

No. 52558*

**Spain
and
European Union**

Seat Agreement between the Kingdom of Spain and the European Union (European Agency for Safety and Health at Work) (with annex). Bilbao, 31 March 2014

Entry into force: *provisionally on 31 March 2014 and definitively on 26 January 2015, in accordance with article 17*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *Spain, 17 March 2015*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Espagne
et
Union européenne**

Accord de siège entre le Royaume d'Espagne et l'Union européenne (Agence européenne pour la sécurité et la santé au travail) (avec annexe). Bilbao, 31 mars 2014

Entrée en vigueur : *provisoirement le 31 mars 2014 et définitivement le 26 janvier 2015, conformément à l'article 17*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Espagne, 17 mars 2015*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

**SEAT AGREEMENT BETWEEN THE KINGDOM OF SPAIN
AND THE EUROPEAN UNION (EUROPEAN AGENCY FOR SAFETY AND
HEALTH AT WORK)**

The Kingdom of Spain, hereinafter "Spain", and the European Union (European Agency for Safety and Health at Work), hereinafter "the Agency";

Taking into consideration the European Commission's statement regarding the Agency's exceptional legal capacity to conclude a Seat Agreement with Spain;

Having regard to the Decision taken by common Agreement between the Representatives of the Governments of the Member States, meeting at Head of State and Government level, on the location of the seats of certain bodies and departments of the European Communities and of Europol (93/C 323/01), and in particular its Article 1(f), which stipulates that the Agency for Health and Safety at Work shall have its seat in Spain, in a town to be determined by the Spanish Government. To this end, the Spanish Government designated the city of Bilbao;

Having regard to Council Regulation (EC) No 2062/94 of 18 July 1994 establishing the Agency;

Considering that Article 20 stipulates that the staff of the Agency shall be subject to the Rules and Regulations applicable to officials and other servants of the European Communities;

Considering that Article 19 specifies that the Protocol on the Privileges and Immunities of the European Communities, hereinafter "the Protocol", shall apply to the Agency;

Have agreed the following:

Article 1
Scope of Application

The present Agreement sets forth the provisions applicable to relations between the Agency and Spain, especially as regards privileges and immunities, exemptions and financial facilities granted to the Agency and to its staff, security and access to its seat, as well as other measures to be taken by the Spanish public administration in order to facilitate effective collaboration and support, which are essential to the proper functioning of the Agency.

Article 2
Privileges and Immunities

1 - The privileges granted by the present Agreement to the Agency and its staff, pursuant to Articles 3 to 7, have the sole purpose of guaranteeing the smooth functioning of the Agency and the independence of the persons benefitting

therefrom.

2 - In the performance of its official activities, the Agency enjoys immunity from jurisdiction and execution. The Agency, its property and possessions, wherever they may be located, shall not be subjected to any coercive, administrative or judicial measures, pursuant to Article 1 of the present Agreement.

Official activities are understood to be those that are strictly indispensable for the technical and administrative functioning of the Agency.

Article 3 *Officials and Other Servants of the Agency*

1 - The staff of the Agency shall comprise the following categories:

i) Statutory staff subject to the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities:

- Officials
- Temporary staff
- Contract staff
- Special advisers

ii) External staff:

- Seconded National Experts (SNEs)
- Experts on contract to conduct research

External staff members in charge of *ad hoc* tasks related to the specialised nature of the Agency shall be considered experts on mission at the Agency.

2 - Without prejudice to the provisions of Articles 9 to 14 of the present Agreement, it has been agreed, in particular, that the statutory staff of the Agency:

i) shall enjoy immunity from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;

ii) shall be exempt from national taxes on the corresponding income, wages and supplements paid by the Agency;

iii) shall not be subject to immigration restrictions or to formalities for the registration of foreigners; neither shall their spouses or dependent members of their family.

All members of the statutory staff and the dependent members of their family shall receive a special identity card stating the name of the holder, their place and date of birth, their nationality, and their relation with the Agency;

iv) shall enjoy the facilities generally granted to officials of international organisations as regards monetary or exchange rules;

v) shall be entitled, as shall their spouses and dependent members of their family, to the same repatriation facilities granted to diplomatic representatives in the event of an international crisis. This provision is not applicable to Spanish citizens;

vi) shall be entitled to import, from their last country of residence or from the country of which they are nationals, free of duty and without any prohibitions or restrictions, in respect of initial establishment, within two years of taking up their post at the Agency and in a maximum of two shipments, their furniture and personal effects, including vehicles purchased under market conditions in the country in question, which shall have a special licence plate number, pursuant to the requirements and procedures set forth in Article 39 of the General Regulations on vehicles approved by Royal Decree 2822/1998, of 23 December;

vii) shall be entitled to export, for a period of three years as of the date on which they cease to hold office at the Agency, without any prohibitions or restrictions, their furniture and personal effects, including vehicles they use and which they own. The aforementioned three years shall constitute a maximum period and shall only be used in exceptional cases.

3 - The statutory staff of the Agency who are not tax residents in Spain on the date of taking up their appointment with the Agency shall be entitled to purchase personal and household effects during a period of one year as of the date on which they take up their post at the Agency, as well as a motor vehicle for their personal use, without paying taxes or duties for the duration of their stay in Spain.

4 - In addition to the aforementioned immunities and privileges, the statutory staff of the Agency shall enjoy the privileges, immunities and facilities granted by Spain to staff members of diplomatic missions to Spain of a comparable category.

For the tax privileges and immunities, and those regarding exemption from Value Added Tax, to be applicable, the statutory staff of the Agency cannot be Spanish nationals or residents in Spain prior to taking up their post at the Agency.

5 - As regards the external staff of the Agency, as well as persons invited by the Agency to participate in its activities, the competent Spanish authorities shall take, pursuant to current regulations on foreigners and immigration, all necessary measures to facilitate their entry into Spanish territory, their stay therein, and departure therefrom.

Visas and any other necessary authorisations shall be issued free of charge and as speedily as possible and, if necessary, assistance during transit shall also be provided.

The Agency shall provide said persons with sufficient and effective documents accrediting their relation or link thereto, stating the name of the holder, their date of birth and the number of their passport or travel document.

Article 4
Financial Facilities

1. As regards real estate properties corresponding to the Agency under any title, the Agency shall be exempt from the payment of any national, regional or local duties or taxes, unless this is compensation for services received by the Agency.
2. VAT: The Agency shall be directly exempt from VAT on the handing over or leasing of buildings or parts thereof, and other premises, used as the seat of the Agency or the residence of its Director, as well as on the building, refurbishment and repair work of said buildings, provided that the total of each action exceeds €751.

Moreover, pursuant to Spanish legislation, the Agency shall be directly exempt from VAT regarding the delivery of goods for official use, when the total of each invoice exceeds €300. Delivery of goods shall include office supplies, water, gas, electricity and fuel, as well as telephone, radio and telegraph services.

Article 5
Social Security

1. The Agency shall be exempt from all compulsory contributions to national social security agencies, such as compensation funds, unemployment insurance funds, accident insurance, and others.
2. When appropriate, the Agency shall cooperate closely with the Spanish authorities in order to facilitate the voluntary participation of its staff members in the Spanish Social Security system.

Article 6
Imports and Exports

1. The Agency shall be exempt from customs duties and from any other similar taxes, except for those corresponding to storage, transportation or other services, as well as from prohibitions or restrictions on any type of goods imported or exported in the exercise of its official activities.
2. Imported, exported or transferred goods, if transported in the form of luggage, may be declared for import or export; to this end, the use of the habitual tags or forms for diplomatic bags is envisaged. Diplomatic bags may only contain mail, documents and objects intended for official use.
3. Goods imported with exemption of taxes and duties pursuant to the provisions of the present Agreement may not be ceded to third parties, whether in return for payment or free of charge, unless under the conditions set forth in Spanish legislation.

Article 7
Vehicles of the Agency and Road Taxes

1. The Agency shall be exempt from any duties or restrictions on the import of