

No. 29469

MULTILATERAL

**European Convention on the recognition of the legal personality of international non-governmental organizations.
Concluded at Strasbourg on 24 April 1986**

Authentic texts: English and French.

Registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 22 January 1993.

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Convention européenne sur la reconnaissance de la personnalité juridique des organisations internationales non gouvernementales. Conclue à Strasbourg le 24 avril 1986

Textes authentiques : anglais et français.

Enregistrée par le Secrétaire général du Conseil de l'Europe, agissant au nom des Parties, le 22 janvier 1993.

EUROPEAN CONVENTION¹ ON THE RECOGNITION OF THE LEGAL PERSONALITY OF INTERNATIONAL NON-GOVERN- MENTAL ORGANISATIONS

PREAMBLE

The member States of the Council of Europe, signatories hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members, in particular for the purpose of safeguarding and realising ideals and principles which are their common heritage;

Recognising that international non-governmental organisations carry out work of value to the international community, particularly in the scientific, cultural, charitable, philanthropic, health and education fields, and that they contribute to the achievement of the aims and principles of the United Nations Charter and the Statute of the Council of Europe;²

Desiring to establish in their mutual relations rules laying down the conditions for recognition of the legal personality of these organisations in order to facilitate their activities at European level;

Have agreed as follows :

Article 1

This Convention shall apply to associations, foundations and other private institutions (hereinafter referred to as "NGOs") which satisfy the following conditions:

- a. have a non-profit-making aim of international utility;
- b. have been established by an instrument governed by the internal law of a Party;
- c. carry on their activities with effect in at least two States; and
- d. have their statutory office in the territory of a Party and the central management and control in the territory of that Party or of another Party.

¹ Came into force on 1 January 1991, i.e., the first day of the month following the expiration of a period of three months after the date on which three member States of the Council of Europe had signed it without reservation as to ratification, acceptance or approval or had deposited an instrument of ratification, acceptance or approval with the Secretary-General of the Council of Europe, in accordance with article 6 (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Belgium	4 September 1990
Greece	30 June 1989
Switzerland	24 September 1990
United Kingdom of Great Britain and Northern Ireland..... (In respect of the United Kingdom of Great Britain and Northern Ireland and the Isle of Man. With a declaration of application to the Bailiwick of Guernsey dated 1 December 1989.)	3 February 1989

Subsequently, the Convention came into force for the following States on the first day of the month following the expiration of a period of three months after the date of the deposit of their instrument of ratification, acceptance or approval with the Secretary-General of the Council of Europe, in accordance with article 6 (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Portugal..... (With effect from 1 February 1992.)	28 October 1991
Austria..... (With effect from 1 August 1992.)	27 April 1992

² United Nations, *Treaty Series*, vol. 87, p. 103.

Article 2

1. The legal personality and capacity, as acquired by an NGO in the Party in which it has its statutory office, shall be recognised as of right in the other Parties.
2. When they are required by essential public interest, restrictions, limitations or special procedures governing the exercise of the rights arising out of the legal capacity and provided for by the legislation of the Party where recognition takes place, shall be applicable to NGOs established in another Party .

Article 3

1. The proof of acquisition of legal personality and capacity shall be furnished by presenting the NGO's Memorandum and Articles of Association or other basic constitutional instruments. Such instruments shall be accompanied by documents establishing administrative authorisation, registration or any other form of publicity in the Party which granted the legal personality and capacity. In a Party which has no publicity procedure, the instrument establishing the NGO shall be duly certified by a competent authority. At the time of signature or of the deposit of the instrument of ratification, acceptance, approval or accession, the State concerned shall inform the Secretary General of the Council of Europe of the identity of this authority.
2. In order to facilitate the application of paragraph 1, a Party may provide an optional system of publicity which shall dispense NGOs from furnishing the proof provided for in the preceding paragraph for each transaction that they carry out.

Article 4

In each Party the application of this Convention may only be excluded if the NGO invoking this Convention, by its object, its purpose or the activity which it actually exercises :

- a.* contravenes national security, public safety, or is detrimental to the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others ; or
- b.* jeopardises relations with another State or the maintenance of international peace and security.

Article 5

1. This Convention shall be open for signature by the member States of the Council of Europe which may express their consent to be bound by :
 - a.* signature without reservation as to ratification, acceptance or approval, or
 - b.* signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 6

1. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which three member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 5.
2. In respect of any member State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 7

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council to accede to this Convention, by a decision taken by the majority provided for in Article 20. *d* of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.
2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 8

1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 9

No reservation may be made to this Convention.

Article 10

1. Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 11

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Convention, of:

- a.* any signature;
- b.* the deposit of any instrument of ratification, acceptance, approval or accession;
- c.* any date of entry into force of this Convention in accordance with Articles 6, 7, and 8;
- d.* any other act, notification or communication relating to this Convention.

[For the testimonium and signatures, see p. 102 of this volume.]