

No. 30691

HONG KONG
(UNDER AN ENTRUSTMENT OF AUTHORITY
FROM THE UNITED KINGDOM GOVERNMENT)
and
EUROPEAN UNION

Exchange of notes constituting an agreement concerning the status and privileges and immunities of the office and staff of the Commission of the European Communities in Hong Kong (with annex). Hong Kong, 9 October 1993 and Brussels, 25 October 1993

Authentic text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 18 February 1994.

HONG-KONG
(EN VERTU D'UNE DÉLÉGATION DE POUVOIRS
DE LA PART DU GOUVERNEMENT DU ROYAUME-UNI)
et
UNION EUROPÉENNE

Échange de notes constituant un accord relatif au statut et aux privilèges et immunités du bureau et du personnel de la Commission des communautés européennes à Hong-Kong (avec annexe). Hong-Kong, 9 octobre 1993 et Bruxelles, 25 octobre 1993

Texte authentique : anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 18 février 1994.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN HONG KONG (UNDER AN ENTRUSTMENT OF AUTHORITY FROM THE UNITED KINGDOM GOVERNMENT) AND THE EUROPEAN UNION CONCERNING THE STATUS AND PRIVILEGES AND IMMUNITIES OF THE OFFICE AND STAFF OF THE COMMISSION OF THE EUROPEAN COMMUNITIES IN HONG KONG

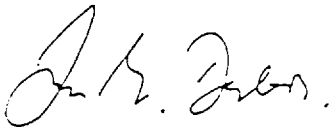
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The Rt. Hon. Christopher Patten

香 港 總 督 府

GOVERNMENT HOUSE
HONG KONG

9 October 1993



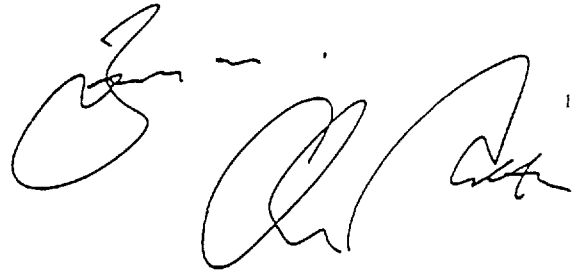
I have the honour to refer to the recent discussions between the Government of Hong Kong and the Commission of the European Communities concerning the establishment of an Office of the Commission of the European Communities in Hong Kong. As a result of these discussions, I have the honour to propose that the status, privileges and immunities of the Office and its staff for the period up to and including 30 June 1997 shall be as set out in the Annex to this Letter, on the understanding that it does not constitute a precedent for any subsequent arrangements relating to the privileges and immunities for the Office of the Commission of the European Communities in Hong Kong.

¹ Came into force on 10 December 1993, the date on which the Government of Hong Kong notified the Commission of the European Communities of the completion of the required procedures, in accordance with the provisions of the said notes.

If this proposal is acceptable to the Commission of the European Communities, I suggest that this Letter together with its Annex and your reply to that effect shall constitute an Agreement between the Government of Hong Kong and the Commission which shall enter into force on the date on which the Government of Hong Kong notifies the Commission that the necessary procedures to give effect to the Agreement in Hong Kong have been completed.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

Best wishes.



Governor

M. Jacques Delors
President of the Commission
of the European Communities
Commission of the European Communities
Brussels
Belgium

¹ Christopher Patten.

ANNEX

PRIVILEGES AND IMMUNITIES FOR THE OFFICE OF THE COMMISSION
OF THE EUROPEAN COMMUNITIES IN HONG KONG

1. The European Communities—the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community—shall each have legal personality in Hong Kong.
2. The European Communities shall have the capacity to conclude contracts, to acquire and dispose of immovable and movable property as necessary for the effective fulfilment of their duties and to institute legal proceedings, and shall be represented for that purpose by the Commission of the European Communities (hereinafter referred to as the Commission.)
3. The premises of the Office of the Commission in Hong Kong (hereinafter referred to as the Office) shall be inviolable. The premises of the Office, their furnishings and other property thereon shall be immune from search, requisition, attachment or execution. The bank accounts of the Office shall not be subjected to any search, requisition, attachment or execution, except in accordance with Hong Kong laws uniformly applied to similar institutions. Subject to the laws of Hong Kong, the means of transport of the Office shall not be subjected to any search, requisition, attachment or execution. The archives and documents of the Office shall be inviolable at any time and wherever they may be. The private residence of the Head of the Office shall enjoy the same inviolability as the premises of the Office.

4. The Commission and the Head of the Office shall be exempt from all dues or taxes (including stamp duty and rates) in respect of the premises of the Office and the residence of the Head of the Office, other than such as represent payment for specific services rendered.
5. Subject to the laws and regulations of Hong Kong concerning areas, entry into which is prohibited or restricted for reasons of internal security, the Hong Kong Government shall ensure to the Head of the Office and other members of the staff of the Office and members of their families forming part of their households freedom of movement and travel in Hong Kong.
6. The Hong Kong Government shall ensure the freedom of communications of the Office for official purposes and that the official correspondence of the Office sent by the Community pouch will neither be opened nor detained. Nevertheless, if the competent authorities of Hong Kong have serious reason to believe that the Community pouch contains something other than documents or articles intended exclusively for official use, they may request that the pouch be opened in the presence of an authorised representative of the Office. If the request is refused by the authority of the Office, the correspondence shall be returned to its place of origin.
7. The Hong Kong Government shall ensure that the Head of the Office and other members of the staff of the Office are treated with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity. The Head of the Office