

[TRANSLATION - TRADUCTION]

PROTOCOL BETWEEN THE KINGDOM OF BELGIUM AND THE KINGDOM OF THE NETHERLANDS CONCERNING THE PRIVILEGES AND IMMUNITIES OF THE DUTCH LANGUAGE UNION

The Kingdom of Belgium and the Kingdom of the Netherlands,

Considering that the Dutch Language Union (hereinafter called "the Language Union") was established by the Treaty between the Kingdom of the Netherlands and the Kingdom of Belgium concerning the Dutch Language Union (hereinafter called "the Treaty"), signed in Brussels on 9 September 1980;<sup>1</sup>

Considering that the seat of the Language Union is in The Hague, pursuant to the decision taken by the Committee of Ministers on 1 March 1984 in Oud-Turnhout on the basis of article 15 of the Treaty;

Desiring to implement article 16, paragraph 2, of the Treaty, which stipulates that the High Contracting Parties are to conclude a protocol setting forth the privileges and immunities necessary for performing the functions and achieving the objectives of the Language Union;

Have agreed as follows:

*Article 1*

For as long as the Language Union has its seat in The Hague or elsewhere in the Kingdom of the Netherlands, the Kingdom of the Netherlands shall make available to the General Secretariat of the Language Union, at no charge, the immovable property necessary to accommodate it.

*Article 2*

1. Within the framework of its official activities, the Language Union shall, in respect of the acquisition of immovable property necessary to accommodate the General Secretariat of the Language Union, be exempt from conveyance tax, provided that said immovable property is not used as a dwelling or for activities of a commercial nature.

2. The Language Union shall enjoy exemption from taxes on actual use and enjoyment pursuant to a right in rem of immovable property, referred to in article 273 of the Netherlands Local Government Act, provided that said immovable property is used by the Language Union and is not used as a dwelling.

3. When, in the exercise of its official activities and with a view to ensuring its effective operation, the Language Union makes substantial purchases of goods other than motor vehicles, or has substantial services carried out, for which taxes are included in the price, the Netherlands and Belgian authorities concerned shall so far as possible take appropriate steps to reimburse the amount of such taxes.

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1. United Nations, *Treaty Series*, vol. 1272, p. 197.

4. Goods imported or exported by the Language Union in the exercise of its official activities shall be exempt from all import and export duties and other taxes.

5. No exemption shall be granted with respect to taxes and duties that are simply payment for public utility services.

6. No exemption may be granted under the preceding paragraphs of this article for goods bought or imported for the personal use of staff members of the Language Union.

### *Article 3*

The archives of the Language Union shall be inviolable. The General Secretary of the Language Union shall be authorized to revoke this inviolability.

### *Article 4*

1.(a) The General Secretary of the Language Union shall enjoy a status comparable to that of the head of a diplomatic mission, together with the concomitant privileges and immunities;

(b) Immunity from legal process shall not, however, apply in cases of traffic offences committed by the General Secretary, or in cases of damage caused by a vehicle belonging to or driven by him;

(c) As long as the Language Union has no social security system of its own, the social security regulations of the country in which the Language Union has its seat shall be applicable to it.

2. If the General Secretary is one of their nationals, the Parties to this Protocol shall be required, with respect to the privileges and immunities referred to in paragraph 1, only to grant immunity from legal process or acts, including verbal and written acts, performed by the General Secretary in an official capacity, with immunity continuing even after he has left office, and to recognize the inviolability of all his official papers and documents.

### *Article 5*

1. The members of the Interparliamentary Commission of the Language Union, hereinafter called "the Commission", may not be investigated, arrested or prosecuted for any opinion or vote expressed in an official capacity.

2. During meetings of the Commission, members shall enjoy:

(a) On their own territory, the immunity granted to members of their country's parliamentary bodies;

(b) On the territory of the other Contracting Party, immunity from arrest and judicial proceedings in any form whatsoever.

They shall be covered by the same immunity during travel to or from the place where the meeting of the Commission is held.

This immunity may not be invoked in cases of *flagrante delicto*; moreover, the Commission shall have the right to waive the immunity of one of its members.

Immunity shall not apply in cases of traffic offences committed by a member of the Commission or in cases of damage caused by a motor vehicle belonging to or driven by a member of the Commission.

*Article 6*

With respect to the Kingdom of the Netherlands, this Protocol shall apply only to its territory in Europe. If the scope of the Treaty were to be extended to another part of the Kingdom, the scope of this Protocol would be extended to that same part of the Kingdom.

*Article 7*

This Protocol is concluded for an indefinite period. Should the Treaty expire, this Protocol shall also cease to have effect.

*Article 8*

This Protocol shall enter into force once the Kingdom of the Netherlands and the Kingdom of Belgium have notified each other that the necessary constitutional formalities have been completed for that purpose.

In witness whereof, the undersigned plenipotentiaries have signed this Protocol.

Done at The Hague on 13 July 1990, in duplicate in the Dutch language.

For the Kingdom of Belgium:

L. CEYSSENS

For the Kingdom of the Netherlands:

P. DANKERT