

No. 32302

**DENMARK
and
EUROPEAN CONFERENCE OF POSTS
AND TELECOMMUNICATIONS ADMINISTRATIONS**

**Agreement relating to the headquarters in Copenhagen of
the European Radiocommunications Office. Signed at
London on 18 September 1991**

Authentic text: English.

Registered by Denmark on 1 November 1995.

**DANEMARK
et
CONFÉRENCE EUROPÉENNE
DES ADMINISTRATIONS
DES POSTES ET DES TÉLÉCOMMUNICATIONS**

**Accord relatif au siège à Copenhague du Bureau européen
des radiocommunications. Signé à Londres le 18 sep-
tembre 1991**

Texte authentique : anglais.

Enregistré par le Danemark le 1^{er} novembre 1995.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF DENMARK
AND THE EUROPEAN RADIOCOMMUNICATIONS COMMIT-
TEE OF THE EUROPEAN CONFERENCE OF POSTS AND
TELECOMMUNICATIONS ADMINISTRATIONS RELATING TO
THE HEADQUARTERS IN COPENHAGEN OF THE EUROPEAN
RADIOCOMMUNICATIONS OFFICE

The Government of Denmark and the European Radiocommunications Committee of the European Conference of Posts and Telecommunications Administrations,

Considering that the European Radiocommunications Committee has accepted the offer of the Government of Denmark to provide facilities in Copenhagen for the European Radiocommunications Office;

Considering that the Memorandum of Understanding on the establishment of the European Radiocommunications Office came into effect on 16 November 1990;

Considering that the above-mentioned Memorandum of Understanding requires that a formal legal agreement be established for the European Radiocommunications Office and that work is in hand in preparing such a document;

Considering that it is desirable to conclude an agreement to regulate questions arising as a result of the establishment of the European Radiocommunications Office in Copenhagen;

Have agreed as follows:

Article 1

DEFINITIONS

In the present Agreement,

(a) The expression “ERC” means the European Radiocommunications Committee of the European Conference of Posts and Telecommunications Administrations;

(b) The expression “ERO, Copenhagen” means the ERC European Radiocommunications Office in Copenhagen;

(c) The expression “the Government” means the Government of Denmark;

(d) The expression “Headquarters” means the premises occupied by ERO, Copenhagen in accordance with provisions set forth from time to time in supplementary agreements;

(e) The expression “Chairman” means the Chairman of the ERC or his authorized representative;

(f) The expression “officials of ERO, Copenhagen” means the Head of ERO, Copenhagen and all members of the staff of ERO, with the exception of officials or employees who are locally recruited and assigned to hourly rates;

¹ Came into force on 18 September 1991 by signature, in accordance with article XI (3).

(g) The expression “Head of ERO, Copenhagen” means the senior official in charge of ERO, Copenhagen.

Article II

JURIDICAL PERSONALITY AND CAPACITY

The European Radiocommunications Committee acting through ERO, Copenhagen shall have the capacity:

- (a) To contract;
- (b) To acquire and dispose of immovable and movable property;
- (c) To institute legal proceedings.

Article III

HEADQUARTERS

1. The Government recognizes the extra-territoriality of the Headquarters seat, which shall be under the control and authority of ERO, Copenhagen as provided in this Agreement.

2. Except as otherwise provided in this Agreement and subject to any regulation enacted under paragraph 5, the laws of Denmark shall apply within the Headquarters seat.

3. Except as otherwise provided in this Agreement the courts or other appropriate organs of Denmark shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the Headquarters seat.

4. The Headquarters shall be inviolable. No official of the Government shall enter the Headquarters to perform any duties except upon the consent of or at the request of the Head of ERO, Copenhagen and under conditions approved by him.

5. ERO, Copenhagen shall have the power to make regulations, operative within the Headquarters seat, for the purpose of establishing therein conditions in all respect necessary for the full execution of its functions. No law of Denmark which is inconsistent with a regulation of ERC authorized by this paragraph shall, to the extent of such inconsistency, be enforceable within the Headquarters seat. Any dispute between ERO, Copenhagen and Denmark as to whether a regulation of ERC is authorized by this section or as to whether a law of Denmark is inconsistent with any regulation of ERC authorized by this paragraph, shall promptly be settled by the procedure set out in Article X.

6. Juridical actions, including service of legal process and the seizure of private property, shall not take place within the Headquarters, except with the consent of, and under conditions approved by the Head of ERO, Copenhagen.

7. Without prejudice to the provisions of this Agreement, ERO, Copenhagen shall prevent the Headquarters from being used as a refuge by persons who are avoiding arrest under any law of Denmark, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

8. (a) The appropriate Danish authorities shall exercise due diligence to ensure that the tranquillity of the Headquarters is not disturbed by any person or groups of persons from attempting unauthorized entry into or creating disturbances in the immediate vicinity of the Headquarters seat.

(b) If so requested by the Head of ERO, Copenhagen, the appropriate Danish authorities shall provide necessary assistance for the preservation of law and order in the Headquarters and for the removal therefrom of persons as requested by the Head of ERO, Copenhagen.

9. The appropriate Danish authorities shall make every possible effort to secure upon the request of the Head of ERO, Copenhagen, the public services needed by ERO, Copenhagen, including, without limitation by reason of this enumeration, postal, telephone, and telegraph services and power, water and fire protection services. Such public services shall be supplied on equitable terms.

10. In case of any interruption or threatened interruption of the aforesaid services, the appropriate Danish authorities shall consider the needs of ERC as being of equal importance with those of essential agencies of the Government, and shall take steps accordingly to ensure that the work of ERC is not prejudiced.

Article IV

FREEDOM OF ACCESS TO THE HEADQUARTERS

1. The competent Danish authorities shall not impede the transit to or from the Headquarters of persons holding official posts therein or of persons invited thereto in connection with the official work and activities of ERC upon their arrival in or departure from Denmark.

2. The Government undertakes, for this purpose, to allow the entry into and residence in Denmark of the persons listed hereunder during their assignment or during the performance of their duties for ERC, without charging visa fees and without delay as well as exemption from any requirements of exit visa formalities upon departure from Denmark of:

(a) Representatives of States, representatives of United Nations organs, specialized or related agencies, and observers from intergovernmental, non-governmental and other organizations, with which ERC has established official relations, invited or entitled to participate in conferences or meetings convened in Denmark by ERC including alternate representatives or observers, advisers, experts and assistants, as well as their spouses and dependent members of their families;

(b) ERC officials, as well as their spouses and dependent members of their families;

(c) Those who have official duties with ERO, Copenhagen, as well as their spouses and dependent members of their families;

(d) All persons invited to the Headquarters on official business.

3. Without prejudice to the special immunities which they may enjoy, persons referred to in paragraph 2 above may not be forced by Danish authorities to leave Danish territory unless they abuse their recognized residence privileges by exercising an activity outside their official capacity, and subject to the provisions mentioned hereunder: