

No. 5667

**AUSTRIA, DENMARK, NORWAY, PORTUGAL,
SWEDEN, SWITZERLAND and UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND**

**Protocol on the legal capacity, privileges and immunities
of the European Free Trade Association. Signed at
Geneva, on 28 July 1960**

Official texts: English and French.

Registered by Sweden on 10 April 1961.

**AUTRICHE, DANEMARK, NORVÈGE, PORTUGAL,
SUÈDE, SUISSE et ROYAUME-UNI
DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD**

**Protocole sur la capacité juridique, les privilèges et les
immunités de l'Association européenne de libre-échange.
Signé à Genève, le 28 juillet 1960**

Textes officiels anglais et français.

Enregistré par la Suède le 10 avril 1961.

No. 5667. PROTOCOL¹ ON THE LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES OF THE EUROPEAN FREE TRADE ASSOCIATION. SIGNED AT GENEVA, ON 28 JULY 1960

The Republic of Austria, the Kingdom of Denmark, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland :

Considering that paragraph 1 of Article 35 of the Convention establishing the European Free Trade Association² requires that the legal capacity, privileges and immunities to be recognised by the Member States in connection with the Association shall be laid down in a Protocol to the Convention ;

Have agreed as follows :

PART I

THE ASSOCIATION

Article 1

The European Free Trade Association, hereinafter referred to as "the Association", shall possess juridical personality. It shall have in particular the capacity to contract, to acquire and dispose of movable and immovable property, and to institute legal proceedings.

Article 2

The Association, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. No waiver of immunity shall extend to any measure of execution.

¹ In accordance with article 21, the Protocol came into force on 22 March 1961, the following three signatory States having deposited by that date, with the Government of Sweden, their instruments of ratification :

	<i>Date of deposit</i>
Denmark	24 September 1960
Norway	29 November 1960
Austria	22 March 1961

² United Nations, *Treaty Series*, Vol. 370, p. 3.

Article 3

The premises of the Association shall be inviolable. The property and assets of the Association wherever located and by whomsoever held shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Article 4

The archives of the Association and all documents belonging to it or held by it shall be inviolable wherever located.

Article 5

1. Without being restricted by financial controls, regulations or moratoria of any kind :

- (a) the Association may hold funds, gold or currency of any kind and operate accounts in any currency ;
- (b) the Association may freely transfer its funds, gold or currency from one country to another or within any country and convert any currency held by it into any other currency.

2. In exercising its rights under paragraph 1 of this Article the Association shall pay due regard to any representations made by any State party to this Protocol and shall give effect to such representations in so far as it is considered possible to do so without detriment to the interests of the Association.

Article 6

The Association, its assets, income and other property shall be exempt :

- (a) from all direct taxes ; the Association shall not, however, claim exemption from rates, taxes or dues which are in fact charges for public utility services ;
- (b) from customs duties and prohibitions and restrictions on imports and exports in respect of articles directly imported or exported by the Association for its official use. Articles imported under such exemption shall not be sold in the territory of the State into which they were imported except under conditions agreed with the Government of that State ;
- (c) from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article 7

1. The Association shall enjoy in the territory of each State party to this Protocol, for its official communications, treatment not less favourable than that accorded

by the Government of that State to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes for posts and telecommunications and press rates for information to the press and radio.

2. No censorship shall be applied to the official correspondence and other official communications of the Association.

3. The Association shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

4. Nothing in this Article shall be construed so as to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Protocol and the Association.

PART II

REPRESENTATIVES

Article 8

1. Any representative of a State party to this Protocol on any organ of the Association shall, while present in the territory of another such State for the discharge of his duties, enjoy :

- (a) the same immunity from personal arrest and detention and from seizure of his personal baggage, and the same inviolability for all papers and documents as is accorded to a diplomatic envoy in accordance with international law ;
- (b) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags ;
- (c) exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations ;
- (d) the same facilities in respect of currency or exchange restrictions and in respect of his personal baggage as are accorded to a representative of a foreign Government on a temporary official mission.

2. Any such representative shall also enjoy in respect of words spoken or written and all acts done by him in the course of the performance of official duties the same immunity from legal process of every kind as is accorded to a diplomatic envoy in accordance with international law. This immunity shall continue notwithstanding that the person concerned has ceased to be a representative.