

No. 46880

**Netherlands
and
North Atlantic Treaty Organization**

Exchange of letters constituting an Agreement between the Kingdom of the Netherlands and the North Atlantic Treaty Organization concerning the privileges and immunities of the NATO Consultation, Command and Control Agency (NC3A) (with annex). The Hague, 17 December 2003

Entry into force: *2 February 2004 by notification, in accordance with the provisions of the said letters*

Authentic text: *English*

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5 November 2009*

**Pays-Bas
et
Organisation du Traité de l'Atlantique Nord**

Échange de lettres constituant un accord entre le Royaume des Pays-Bas et l'Organisation du Traité de l'Atlantique Nord relatif aux privilèges et immunités de l'Agence de consultation, de commandement et de contrôle de l'OTAN (NC3A) (avec annexe). La Haye, 17 décembre 2003

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5 novembre 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

I

MINISTER VAN BUITENLANDSE ZAKEN

The Hague, 17 December 2003

Dear Secretary General,

I have the honour to refer to the Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff signed at Ottawa on 20 September 1951 (hereinafter called the Ottawa Agreement) and to the Agreement between the Parties of the North Atlantic Treaty regarding the status of their forces, signed in London on 19 June 1951 (hereinafter called the London Agreement).

Considering:

that in the context of the dissolution of NATO Communications and Information Systems Organisation (NACISO) and SHAPE Technical Center (STC) and the establishment of the NATO Consultation, Command and Control Organisation (hereinafter called NC3O) on 1st July 1996, the Netherlands Government has agreed to the establishment in The Netherlands of a part of the NC3O: the NATO Consultation, Command and Control Agency (NC3A) that represents the legal successor organisation of STC;

that the NC3O Charter (PO(96)99) foresees that the NATO Consultation, Command and Control Agency (NC3A) shall comprise a civilian and military element (hereinafter called NC3A personnel);

that the civilian personnel will be deemed to be NATO International Personnel and shall be covered by the Ottawa Agreement, and the military component will be deemed to be members of the International Military Staff and shall be covered by the London Agreement;

that the Netherlands Government is prepared to grant privileges and immunities to NC3A and its personnel in The Netherlands that are no less favourable than those previously granted to STC and with regard to the military component, than those granted to International Military Headquarters in the Netherlands.

Now therefore the Netherlands Government deems it desirable to formulate certain provisions together with you as a supplement to the Ottawa Agreement and to the London Agreement as applicable.

To this end I have the honour to propose the following provisions:

Article 1

Exemption from taxes and duties

1. Within the scope of its official activities, the NC3O, its assets, income and all other property shall be exempt from all direct taxes.

2. Within the scope of its official activities, the NC3O shall be exempt from the following indirect taxes:

- a) motor vehicle tax (motorrijtuigenbelasting);
- b) tax on passenger motor vehicles and motorcycles (belasting van personenauto's en motorrijwielen, BPM);
- c) value added tax which forms part of the price of goods purchased by and of services rendered to NC3O (omzetbelasting);
- d) excise duties (accijnzen) included in the price of alcoholic beverages and hydrocarbons such as fuel oils and motor fuels and other taxes levied as excise duties;
- e) energy tax (REB, Regulerende Energie Belasting)
- f) import taxes and duties (rechten bij invoer en uitvoer);
- g) insurance tax (assurantiebelaasting);
- h) real property transfer tax (overdrachtsbelasting);
- i) any other taxes and duties of a substantially similar character to the taxes and duties provided for in this paragraph, imposed by the Netherlands subsequently to the date of this letter.

These exemptions will be granted under the principles applicable to former STC.

Goods acquired or imported under the terms set out in this provision shall be sold, given away or otherwise disposed of in accordance with conditions agreed upon with the Netherlands Government and/or in accordance with NATO provisions.

Article 2

Privileges and immunities of the General Manager, the Deputy and the staff

a) The General Manager and the Deputy General Manager shall be accorded the privileges and immunities, exemptions and facilities accorded to Heads of diplomatic missions accredited to the Government in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961. Officials of rank A6 or equivalent will be assimilated to diplomatic personnel of similar rank, in conformity with the Vienna Convention. In addition, officials of grade A5 or A4 as may be designated, in agreement with the Government, by the General Manager, on the grounds of the responsibilities of their positions in the NC3O, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to diplomatic agents of comparable rank, in conformity with the Vienna Convention.

Privileges and immunities of the members of the family

b) The members of the family of the persons referred to in paragraph a), shall enjoy the privileges, immunities, exemptions and facilities accorded to the members of the family of diplomatic agents in accordance with the Vienna Convention on Diplomatic Relations.

Article 3

Classification

The categories of civilian personnel of the NC3O referred to in article 17 of the Ottawa Agreement in the Netherlands comprise unclassified officials as well as grade A, L, B and C.

The members of the military component assigned to NC3O referred to in article 1, paragraph 1, subparagraph a) of the London Agreement comprise military personnel of grade OF and OR.

Article 4

Waiver

Privileges and Immunities are granted to NC3A personnel and their members of the family in the interests of the Organisation and not for

the personal benefit of the individuals concerned. The respective authorities of the civilian and military element shall have the right and the duty to waive the immunity in any case where, in their opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

Article 5

Commissary

The NC3O may establish a tax and duty free commissary for the sale of limited quantities of certain articles to NC3A personnel for personal use or consumption and not for gift or sale, under conditions to be agreed upon by the NC3O and the Netherlands Government, whereby the Netherlands Government will facilitate a flexible implementation of customs procedures as much as possible. Solely holders of a registration card will have admission to the commissary, unless the card bears the mark NL or DV, as detailed in paragraph 8 below.

Article 6

Motor vehicles

NC3A personnel may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependants. In addition, they shall be exempt from motor vehicle tax and excise duties on motor fuel on the basis of the regime accorded to AFCENT and to its successor organisation.

Article 7

Exemption from aliens registration

NC3A personnel, spouses and dependent children who do not have the Netherlands nationality or were not locally recruited in the Netherlands, shall enjoy exemption from all measures restricting immigration and from aliens registration formalities.

Article 8

Notification and identity cards

The General Manager shall notify the Netherlands Government as soon as possible, and thereafter on a regular basis with respect to any