

No. 33839. Italy and United Nations

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF ITALY AND THE UNITED NATIONS REGARDING THE USE BY THE UNITED NATIONS OF PREMISES ON MILITARY INSTALLATIONS IN ITALY FOR THE SUPPORT OF PEACE-KEEPING, HUMANITARIAN AND RELATED OPERATIONS. ROME, 23 NOVEMBER 1994 [*United Nations, Treaty Series, vol. 1979, I-33839.*]

PROTOCOL OF AMENDMENT OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THE ITALIAN REPUBLIC REGARDING THE USE BY THE UNITED NATIONS OF PREMISES ON MILITARY INSTALLATIONS IN ITALY FOR THE SUPPORT OF PEACE-KEEPING, HUMANITARIAN AND RELATED OPERATIONS (WITH ANNEX). NEW YORK, 28 APRIL 2015*

Entry into force: 5 September 2016, in accordance with article XII

Authentic text: English

Registration with the Secretariat of the United Nations: ex officio, 1 November 2016

*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.

N° 33839. Italie et Organisation des Nations Unies

MÉMORANDUM D'ACCORD ENTRE L'ORGANISATION DES NATIONS UNIES ET L'ITALIE CONCERNANT L'UTILISATION PAR L'ORGANISATION DES NATIONS UNIES DE LOCAUX SITUÉS DANS LES INSTALLATIONS MILITAIRES EN ITALIE POUR L'APPUI DES OPÉRATIONS DU MAINTIEN DE LA PAIX, HUMANITAIRES ET CONNEXES. ROME, 23 NOVEMBRE 1994 [*Nations Unies, Recueil des Traités, vol. 1979, I-33839.*]

PROTOCOLE D'AMENDEMENT DU MÉMORANDUM D'ACCORD ENTRE L'ORGANISATION DES NATIONS UNIES ET LE GOUVERNEMENT DE LA RÉPUBLIQUE ITALIENNE CONCERNANT L'UTILISATION PAR L'ORGANISATION DES NATIONS UNIES DE LOCAUX SITUÉS DANS LES INSTALLATIONS MILITAIRES EN ITALIE POUR L'APPUI DES OPÉRATIONS DU MAINTIEN DE LA PAIX, HUMANITAIRES ET CONNEXES (AVEC ANNEXE). NEW YORK, 28 AVRIL 2015*

Entrée en vigueur : 5 septembre 2016, conformément à l'article XII

Texte authentique : anglais

Enregistrement auprès du Secrétariat des Nations Unies : d'office, 1^{er} novembre 2016

*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]

**Protocol of Amendment of the Memorandum of Understanding
between the United Nations and the Government of the Italian Republic
regarding the use by the United Nations of Premises on Military Installations in
Italy for the
Support of Peacekeeping, Humanitarian and Related Operations**

Whereas on 23 November 1994 the United Nations and the Government of the Italian Republic signed the Memorandum of Understanding between the United Nations and the Government of the Italian Republic regarding the Use by the United Nations of Premises on Military Installations in Italy for the Support of Peacekeeping, Humanitarian and Related Operations (the “MOU”);

Whereas, since the signature of the MOU, a significant expansion of the United Nations Logistics Base (UNLB) logistics and support functions has taken place to respond to the growing needs of peacekeeping, humanitarian and related operations, as noted by the General Assembly in its resolution 64/269 of 3 August 2010, and new facilities have consequently been provided by the Government of the Italian Republic;

Whereas the Parties recognize that the United Nations Logistics Base is likely to further expand its activities to respond to the growing needs of peacekeeping operations, and the consequent increase in the number of its personnel,

Whereas, by its resolution 1502 (2003) of 26 August 2003, the Security Council requested the Secretary-General of the United Nations to seek the inclusion of, and that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel, including among others, those regarding prevention of attacks against members of United Nations operations, the establishment of such attacks as crimes punishable by law and the prosecution and extradition of offenders, in future as well as, if necessary, existing status-of-forces, status-of-mission and host country agreements;

Whereas the Parties wish to amend the MOU to include key provisions of the Convention on Safety of United Nations and Associated Personnel,

Now, therefore, the United Nations and the Government of the Italian Republic hereby agree to amend the MOU as follows:

ARTICLE I

The words “Republic of Italy” in the MOU shall be replaced throughout the text of the MOU with “Italian Republic”.

**ARTICLE II
Amendments to Article III (Application of the Convention)**

A second sentence shall be inserted in Article III so that the provision reads as follows

The United Nations, its property, funds and assets, wherever located and by whomsoever held, including equipment and materials leased, chartered or otherwise made available to the United Nations for its peacekeeping, humanitarian and related operations, as well as members assigned to Premises and experts on mission shall enjoy the privileges, immunities, exemptions and facilities provided for in the Convention. In the event that legal process is brought against the United Nations in connection with the use of the Premises, the appropriate Italian authorities shall take appropriate action to assert the *privileges and immunities of the United Nations* before the courts of the Italian Republic

ARTICLE III
Amendments to Article VIII
(Goods, Services and Facilities on Military Installations)

Article VIII, Paragraph 1, second sentence, shall be amended to read as follows:

However, the United Nations shall reimburse the Government, or exercise the share swap – through the provision of goods and services - or other modes provided by current law, for costs it may incur in excess of the Government's normal costs, as described in the preceding provision, which are directly attributable to the United Nations use of Premises. The terms and conditions must be set in specific or locally based Implementation Agreements

ARTICLE IV
Amendments to Article IX
(Exemption from Taxation, Duties, Prohibitions and Restrictions)

Article IX, paragraph 3 shall be amended to read as follows:

3 With respect to value-added taxes (“Imposta sul Valore Aggiunto (IVA)”), the United Nations shall enjoy exemption from the payment of such taxes on important purchases. For the purposes of this Agreement, important purchases shall be interpreted as the purchase of goods or the provision of services of a value exceeding the threshold provided for under Italian legislation in respect of international organizations in Italy.

ARTICLE V
Amendments to Article XI
(Inviolability of Exclusive Use Premises)

1 Article XI shall be amended to read as follows.

1 Without prejudice to the fact that the Military Installation on which Exclusive Use Premises are located remains under the authority of the appropriate Italian authorities and Government territory, Exclusive Use Premises shall be inviolable and subject to the exclusive control and authority of the United Nations. No officer of the Italian Republic, or other person exercising any public authority within the Italian Republic, shall enter Exclusive Use Premises to perform any duties therein except with the consent of, and under conditions approved by, the United Nations. The consent of the United Nations to

such entry shall be presumed in the event of fire or other analogous emergency requiring urgent action. Subsequent procedural arrangements at the local level shall ensure the necessary automation for access in case of urgent technical assistance. Any person who has entered Exclusive Use Premises with the presumed consent of the United Nations, shall, if so requested by the United Nations, leave Exclusive Use Premises immediately. Without prejudice to the provisions of the Convention or this Memorandum of Understanding, the United Nations shall prevent Exclusive Use Premises from being used as a refuge by persons who are required by the Italian Judicial Authority for arrest.

2. A second paragraph shall be added to Article XI to read as follows:

2. The property, funds and assets of the United Nations, including equipment and materials leased, chartered or otherwise made available to the United Nations for its peacekeeping and related operations, wherever located and by whomsoever held, shall be immune from search, seizure, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

3. The first paragraph of Article XI shall be numbered as paragraph 1.

ARTICLE VI
Amendments to Article XIII
(Communications Facilities)

1. Article XIII, Paragraph 2(a) shall be amended to read as follows:

2. In addition to the provisions of paragraph 1 above:

(a) The United Nations shall have the authority to install and operate within Exclusive Use Premises radio sending, receiving and repeater stations as well as satellite systems to connect appropriate points in the Italian Republic with each other and with appropriate points in other countries, and to store and exchange telephone, voice, facsimile, video and other electronic data with the United Nations global telecommunications network and with and between the Specialized Agencies of the United Nations, other related organizations, and any other bodies as appropriate. The telecommunications services shall be operated in accordance with the International Telecommunications Convention and Regulations.

2. Article XIII, paragraph 2(b) shall be amended to read as follows:

(b) The United Nations shall enjoy, within the Italian Republic, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, electronic mail, facsimile, or any other means, and of establishing the necessary facilities for maintaining such communications within and between the Premises, including the laying of cables and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations. Use of those local systems by the United Nations shall be charged at the most favourable rate.

3. The following two sub-paragraphs shall be added to Article XIII, paragraph 2 after paragraph 2(b):

(c) The frequencies on which the services referred to in paragraphs (a) and (b) above may operate shall be decided upon in cooperation with the appropriate Italian authorities and shall be allocated expeditiously by the appropriate authorities. The United Nations shall be exempt from any and all taxes on, and from any and all fees for, the allocation of frequencies for this purpose, as well as from any and all taxes on, and all fees for, their use

(d) The United Nations shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

ARTICLE VII
Amendments to Article XV
(Security)

The following paragraph shall be added after paragraph 5 of Article XV

6 The Government shall ensure that the provisions of the Convention on the Safety of United Nations and Associated Personnel, to which the Italian Republic is a party, are applied to the United Nations and with respect to members assigned to Premises and visitors at the Premises, as well as their respective property and equipment

ARTICLE VIII
Amendments to Article XVI
(Travel and Transport)

Article XVI, paragraph 4 shall be amended to read as follows:

4 Incident to the United Nations use of Exclusive Use Premises, aircraft of the United Nations, including civilian aircraft chartered or leased by the United Nations, and military aircraft of a contributing State providing services to the United Nations, may, upon advance notice and subject to applicable rules and standards of the International Civil Aviation Organization (ICAO), take-off, fly-over, land and park on the territory of the Italian Republic. In particular, such flights are to be performed with jet subsonic aircrafts compliant with the prescriptions of Chapter 3, part II, Volume I of Annex 16 of ICAO. Such aircraft may use the airport facilities of a Military Installation, subject to the provisions of this Memorandum of Understanding and the terms and conditions set forth in the Implementation Agreement.

ARTICLE IX
Amendments to Article XVII
(Privileges and Immunities)

1 Article XVII, paragraph 1(d) shall be amended to read as follows.

(d) be immune, together with their spouses and relatives dependent on them, from immigrations restrictions and alien registration On request from the United Nations, the