a person who is a Belgian national or a permanent resident in Belgium.

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. The immunities, privileges and facilities mentioned in paragraph 1 of the present article do not include exemption from taxes on salaries, emoluments and indemnities paid to the Head of the Office and his/her assistant by the EFI.

Article 20

1. All staff members of the Office shall enjoy:
 - a) the facilities accorded to officials of international organisations in respect of currency or exchange regulations;
 - b) 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;
 - c) inviolability of all official papers and documents;
 - d) exemption from any national service obligations in Belgium;
 - e) 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.
2. 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.
3. 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.

4. 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 member

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 21

1. Government experts on missions of the EFI and staff members of the EFI shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with such functions.
 - a) immunity from personal arrest or detention;
 - 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 EFI;
 - c) inviolability for all official papers and, documents;
 - d) for the purposes of their communications with the EFI, 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 and staff members of the EFI in the interests of the EFI 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 EFI shall have the right and the duty to waive the immunity of any expert and staff member of EFI 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 EFI.

Article 22

Belgium shall not be bound to extend to its own nationals or to permanent residents the advantages, privileges and immunities granted under this Agreement, except for those provided for in article 20.1 b), 20.1 c) and 21.

Article 23

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 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.

Article 24

1. The staff members of the Office, who are not Belgian nationals or who are not permanently resident in Belgium, can choose to remain covered by the social security schemes applicable to the officials of the EFI. This right of option can be exercised once by the staff member within two weeks of his/her taking up his/her duties in the Office, and must be notified, within the same delay, in accordance with Article 20.4h).
2. The staff members of the Office who exercise any other gainful activity than that required by their official functions with the EFI, will be covered by the Belgian social security system for this activity.
3. The Office will ensure coverage by the Belgian social security system of its staff members who are Belgian nationals or permanent residents in Belgium, as well as of its staff members who have not opted for coverage by the social protection schemes provided by the EFI itself.
4. The EFI undertakes to guarantee the staff members of the Office who are covered by its own social security schemes, as well as to the dependent family members of those staff members, living under the same roof, rights and advantages equivalent to those provided by the Belgian social security system.
5. Belgium can obtain from the Office the repayment of costs incurred for any aid having a social character it may have to provide to staff members of the Office who are covered by the social security schemes applicable to officials of the EFI. This provision is applicable by analogy to the dependent family members of those staff members living under the same roof.

CHAPTER III
GENERAL PROVISIONS

Article 25

1. The privileges and immunities are granted to the staff members of the Office only in the interest of the EFI 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.
2. Other personnel recruited in Belgium by the EFI to work for the Office, or locally recruited by the Office itself, do not benefit from the privileges and immunities set forth in the present Agreement, but are instead entirely submitted to the laws and regulations of Belgium.

Article 26

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 national security and public order.

Article 27

1. The persons mentioned in articles 18, 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 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

The Office and 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 29

Without prejudice to the privileges and immunities accorded by this Agreement, the EFI, the Office and its staff members shall observe Belgian laws and regulations and judgments rendered against them.

Article 30

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 and other servants acting or failing to act in the exercise of their functions.

Article 31

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 32

The Council of the EFI shall notify to the Protocol Service of the Federal Public Service Foreign Affairs any modification of the Convention and any modification in the activity of the Office in Belgium.

Article 33

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 signature of this agreement, except as regards the immunity from jurisdiction and execution mentioned in article 3, 18.1b), 20.1b) and 21.1b).

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

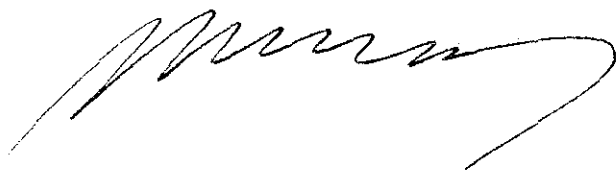
IN WITNESS WHEREOF, the Representatives of the Kingdom of Belgium and of the European Forest Institute have signed this Agreement.

DONE at Brussels, on the 9th day of October 2013, in duplicate, in the English, French and Dutch languages. All texts being equally authentic.

FOR THE KINGDOM OF BELGIUM:

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

**FOR THE EUROPEAN
FOREST INSTITUTE:**



Peter Martin,
Ambassador,
President of the Interministerial Committee
for Host Nation Policy



Risto Päivinen
Director