

No. 31542

**CANADA
and
CULTURAL AND TECHNICAL
COOPERATION AGENCY**

**Agreement regarding the headquarters of the Energy Institute of Countries Using French as a Common Language.
Signed at Paris on 17 November 1988**

Authentic texts: English and French.

Registered by Canada on 27 January 1995.

**CANADA
et
AGENCE DE COOPÉRATION
CULTURELLE ET TECHNIQUE**

**Accord relatif au siège de l'Institut de l'énergie des pays ayant
en commun l'usage du français. Signé à Paris le 17 novembre 1988**

Textes authentiques : anglais et français.

Enregistré par le Canada le 27 janvier 1995.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF CANADA AND
THE CULTURAL AND TECHNICAL COOPERATION AGENCY
REGARDING THE HEADQUARTERS OF THE ENERGY INSTI-
TUTE OF COUNTRIES USING FRENCH AS A COMMON LAN-
GUAGE

The Government of Canada and the Cultural and Technical Cooperation Agency, wishing to conclude an agreement respecting the establishment in Quebec City of the Energy Institute of Countries Using French as a Common Language, have agreed to the following:

ARTICLE I

Definitions

In this Agreement:

- (a) The term “Agency” means, the Cultural and Technical Cooperation Agency.
- (b) The term “Institute” means, the Energy Institute of Countries Using French as a Common Language, a subsidiary organ of the Agency.
- (c) The term “headquarters premises” means the premises occupied by or to be occupied by the Institute for purposes of carrying out its activities, but does not include the premises used to house its personnel.
- (d) The term “Agency Members” means the states that are members of the Agency, the associate states and the participating governments.
- (e) The term “Officials of the Agency or the Institute” means the Secretary-General of the Agency and the Executive Director of the Institute and all persons employed full time by the Agency or the Institute and subject to their staff regulations other than persons recruited locally and assigned to hourly rates of pay.

ARTICLE II

Status of the Agency and the Institute

1. The Agency and the Institute shall possess juridical personality. They shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;

¹ Came into force on 17 November 1988 by signature, in accordance with article IX.

(c) to institute legal proceedings.

2. The Agency and the Institute, their property and assets, wherever located and by whomever held, shall enjoy immunity from every form of legal process except insofar as in any particular case the Agency or the Institute has expressly waived its immunity.

3. (a) The premises of the Institute's headquarters shall be inviolable.

(b) The property and assets of the Institute, wherever located and by whomever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action, except with the consent of the Executive Director of the Institute.

(c) The local authorities may enter the premises of the Institute's headquarters in the event of a fire.

(d) The Institute shall not allow its headquarters to be used as a refuge for persons seeking to avoid arrest, or the service or execution of legal process.

4. The archives of the Institute, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

5. Without being restricted by financial controls, regulations or moratoria of any kind, the Agency and the Institute may:

(a) hold funds or currency of any kind and operate accounts in any currency;

(b) transfer their funds or currency from one country to another or within Canada, and convert any currency held by them into any other currency.

In exercising their rights under this section, the Agency and the Institute shall pay due regard to any representations made by the Government of Canada, insofar as it is considered that effect can be given to such representations without detriment to their interests.

6. The Agency and the Institute, their assets, income and other property shall be:

(a) exempt from all direct taxes. However, the exemption shall not extend to taxes charged for public utility services;

(b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Agency or the Institute for their official use. It is understood that articles imported under such exemption will not be sold in Canada except under conditions agreed with the Government of Canada;

(c) exempt from all import, export and sales prohibitions and restrictions, and from customs duties and excise, with respect to their publications, including their audio-visual material.

7. The Agency and the Institute shall enjoy in the territory of Canada, for their official communications, treatment not less favourable than that accorded to the diplomatic missions in Canada in matters of communications priorities.

ARTICLE III

Representatives of Members

1. When they are invited to a meeting convened by the Agency or the Institute, the representatives of Agency Members shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities in Canada:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind; immunity from legal process in respect of words spoken or written and all acts done by them on discharging their duties shall continue to be accorded notwithstanding that the persons concerned are no longer the representatives of Members;
- (b) inviolability for all papers and documents;
- (c) exemption from immigration restrictions;
- (d) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic envoys;
- (e) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

2. The privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Agency or the Institute. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

ARTICLE IV

Officials of the Agency or the Institute

1. The officials of the Agency and of the Institute:

- (a) shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;