

59th Inter-Parliamentary Conference

Paris - September 1971

31/09/71/AB
August 31

DRAFT AGREEMENT

between

the Swiss Federal Council and the Inter-Parliamentary Union
to settle the juridical status of the Inter-Parliamentary Union
in Switzerland

THE SWISS FEDERAL COUNCIL,

on the one part, and

THE INTER-PARLIAMENTARY UNION,

on the other,

have, in order to settle the juridical status of the Inter-Parliamentary Union in Switzerland, agreed on the following provisions :

Article 1

Personality

The Federal Council recognizes the personality and legal capacity of the Inter-Parliamentary Union (hereinafter called the Union) due to it by virtue of its status.

Article 2

Freedom of Action

1. The Federal Council guarantees to the Union the independence and freedom of action belonging to it as an international institution.
2. More especially, it recognizes that the Union and its members, in their relations with the Federal Council, enjoy freedom of meeting, discussion and decision.

Article 3

Inviolability

1. The premises and archives of the Union shall be inviolable.
2. The import and export of the publications of the Union shall not be subject to any restrictive measures.
3. No censorship shall be applied to the duly authenticated official correspondence and other official communications of the Union.

Article 4

Fiscal Status

1. The Union shall be exempt from direct federal, cantonal and communal taxation. With regard to immovable property, however, such exemption shall apply only to that which is owned by the Union and which is occupied by its Bureau, and to income derived therefrom.
2. The Union shall be exempt from indirect federal, cantonal and communal taxation. With regard to federal turnover tax, whether included in the price or patently transferred, the exemption shall apply only to purchases intended for the Union's official use and provided that the amount invoiced for one and the same purchase exceeds 100 Swiss francs.
3. The Union shall be exempt from all federal, cantonal and communal taxation, except that which represents charges for specific services rendered.
4. If necessary, the exemptions mentioned above shall be applied by way of reimbursement at the request of the Union.

Article 5

Customs Status

The customs clearance of articles intended for the Union shall be governed by the Customs Regulations of the Federal Council which are applicable to international organizations.

Article 6

Freedom of Access and of Residence

1. The Swiss authorities shall take all necessary measures to facilitate the entry into Switzerland, the departure therefrom and the residence of all persons, irrespective of nationality, called on official business to the Bureau of the Union, i.e.:

- (a) the members of the Union;
- (b) the Secretary General and staff of the Bureau of the Union;
- (c) those persons, irrespective of nationality, called on official business to the Bureau of the Union.

2. All measures concerning the federal immigration control and intended to restrict the entry of foreigners into Switzerland and to regulate the conditions of their residence shall not be applicable to those persons referred to in this Article.

Article 7

Immunity from Legal Process

All Staff members of the Bureau of the Union, irrespective of nationality, shall be exempt from jurisdiction in respect of acts performed or words written or spoken in the discharge of their duties, notwithstanding that the persons concerned are no longer in the service of the Bureau.

Article 8

Exemptions and Facilities accorded to Members of the Union
and Staff Members not of Swiss Nationality

The members of the Union and the staff of the Bureau of the Union who are not of Swiss nationality :

- (a) shall be exempt from all federal, cantonal and communal taxation on salaries, emoluments and allowances paid to them by the Union. Capital sums due in any circumstances by a pension fund or provident fund shall also be exempt at the time of payment; however, the revenue from the capital, as well as the incomes and pensions paid to former staff members of the Bureau of the Union shall not benefit from the tax exemption;

- (b) when the incidence of any form of taxation depends upon residence in Switzerland, any period during which members of the Union are in Switzerland for the discharge of their duties shall not be treated as a period of residence;
- (c) shall enjoy customs facilities provided for in the Customs Regulations of the Federal Council applicable to international organizations;
- (d) shall be exempt from any national service obligations in Switzerland;
- (e) shall not be subject, neither shall their spouse and the dependent members of their families living with them, to provisions limiting immigration and to aliens' registration formalities.

Article 9

Identity Cards

1. The Federal Political Department shall supply each staff member of the Union with an identity card bearing the photograph of the holder. This card, authenticated by the Federal Political Department and the Bureau of the Union, shall serve to identify the staff member in relation to all federal, cantonal and communal authorities. An identical card shall be supplied also to the dependent members of the families of the staff members who form part of their households and do not exercise any lucrative activity

2. The Bureau of the Union shall transmit regularly to the Federal Political Department a list of the staff members of the Bureau and the members of their families, showing in each case the date of birth, nationality, residence in Switzerland and the category or class of function of each staff member.

Article 10

Object of Immunities

1. The privileges and immunities provided for in this agreement are not established for the personal benefit and convenience of the agents of the Union. They are instituted only in order to safeguard the free working of the Union in all circumstances.

2. The Secretary General of the Union has the right and is under a duty to waive the immunity of a staff member when he considers that the immunity would impede the normal course of justice and that it can be waived without harming the interests of the Union.

Article 11

Prevention of Abuses

The Union and the Swiss authorities shall co-operate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent any abuse in connection with the privileges, immunities and facilities provided for in this agreement.

Article 12

Non-Responsibility of Switzerland

Switzerland shall not incur, by reason of the activity of the Union on its territory, any international responsibility for acts or omissions of the Union or of its agents acting or abstaining from acting in the course of their duties.

Article 13

Security of Switzerland

1. Nothing in the present agreement shall affect the right of the Swiss Federal Council to take the precautions necessary for the security of Switzerland.
2. The Bureau of the Union shall collaborate with the Swiss authorities to avoid any prejudice to the security of Switzerland resulting from its activity.

Article 14

Execution of the Agreement by
Switzerland

The Federal Political Department is the Swiss authority entrusted with the execution of this agreement.

Article 15

Effective Date

This agreement shall take effect retroactively as from January 1, 1971.

Article 16

Amendment of the Agreement

1. This agreement may be revised at the request of either party.
2. In this event, the two parties shall consult each other concerning the amendments which it may be necessary to make to the provisions of this agreement.

Article 17

Termination of the Agreement

This agreement may be terminated at any time by either party, subject to six months' prior notice.

Done and signed at Geneva on, 1971, in two copies.

For the Swiss Federal Council :

For the Inter-Parliamentary Union :

The Permanent Representative
of Switzerland
to the International
Organizations in Geneva,

The Secretary General,