

ARTICLE I

# Host Agreement

between the North Atlantic Marine  
Mammal Commission and the  
Government of Norway

ARTICLE II

The North Atlantic Marine Mammal Commission and the Government of Norway,

Referring to the Agreement of 9 April 1992, which established the North Atlantic Marine Mammal Commission; and

Desiring to conclude an Agreement for the purpose of determining the status, privileges and immunities of the North Atlantic Marine Mammal Commission, its Experts and Officials, and Representatives;

have agreed as follows:

## ARTICLE 1

### Definitions

In the present Agreement,

1. "Commission" means the North Atlantic Marine Mammal Commission;
2. "Government" means the Government of Norway;
3. "Representatives" shall be deemed to include all delegates to the Council of the Commission and their substitutes, all members of the Management Committees and their substitutes; and all members of the Scientific Committee and their substitutes;
4. "Officials" means all persons whose functions and main employment consist of performing the official functions of the Secretariat of the Commission as laid down in the Agreement of 9 April 1992. The term "Official" does not include Experts performing part time or temporary missions for the Commission or persons performing functions of a general, supportive character (e.g. clerical and technical work) or assigned to hourly rates of pay.

## ARTICLE 2

### Juridical Personality

The Commission shall possess in Norway juridical personality. It shall have the capacity to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings.

### ARTICLE 3

#### **Location**

The seat of the Commission shall be in Tromsø.

With the consent of the Norwegian Ministry of Foreign Affairs, the seat of the Commission may be relocated inside Norwegian territory.

### ARTICLE 4

#### **Flag and emblem**

The Commission shall be entitled to display its flag and emblem on the premises and means of transport of the Commission and its Secretary General.

### ARTICLE 5

#### **Immunity of property and assets**

The Commission and its property and assets located in Norway shall enjoy immunity from every form of legal process, except:

1. in so far as in any particular case this immunity is expressly waived by the Commission, it thereby being understood, however, that no waiver of immunity shall extend to any measure of execution;
2. in the case of a civil action by a third party for damages arising from an accident caused by a motor vehicle belonging to, or operated on behalf of the Commission, or in the case of a motor traffic offence involving such a vehicle.

### ARTICLE 6

#### **Funds, Currency and Securities**

Without being restricted by financial controls, regulations or moratoria of any kind, the Commission may receive, acquire, hold and dispose of freely any kind of funds, currencies or securities.

### ARTICLE 7

#### **Inviolability of Premises**

The premises of the Commission in Norway or any premises in Norway occupied by the Commission in connection with an official meeting of the Commission shall be inviolable.

Such premises and the property and assets of the Commission in Norway shall be immune from search, requisition, confiscation, expropriation, and any other form of interference whether by executive, administrative, judicial or legislative action.

## ARTICLE 8

### **Inviolability of Archives**

The archives of the Commission, and in general all its official documents in Norway, shall be inviolable.

## ARTICLE 9

### **Commercial Activity**

The Commission shall not engage in any commercial activity, or have such activity as a purpose.

## ARTICLE 10

### **Exemption from Taxes and Duties**

The assets, income and other property of the Commission shall be exempt from dues and taxes to the extent that such exemption is granted by the Norwegian authorities to diplomatic missions in Norway pursuant to the relevant rules in the Vienna Convention on Diplomatic Relations.

The Commission will be accorded VAT exemption in accordance with the rules applied by the Norwegian authorities for such exemption to diplomatic missions.

## ARTICLE 11

### **Facilities in respect of Communications**

The Commission shall enjoy in Norway for its official communications treatment not less favourable than that accorded by the Government of Norway to the official communications of a state.

## ARTICLE 12

### **Representatives**

Representatives shall enjoy, while exercising their functions and in the course of their journeys to and from the place of an official meeting of the Commission, the following privileges and immunities:

1. immunity from personal arrest or detention, from seizure of their personal baggage and from legal process in respect of acts done by them in the exercise of their functions, including words written or spoken;
2. inviolability for all their official papers and documents;
3. the right to use codes and to despatch or receive papers or correspondence by courier or sealed bags;
4. exemption for themselves and their spouses from all measures restricting entry and from charges for visas;
5. the same facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and
6. the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

In order to secure for the Representatives complete freedom of speech at the Commission's meetings, and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in the discharge of their duties shall continue to be accorded notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

If the incidence of any form of taxation depends upon residence in Norway, periods during which the Representatives are present at a meeting of the Commission in Norway for the discharge of their duties shall not be considered as periods of residence.

Privileges and immunities are accorded to the Representatives not for the benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Commission. Consequently, the Council of the Commission not only has the right, but is under a duty to waive the immunity of its Representatives in any case where, in the opinion of the Council of the Commission, the immunity would impede the course of justice, and can be waived without prejudice to the purpose for which the immunity is accorded.

## ARTICLE 13

### Experts

Experts (other than Representatives under Article 12 or Officials under Article 14) performing missions for the Commission shall enjoy the following immunities and privileges to the extent they are necessary for the exercise of their missions, including during journeys in connection with their missions:

1. immunity from personal arrest or detention, from seizure of their personal baggage and from legal process in respect of acts done by them in the exercise of their functions, including words written or spoken, except in the case of a motor traffic offence committed by an expert or in the case of damage caused by a motor vehicle belonging to or driven by him;
2. inviolability for all their official papers and documents;

3. for the purpose of their communications with the Commission, the right to use codes and despatch or receive papers or correspondence by courier or in sealed bags; and
3. exemption for themselves and their spouses from all measures restricting entry and from charges for visas.

## ARTICLE 14

### Officials

Officials of the Commission, irrespective of nationality, shall have (even after they have left the service of the Commission) immunity from legal process in respect of acts done by them in the exercise of their functions, including words written or spoken; this immunity shall not, however, apply in the case of a motor traffic offence committed by an official nor in the case of damage caused by a motor vehicle belonging to or driven by him;

Officials of the Commission who are not of Norwegian nationality or permanent residents in Norway shall:

1. be exempt from any obligations in respect of military service; and members of their families forming part of their household shall enjoy the same exemption;
2. enjoy exemption from all measures restricting immigration and from charges for visas; and spouses and dependent children shall enjoy the same facilities;
3. be accorded the same privileges in respect of exchange facilities as are accorded to diplomatic agents accredited in Norway;
4. be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic agents accredited in Norway;
5. have the right to import free of duty their furniture and personal effects (including one motor vehicle each) in the ownership or possession or ordered by them before taking up the post and intended for their personal use. Such goods shall normally be imported within three months of the first entry into Norway, but in exceptional circumstances an extension of this period may be granted. This privilege shall be subject to the same conditions governing the disposal of goods imported into Norway free of duty as are accorded to diplomatic agents accredited in Norway; and
6. have the right, once every three years to import free of customs and excise duties a motor vehicle, it being understood that permission to sell or dispose of the vehicle in the open market will normally not be granted before three years after its importation. This privilege shall be subject to the same conditions governing the disposal of goods imported into Norway free of duty as are accorded to to diplomatic agents accredited in Norway.

Privileges and immunities are granted to Officials in the interest of the Commission, and not for personal benefit of the individuals themselves. The Council of the Commission shall have the right and the duty to waive the immunity of any Official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Commission.

The Commission shall on a regular basis communicate to the Government of Norway the names of those officials to whom the provisions of this Article shall apply.

## ARTICLE 15

### **Income Tax**

Officials of the Commission shall be subject to tax imposed by the Commission for its benefit on salaries and emoluments paid by the Commission. From the date on which this tax is applied such salaries and emoluments shall be exempt from Norwegian income tax, but the Government shall retain the right to take these salaries and emoluments into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

The amount of tax imposed by the Commission shall be compatible to the relevant Norwegian income tax level.

The provisions of this Article shall not apply to the payment of pensions and annuities to the former Officials of the Commission.

The tax imposed by the Commission shall be spent exclusively to cover expenses of the official functions of the Commission and for the payment of social security and pensions to its Officials.

The accounts of the Commission shall annually be subject to an independent audit by an authorised public accountant. The report of the accountant, which shall reflect the use of the tax imposed by the Commission on salaries and emoluments of its officials, shall be submitted to the Government.

## ARTICLE 16

### **Social Security**

All Officials of the Commission shall be covered by a social security system. The Commission shall ensure affiliation to the Norwegian National Insurance Scheme of any of its Officials who does not enjoy a comparable coverage by another social security system provided by the Commission. In respect of Officials who are to be insured under the Norwegian National Insurance Scheme, the Commission undertakes to ensure that employers' contributions and contributions from the Officials concerned are paid as required under the National Insurance Act.

## ARTICLE 17

### **Norwegian Law**

Without prejudice to their privileges and immunities, it is the duty of the Commission and all persons enjoying such privileges and immunities under this Agreement to respect the laws and regulations of Norway.

## ARTICLE 18

### **Co-operation**

The Commission shall co-operate at all times with the appropriate authorities in Norway in order to prevent any abuse of the privileges and immunities and facilities provided for in this Agreement.

## ARTICLE 19

### **Settlement of Disputes**

The Commission shall make provisions for appropriate modes of settlement of disputes involving any Official of the Commission, who, by reason of his official position, enjoys immunity, if immunity has not been waived in accordance with the provisions of Article 13.

Any difference between the Commission and the Government arising out of the interpretation or application of the present Agreement or any supplementary arrangement or agreement shall be settled by negotiations.

## FINAL PROVISIONS

## ARTICLE 20

### **Entry into Force**

This Agreement shall enter into force upon signature.

## ARTICLE 21

### **Revision**

This Agreement may be revised at the request of either Party. In this event the two Parties shall consult each other concerning the modifications to be made in its provisions.

## ARTICLE 22

### **Denunciation**

This Agreement may be terminated by either Party. The termination shall take effect one year after such notification has been received by the other Party. In the event of the Commission being moved from the territory of Norway, this Agreement shall, after a period reasonably required for such transfer and the disposal of the property of the Commission in Norway, cease to be in force.



IN WITNESS WHEREOF the present Agreement was done and signed in Sandefjord  
on.....September 26, 2000.....in duplicate in English.

For the North Atlantic Marine  
Mammal Commission

Amalie Jessen

For the Government of Norway

[Signature]