

No. 7920

**NETHERLANDS
and
SUPREME HEADQUARTERS
ALLIED POWERS EUROPE**

**Agreement on the special conditions applicable to the establishment and operation of International Military Headquarters within the European territory of the Kingdom of the Netherlands (with related letters).
Signed at Paris, on 25 May 1964**

Official texts of the Agreement: Dutch, English and French.

Official text of the letters: English.

Registered by the Netherlands on 15 September 1965.

**PAYS-BAS
et
QUARTIER GÉNÉRAL SUPRÊME
DES FORCES ALLIÉES EN EUROPE**

Accord au sujet des conditions particulières d'installation et de fonctionnement des Quartiers généraux militaires internationaux sur le territoire européen du Royaume des Pays-Bas (avec lettres connexes). Signé à Paris, le 25 mai 1964

Textes officiels de l'Accord: néerlandais, anglais et français.

Texte officiel des lettres: anglais.

Enregistré par les Pays-Bas le 15 septembre 1965.

No. 7920. AGREEMENT¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE SUPREME HEADQUARTERS ALLIED POWERS EUROPE ON THE SPECIAL CONDITIONS APPLICABLE TO THE ESTABLISHMENT AND OPERATION OF INTERNATIONAL MILITARY HEADQUARTERS WITHIN THE EUROPEAN TERRITORY OF THE KINGDOM OF THE NETHERLANDS. SIGNED AT PARIS, ON 25 MAY 1964

The Kingdom of the Netherlands and the Supreme Headquarters Allied Powers Europe, represented by the Supreme Allied Commander Europe,

Considering that

1. the relations between the Parties to the North Atlantic Treaty² and International Military Headquarters have been generally described in the Protocol signed in Paris on 28 August 1952³ to the Agreement concluded in London on 19 June 1951⁴ by the Parties to the North Atlantic Treaty regarding the status of their forces, and that
2. the North Atlantic Council, in accordance with paragraph 1 of Article 14 of the above-mentioned Protocol, declared said Protocol applicable to the SHAPE Technical Centre by a decision of 20 February, 1963, but that
3. certain provisions should still be elaborated regarding the establishment and operation of International Military Headquarters that have been or may be set up within the European territory of the Kingdom of the Netherlands,

Have agreed as follows :

Article I

DEFINITIONS

In the present Agreement :

1. the abbreviation "SHAPE" shall mean Supreme Headquarters Allied Powers Europe;

¹ Applied provisionally as from 25 May 1964, the date of signature, and entered into force definitively on 13 April 1965, the date on which Supreme Headquarters Allied Powers Europe was notified by the Government of the Netherlands that the conditions constitutionally required for its entry into force had been fulfilled in the Netherlands, in accordance with article XIII.

² United Nations, *Treaty Series*, Vol. 34, p. 243; Vol. 126, p. 350, and Vol. 243, p. 308.

³ United Nations, *Treaty Series*, Vol. 200, p. 340.

⁴ United Nations, *Treaty Series*, Vol. 199, p. 67; Vol. 200, p. 340; Vol. 260, p. 452; Vol. 286, p. 380, and Vol. 481, p. 588.

2. the abbreviation "SACEUR" shall mean Supreme Allied Commander Europe;
3. "Allied Headquarters" shall mean any International Military Headquarters immediately subordinate to SHAPE and any other International Military Headquarters or Organization subordinate to SHAPE to which Article 14 of the Protocol may be declared applicable by the North Atlantic Council;
4. "Agreement" shall mean the Agreement concluded in London on June 19, 1951 by the Parties to the North Atlantic Treaty regarding the Status of their Forces;
5. "Protocol" shall mean the Protocol on the status of International Military Headquarters set up pursuant to the North Atlantic Treaty, signed in Paris on 28 August 1952.

Article II

LOCATION OF ALLIED HEADQUARTERS

The peacetime location in the European territory of the Kingdom of the Netherlands of the various sections of Allied Headquarters and any change in such location shall be decided upon by arrangement between the Netherlands Government and SHAPE.

Article III

PERSONNEL STRENGTH OF ALLIED HEADQUARTERS

(1) SACEUR shall inform the Netherlands Government of the personnel strength of Allied Headquarters within Netherlands territory on the date of the entry into force of

- a. the present Agreement, and
- b. arrangements, referred to in Article II above.

(2) SACEUR is authorized to increase the number of personnel of any Allied Headquarters up to a maximum of 10 % above the original strength referred to in the previous paragraph and shall report the total strengths of the Allied Headquarters to the Netherlands Government periodically.

(3) Should a proposed increase mean exceeding the 10 % maximum, SACEUR shall not implement the increase before he has obtained the approval of the Netherlands Government to a new percentage within the limits of which the existing number may be increased.

Article IV

LEGAL CAPACITY

The legal capacity attributed to SHAPE by Article 10 of the Protocol shall, as regards either SHAPE itself or any Allied Headquarters within the European territory of the Kingdom of the Netherlands, be exercised by SACEUR or by a subordinate authority appointed by him to act in his name and on his behalf.

Article V

REPRESENTATION IN LAW

When so requested, the Netherlands Government may consent to act on behalf of SHAPE in any legal proceedings in which an Allied Headquarters is involved before a Netherlands court. SHAPE shall reimburse the Netherlands Government for any expenditure thus incurred.

Article VI

INVIOABILITY OF PREMISES

(1) Persons who on the strength of a Netherlands legal provision are authorized to enter a place against the tenant's wishes shall not enter the premises of an Allied Headquarters without the consent of its Commander or Director.

(2) Such consent shall be granted immediately to persons who have written authorization to enter the premises from the Public Prosecutor ("Procureur-Generaal") in the Court of Appeal ("Gerechtshof") within the jurisdiction of which the building is located.

(3) Nothing in this Article shall infringe either the inviolability of archives and other official documents or the procedures of verification as laid down in Article 13 of the Protocol.

Article VII

IMMUNITIES

(1) The Netherlands Government shall accord to military as well as to civilian personnel of other than Netherlands nationality holding interallied positions of high responsibility for the duration of their mission immunity from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority. This immunity is not accorded for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the North Atlantic Treaty.

(2) The Netherlands Government shall, in agreement with SHAPE, specify the functions for which said immunity shall be granted.

(3) The Secretary-General of NATO has the right and the duty to waive the immunity of any of the abovementioned persons in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interest of the Allied Headquarters.

(4) If the immunity is not waived, the Secretary-General of NATO shall use his best endeavours to bring about a just settlement of any claims.

(5) The Secretary-General of NATO and SACEUR shall at all times collaborate with the Netherlands authorities with a view to facilitating the administration of justice, to assuring due observance of police regulations and to avoiding every excess to which the privileges and immunities mentioned above might give rise.

Article VIII

TAXES AND DUTIES

(1) To give effect to Article 8, paragraph 1, of the Protocol the Netherlands Government shall grant Allied Headquarters relief from Netherlands taxes and duties in so far as such taxes and duties are readily identifiable to the extent and in the manner prescribed below.

(2) The relief from tax and duty granted on expenditure made by Allied Headquarters in the Netherlands in respect of equipment, materials, facilities and services acquired in the interest of common defence and for their official and exclusive benefit shall, with due regard to paragraph 1 of this Article, apply to :

- a.* turnover tax, and
- b.* import tax and duty,

in so far as such relief would be granted if the goods in question were exported from the Netherlands, whether they are in fact exported or retained in the Netherlands.

(3) (*a*) With regard to payments made under contracts concluded with Netherlands suppliers and financed directly by an Allied Headquarters, the tax and duty relief granted under the present Agreement shall be effected in such manner that payments by the Allied Headquarters under such contracts shall be net of the duties and taxes specified in paragraph 2.

(*b*) With respect to payments, made by the Netherlands Government acting as purchasing agent for SHAPE, that are to be either wholly or partially reimbursed by SHAPE, such reimbursement shall not include the duty and tax specified in paragraph 2.