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COUNCIL

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Czech Republic concerning the Czech Republic's participation in the European Environment Agency and the European environment information and observation network

(2001/582/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

(1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽³⁾.

(2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.

(3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a

single framework with the candidate countries participating in the accession process on an equal footing.

(4) The Council, on 14 February 2000, authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession. The Commission signed the Final Act of the negotiations on 9 October 2000.

(5) The Agreement as referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Czech Republic concerning the Czech Republic's participation in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 17 of the Agreement.

⁽¹⁾ OJ C 120 E, 24.4.2001, p. 203.

⁽²⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

Article 3

Done at Luxembourg, 18 June 2001.

This Decision shall be published in the *Official Journal of the European Communities*.

For the Council
The President
M. WINBERG

ANNEX

AGREEMENT

between the European Community and the Czech Republic concerning the participation of the Czech Republic in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the CZECH REPUBLIC,

of the other part,

TAKING INTO ACCOUNT the Czech Republic's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that the Czech Republic's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help the Czech Republic to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

The Czech Republic shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement the Czech Republic has to bear the full cost of its financial contribution, i.e. EUR 852 000,

- for the first three-year period the Czech Republic may partially use Community assistance to pay the contribution to the Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

The Czech Republic shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by the Czech Republic.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by the Czech Republic. The financial contributions required are:

The further terms and conditions on the financial contribution of the Czech Republic are set out in Annex I to this Agreement, which shall form an integral part to it.

— year 1: EUR 557 000

— year 2: EUR 704 000

— year 3: EUR 852 000.

Article 3

The Czech Republic shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

The Czech Republic shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

The Czech Republic shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

The Czech Republic may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of the Czech Republic.

Article 8

The Czech Republic should, under the condition that confidentiality is protected, provide data according to the obligations and practice established in the Agency work.

Article 9

The Agency may agree with the institutions or bodies designated by the Czech Republic and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in the Czech Republic as it is afforded within the Community.

Article 11

The Agency shall have legal personality in the Czech Republic. It shall enjoy in the Czech Republic the most extensive legal capacity accorded to legal persons under its laws.

Article 12

The Czech Republic shall, as relevant to the operation of the Agency under this Agreement, apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which is Annex II to this Agreement. For the purpose of the application of that Protocol in relations between the Czech Republic and the European Community, all references to Member States shall read as references also including States having concluded a similar agreement as the present one on the participation with the Agency.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of the Czech Republic enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until the Czech Republic shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of the Czech Republic.

Article 17

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into

force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

Article 18

This Agreement shall be drawn up in two original copies in the Danish, Dutch, English, Finnish, French, German, Italian, Spanish, Swedish, Greek, Portuguese and the Czech languages, each of these texts being equally authentic.

ANNEX I

FINANCIAL CONTRIBUTION OF THE CZECH REPUBLIC TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by the Czech Republic to the budget of the European Union to participate in the European Environment Agency will be in:

- year 1 of participation: EUR 557 000
- year 2 of participation: EUR 704 000
- year 3 of participation: EUR 852 000.

From the fourth year the Czech Republic has to bear the full cost of its financial contribution, i.e. EUR 852 000.

2. For the first three-year period the Czech Republic may partially use Community assistance to pay the contribution to the European Environment Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to the Czech Republic by means of a separate financing memorandum.

The remaining part of the contribution will be covered by the Czech Republic. From the fourth year the full cost of participation in the Agency shall be fully covered by the Czech Republic.

3. The contribution of the Czech Republic will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of the Czech Republic for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to the Czech Republic a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation the Czech Republic will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.

5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.

6. The Czech Republic will pay its contribution according to the call for funds:

- for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
- for the Phare part by 1 May provided that the corresponding amounts have been sent to the Czech Republic by this time, or at the latest in a period of 30 days after these funds have been sent to the Czech Republic.

7. Any delay in the payment of the contribution shall give rise to the payment of interest by the Czech Republic on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

Article 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Republic of Poland concerning the participation of the Republic of Poland in the European Environment Agency and the European environment information and observation network

(2001/583/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽³⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, on 14 February 2000, authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession. The Commission signed the Final Act of the negotiations on 16 November 2000.

- (5) The Agreement as referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Poland concerning the participation of the Republic of Poland in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 18 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ OJ C 120 E, 24.4.2001, p. 211.

⁽²⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Government of the Republic of Poland concerning the participation of the Republic of Poland in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the GOVERNMENT OF THE REPUBLIC OF POLAND, hereinafter referred to as 'Poland',

of the other part,

TAKING INTO ACCOUNT Poland's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that Poland's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help Poland to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

Poland shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Poland has to bear the full cost of its financial contribution, i.e. EUR 2 222 000,

- for the first three-year period Poland may partially use Community assistance to pay the contribution to the Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

Poland shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by Poland.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by Poland. The financial contributions required are:

The further terms and conditions on the financial contribution of Poland are set out in Annex I to this Agreement, which shall form an integral part to it.

— year 1: EUR 1 454 000

— year 2: EUR 1 838 000

— year 3: EUR 2 222 000.

Article 3

Poland shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Poland shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Poland shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Poland may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Poland.

Article 8

Poland should, under the condition that confidentiality is protected, provide data according to the obligations and practice established in the Agency work programme.

Article 9

The Agency may agree with the institutions or bodies designated by Poland and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in the Poland as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Poland. It shall enjoy in Poland the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Poland shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Poland enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until Poland shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Poland.

Article 17

This Agreement shall be drawn up in two original copies in the Danish, Dutch, English, Finnish, French, German, Italian,

Spanish, Swedish, Greek, Portuguese and the Polish languages, each of these texts being equally authentic.

Article 18

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

ANNEX I

FINANCIAL CONTRIBUTION OF POLAND TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Poland to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 1 454 000
— year 2 of participation:	EUR 1 838 000
— year 3 of participation:	EUR 2 222 000.

From the fourth year Poland has to bear the full cost of its financial contribution, i.e. EUR 2 222 000.

2. For the first three-year period Poland may partially use Community assistance to pay the contribution to the European Environment Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to Poland by means of a separate financing memorandum.

The remaining part of the contribution will be covered by Poland. From the fourth year the full cost of participation in the Agency shall be fully covered by Poland.

3. The contribution of Poland will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Poland for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Poland a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Poland will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.
6. Poland will pay its contribution according to the call for funds:
 - for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
 - for the Phare part by 1 May provided that the corresponding amounts have been sent to Poland by this time, or at the latest in a period of 30 days after these funds have been sent to Poland.
7. Any delay in the payment of the contribution shall give rise to the payment of interest by Poland on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passers* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passers* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

Article 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION**of 18 June 2001****on the conclusion of the Agreement between the European Community and Romania concerning the participation of Romania in the European Environment Agency and the European environment information and observation network**

(2001/584/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽³⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, on 14 February 2000, authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession. The Commission signed the Final Act of the negotiations on 9 October 2000.

- (5) The Agreement as referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and Romania concerning the participation of Romania in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 18 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ OJ C 120 E, 24.4.2001, p. 227.

⁽²⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and Romania concerning the participation of Romania in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and ROMANIA,

of the other part,

TAKING INTO ACCOUNT Romania's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that Romania's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help Romania to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

Romania shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Romania has to bear the full cost of its financial contribution, i.e. EUR 571 000,

- for the first three-year period Romania may partially use Community assistance to pay the contribution to the Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

Romania shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by Romania.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by Romania. The financial contributions required are:

The further terms and conditions on the financial contribution of Romania are set out in Annex I to this Agreement, which shall form an integral part to it.

— year 1: EUR 374 000

Article 3

— year 2: EUR 472 000

— year 3: EUR 571 000.

Romania shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Romania shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Romania shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Romania may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Romania.

Article 8

Romania should provide data according to the obligations and practice established in the Agency work programme.

Article 9

The Agency may agree with the institutions or bodies designated by Romania and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in the Romania as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Romania. It shall enjoy in the Romania the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Romania shall, as relevant, apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Romania enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until Romania shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Romania.

Article 17

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Italian, Spanish,

Swedish, Greek, Portuguese and Romanian languages, each of these texts being equally authentic.

Article 18

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

ANNEX I

FINANCIAL CONTRIBUTION OF ROMANIA TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Romania to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 374 000
— year 2 of participation:	EUR 472 000
— year 3 of participation:	EUR 571 000.

From the fourth year Romania has to bear the full cost of its financial contribution, i.e. EUR 571 000.

2. For the first three-year period Romania may partially use Community assistance to pay the contribution to the European Environment Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to Romania by means of a separate financing memorandum.

The remaining part of the contribution will be covered by Romania. From the fourth year the full cost of participation in the Agency shall be fully covered by Romania.

3. The contribution of Romania will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Romania for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Romania a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Romania will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.
6. Romania will pay its contribution according to the call for funds:
 - for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
 - for the Phare part by 1 May provided that the corresponding amounts have been sent to Romania by this time, or at the latest in a period of 30 days after these funds have been sent to Romania.
7. Any delay in the payment of the contribution shall give rise to the payment of interest by Romania on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

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PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

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The archives of the Communities shall be inviolable.

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The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

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in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

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1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

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Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

Article 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Republic of Slovenia concerning the participation of the Republic of Slovenia in the European Environment Agency and the European environment information and observation network

(2001/585/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽³⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, on 14 February 2000, authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession. The Commission signed the Final Act of the negotiations on 9 October 2000.

- (5) The Agreement as referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Slovenia concerning the participation of the Republic of Slovenia in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 18 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ OJ C 120 E, 24.4.2001, p. 235.

⁽²⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Republic of Slovenia concerning the participation of Slovenia in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the REPUBLIC OF SLOVENIA, hereinafter referred to as 'Slovenia',

of the other part,

TAKING INTO ACCOUNT Slovenia's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that Slovenia's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help Slovenia to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

Slovenia shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Slovenia has to bear the full cost of its financial contribution, i.e. EUR 298 000,

- for the first three-year period Slovenia may partially use Community assistance to pay the contribution to the Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

Slovenia shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by Slovenia.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by Slovenia. The financial contributions required are:

The further terms and conditions on the financial contribution of Slovenia are set out in Annex I to this Agreement, which shall form an integral part to it.

— year 1: EUR 195 000

— year 2: EUR 246 000

— year 3: EUR 298 000.

Article 3

Slovenia shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Slovenia shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Slovenia shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Slovenia may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Slovenia.

Article 8

Slovenia should, under the condition that confidentiality is protected, provide data according to the obligations and practice established in the Agency work programme.

Article 9

The Agency may agree with the institutions or bodies designated by Slovenia and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in the Slovenia as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Slovenia. It shall enjoy in Slovenia the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Slovenia shall, as relevant to the operation of the Agency under this agreement, apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Slovenia enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until Slovenia shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Slovenia.

Article 17

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Italian, Spanish,

Swedish, Greek, Portuguese and the Slovenian languages, each of these texts being equally authentic.

Article 18

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

ANNEX I

FINANCIAL CONTRIBUTION OF SLOVENIA TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Slovenia to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 195 000
— year 2 of participation:	EUR 246 000
— year 3 of participation:	EUR 298 000.

From the fourth year Slovenia has to bear the full cost of its financial contribution, i.e. EUR 298 000.

2. For the first three-year period Slovenia may partially use Community assistance to pay the contribution to the European Environment Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to Slovenia by means of a separate financing memorandum.

The remaining part of the contribution will be covered by Slovenia. From the fourth year the full cost of participation in the Agency shall be fully covered by Slovenia.

3. The contribution of Slovenia will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Slovenia for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Slovenia a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Slovenia will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.
6. Slovenia will pay its contribution according to the call for funds:
 - for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
 - for the Phare part by 1 May provided that the corresponding amounts have been sent to Slovenia by this time, or at the latest in a period of 30 days after these funds have been sent to Slovenia.
7. Any delay in the payment of the contribution shall give rise to the payment of interest by Slovenia on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

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Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

Article 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Republic of Hungary concerning the participation of the Republic of Hungary in the European Environment Agency and the European environment information and observation network

(2001/586/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽³⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, on 14 February 2000, authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession. The Commission signed the Final Act of the negotiations on 9 October 2000.

- (5) The Agreement as referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Hungary concerning the participation of the Republic of Hungary in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 18 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ OJ C 120 E, 24.4.2001, p. 243.

⁽²⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Government of the Republic of Hungary concerning the participation of the Republic of Hungary in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the GOVERNMENT OF THE REPUBLIC OF HUNGARY, hereinafter referred to as 'Hungary',

of the other part,

TAKING INTO ACCOUNT Hungary's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that, by the application of Hungary submitted in March 1994 for membership in the European Union and by the decision of the Luxembourg European Council in December 1997, accession negotiations started in March 1998, and that participation in the European Environment Agency will help the Parties to achieve the objective of accession,

HAVING REGARD to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, and in particular Article 79 thereof,

HAVE AGREED AS FOLLOWS:

Article 1

Hungary shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Hungary has to bear the full cost of its financial contribution, i.e. EUR 749 000,

- for the first three-year period Hungary may partially use Community assistance to pay the contribution to the Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

Hungary shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by Hungary.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by Hungary. The financial contributions required are:

The further terms and conditions on the financial contribution of Hungary are set out in Annex I to this Agreement, which shall form an integral part to it.

- year 1: EUR 490 000
- year 2: EUR 619 000
- year 3: EUR 749 000.

Article 3

Hungary shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Hungary shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Hungary shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Hungary may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Hungary.

Article 8

Hungary should, under the condition that confidentiality is protected, provide data according to the obligations and practice established in the Agency work.

Article 9

The Agency may agree with the institutions or bodies designated by Hungary and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in Hungary as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Hungary. It shall enjoy in Hungary the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Hungary shall, as relevant to the operation of the Agency under this agreement, apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Hungary enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

1. Six months before expiry of the third year from the entry into force of this Agreement, Parties shall review its functioning and they might agree on the amendments of some terms of this Agreement.

2. This Agreement is concluded for an unlimited period until Hungary shall become a member of the European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the date of such notification.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Hungary.

Article 17

This Agreement shall be drawn up in duplicate copies in the Danish, Dutch, English, Finnish, French, German, Italian,

Spanish, Swedish, Greek, Portuguese and Hungarian languages, each of these texts being equally authentic.

Article 18

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

ANNEX I

FINANCIAL CONTRIBUTION OF HUNGARY TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Hungary to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 490 000
— year 2 of participation:	EUR 619 000
— year 3 of participation:	EUR 749 000.

From the fourth year Hungary has to bear the full cost of its financial contribution, i.e. EUR 749 000.

2. For the first three-year period Hungary may partially use Community assistance to pay the contribution to the European Environment Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to Hungary by means of a separate financing memorandum.

The remaining part of the contribution will be covered by Hungary. From the fourth year the full cost of participation in the Agency shall be fully covered by Hungary.

3. The contribution of Hungary will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Hungary for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Hungary a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Hungary will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.

5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.

6. Hungary will pay its contribution according to the call for funds:

- for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
- for the Phare part by 1 May provided that the corresponding amounts have been sent to Hungary by this time, or at the latest in a period of 30 days after these funds have been sent to Hungary.

7. Any delay in the payment of the contribution shall give rise to the payment of interest by Hungary on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

Article 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Republic of Latvia concerning the participation of the Republic of Latvia in the European Environment Agency and the European environment information and observation network

(2001/587/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽²⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, on 14 February 2000, authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession. The Commission signed the Final Act of the negotiations on 9 October 2000.

- (5) The Agreement as referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Latvia concerning the participation of the Republic of Latvia in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 18 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽²⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Republic of Latvia concerning the participation of the Republic of Latvia in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and THE REPUBLIC OF LATVIA, hereinafter referred to as 'Latvia',

of the other part,

TAKING INTO ACCOUNT Latvia's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that Latvia's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help Latvia achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

Latvia shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Latvia has to bear the full cost of its financial contribution, i.e. EUR 90 000,

- for the first three-year period Latvia may partially use Community assistance to pay the contribution to the Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

Latvia shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by Latvia.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by Latvia. The financial contributions required are:

— year 1: EUR 59 000

— year 2: EUR 75 000

— year 3: EUR 90 000.

The further terms and conditions on the financial contribution of Latvia are set out in Annex I to this Agreement, which shall form an integral part to it.

Article 3

Latvia shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Latvia shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Latvia shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Latvia may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Latvia.

Article 8

Latvia should provide data according to the obligations and practice established in the Agency work programme.

Article 9

The Agency may agree with the institutions or bodies designated by Latvia and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in Latvia as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Latvia. It shall enjoy in Latvia the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Latvia shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Latvia enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until Latvia shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Latvia.

Article 17

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Italian, Spanish,

Swedish, Greek, Portuguese and Latvian languages, each of these texts being equally authentic.

Article 18

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

ANNEX I

FINANCIAL CONTRIBUTION OF LATVIA TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Latvia to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 59 000
— year 2 of participation:	EUR 75 000
— year 3 of participation:	EUR 90 000.

From the fourth year Latvia has to bear the full cost of its financial contribution, i.e. EUR 90 000.

2. For the first three-year period Latvia may partially use Community assistance to pay the contribution to the European Environment Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to Latvia by means of a separate financing memorandum.

The remaining part of the contribution will be covered by Latvia. From the fourth year the full cost of participation in the Agency shall be fully covered by Latvia.

3. The contribution of Latvia will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Latvia for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Latvia a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Latvia will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
 5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.
 6. Latvia will pay its contribution according to the call for funds:
 - for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
 - for the Phare part by 1 May provided that the corresponding amounts have been sent to Latvia by this time, or at the latest in a period of 30 days after these funds have been sent to Latvia.
 7. Any delay in the payment of the contribution shall give rise to the payment of interest by Latvia on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.
-

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

Article 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Republic of Lithuania concerning the participation of the Republic of Lithuania in the European Environment Agency and the European environment information and observation network

(2001/588/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽³⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, on 14 February 2000, authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession. The Commission signed the Final Act of the negotiations on 24 November 2000.

- (5) The Agreement as referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Lithuania concerning the participation of the Republic of Lithuania in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 18 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ OJ C 120 E, 24.4.2001, p. 267.

⁽²⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Republic of Lithuania concerning the participation of the Republic of Lithuania in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the GOVERNMENT OF THE REPUBLIC OF LITHUANIA, hereinafter referred to as 'Lithuania',

of the other part,

TAKING INTO ACCOUNT Lithuania's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that Lithuania's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help Lithuania to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

Lithuania shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Lithuania has to bear the full cost of its financial contribution, i.e. EUR 157 000,

- for the first three-year period Lithuania may partially use Community assistance to pay the contribution to the Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

Lithuania shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by Lithuania.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by Lithuania. The financial contributions required are:

The further terms and conditions on the financial contribution of Lithuania are set out in Annex I to this Agreement, which shall form an integral part to it.

— year 1: EUR 103 000

Article 3

— year 2: EUR 130 000

— year 3: EUR 157 000.

Lithuania shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Lithuania shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Lithuania shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Lithuania may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Lithuania.

Article 8

Lithuania should provide data according to the obligations and practice established in the Agency work.

Article 9

The Agency may agree with the institutions or bodies designated by Lithuania and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in Lithuania as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Lithuania. It shall enjoy in Lithuania the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Lithuania shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Lithuania enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until Lithuania shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Lithuania.

Article 17

This Agreement shall be drawn up in two original copies in the Danish, Dutch, English, Finnish, French, German, Italian,

Spanish, Swedish, Greek, Portuguese and Lithuanian languages, each of these texts being equally authentic.

Article 18

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

ANNEX I

FINANCIAL CONTRIBUTION OF LITHUANIA TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Lithuania to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 103 000
— year 2 of participation:	EUR 130 000
— year 3 of participation:	EUR 157 000.

From the fourth year Lithuania has to bear the full cost of its financial contribution, i.e. EUR 157 000.

2. For the first three-year period Lithuania may partially use Community assistance to pay the contribution to the European Environment Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to Lithuania by means of a separate financing memorandum.

The remaining part of the contribution will be covered by Lithuania. From the fourth year the full cost of participation in the Agency shall be fully covered by Lithuania.

3. The contribution of Lithuania will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Lithuania for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Lithuania a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Lithuania will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.

5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.

6. Lithuania will pay its contribution according to the call for funds:

- for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
- for the Phare part by 1 May provided that the corresponding amounts have been sent to Lithuania by this time, or at the latest in a period of 30 days after these funds have been sent to Lithuania.

7. Any delay in the payment of the contribution shall give rise to the payment of interest by Lithuania on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

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REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

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Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

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In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

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The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

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The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

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Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

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The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

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Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

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The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

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This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Republic of Bulgaria concerning the participation of the Republic of Bulgaria in the European Environment Agency and the European environment information and observation network

(2001/589/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽³⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, on 14 February 2000, authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession. The Commission signed the Final Act of the negotiations on 9 October 2000.

- (5) The Agreement as referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Bulgaria concerning the participation of the Republic of Bulgaria in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 18 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ OJ C 120 E, 24.4.2001, p. 195.

⁽²⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Republic of Bulgaria concerning the participation of the Republic of Bulgaria in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the REPUBLIC OF BULGARIA, hereinafter referred to as 'Bulgaria',

of the other part,

TAKING INTO ACCOUNT Bulgaria's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that Bulgaria's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help Bulgaria to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

Bulgaria shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Bulgaria has to bear the full cost of its financial contribution, i.e. EUR 167 000,

- for the first three-year period Bulgaria may partially use Community assistance to pay the contribution to the Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

Bulgaria shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by Bulgaria.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by Bulgaria. The financial contributions required are:

The further terms and conditions on the financial contribution of Bulgaria are set out in Annex I to this Agreement, which shall form an integral part to it.

— year 1: EUR 109 000

— year 2: EUR 138 000

— year 3: EUR 167 000.

Article 3

Bulgaria shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Bulgaria shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Bulgaria shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Bulgaria may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Bulgaria.

Article 8

Bulgaria should provide data according to the obligations and practice established in the Agency work programme.

Article 9

The Agency may agree with the institutions or bodies designated by Bulgaria and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in Bulgaria as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Bulgaria. It shall enjoy in Bulgaria the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Bulgaria shall, as relevant, apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Bulgaria enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until Bulgaria shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Bulgaria.

Article 17

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Italian, Spanish,

Swedish, Greek, Portuguese and Bulgarian languages, each of these texts being equally authentic.

Article 18

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

ANNEX I

FINANCIAL CONTRIBUTION OF BULGARIA TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Bulgaria to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 109 000
— year 2 of participation:	EUR 138 000
— year 3 of participation:	EUR 167 000.

From the fourth year Bulgaria has to bear the full cost of its financial contribution, i.e. EUR 167 000.

2. For the first three-year period Bulgaria may partially use Community assistance to pay the contribution to the European Environment Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to Bulgaria by means of a separate financing memorandum.

The remaining part of the contribution will be covered by Bulgaria. From the fourth year the full cost of participation in the Agency shall be fully covered by Bulgaria.

3. The contribution of Bulgaria will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Bulgaria for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Bulgaria a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Bulgaria will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
 5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.
 6. Bulgaria will pay its contribution according to the call for funds:
 - for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
 - for the Phare part by 1 May provided that the corresponding amounts have been sent to Bulgaria by this time, or at the latest in a period of 30 days after these funds have been sent to Bulgaria.
 7. Any delay in the payment of the contribution shall give rise to the payment of interest by Bulgaria on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.
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ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

Article 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION**of 18 June 2001****on the conclusion of the Agreement between the European Community and the Slovak Republic concerning the participation of the Slovak Republic in the European Environment Agency and the European environment information and observation network**

(2001/590/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽³⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, on 14 February 2000, authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession. The Commission signed the Final Act of the negotiations on 9 October 2000.

- (5) The Agreement as referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Slovak Republic concerning the participation of the Slovak Republic in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 18 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ OJ C 120 E, 24.4.2001, p. 219.

⁽²⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Slovak Republic concerning the participation of the Slovak Republic in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the SLOVAK REPUBLIC,

of the other part,

TAKING INTO ACCOUNT the Slovak Republic's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that the Slovak Republic's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help the Slovak Republic to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

From the fourth year of the entry into force of this Agreement the Slovak Republic has to bear the full cost of its financial contribution, i.e. EUR 318 000,

The Slovak Republic shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as up set by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

- for the first three-year period the Slovak Republic may partially use Community assistance to pay the contribution to the Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by the Slovak Republic.

The Slovak Republic shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

- the contribution will progressively increase in a three-year period during which the activities will be phased in by the Slovak Republic. The financial contributions required are:

— year 1: EUR 208 000

— year 2: EUR 263 000

— year 3: EUR 318 000.

The further terms and conditions on the financial contribution of the Slovak Republic are set out in Annex I to this Agreement, which shall form an integral part to it.

Article 3

The Slovak Republic shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

The Slovak Republic shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

The Slovak Republic shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

The Slovak Republic may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of the Slovak Republic.

Article 8

The Slovak Republic should provide data according to the obligations and practice established in the Agency work.

Article 9

The Agency may agree with the institutions or bodies designated by the Slovak Republic and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in the Slovak Republic as it is afforded within the Community.

Article 11

The Agency shall have legal personality in the Slovak Republic. It shall enjoy in the Slovak Republic the most extensive legal capacity accorded to legal persons under its laws.

Article 12

The Slovak Republic shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of the Slovak Republic enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until the Slovak Republic shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of the Slovak Republic.

Article 17

This Agreement shall be drawn up in two original copies in the Danish, Dutch, English, Finnish, French, German, Italian,

Spanish, Swedish, Greek, Portuguese and the Slovak languages, each of these texts being equally authentic.

Article 18

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

ANNEX I

FINANCIAL CONTRIBUTION OF THE SLOVAK REPUBLIC TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by the Slovak Republic to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 208 000
— year 2 of participation:	EUR 263 000
— year 3 of participation:	EUR 318 000.

From the fourth year the Slovak Republic has to bear the full cost of its financial contribution, i.e. EUR 318 000.

2. For the first three-year period the Slovak Republic may partially use Community assistance to pay the contribution to the European Environment Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to the Slovak Republic by means of a separate financing memorandum.

The remaining part of the contribution will be covered by the Slovak Republic. From the fourth year the full cost of participation in the Agency shall be fully covered by the Slovak Republic.

3. The contribution of the Slovak Republic will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of the Slovak Republic for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to the Slovak Republic a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation the Slovak Republic will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.

5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.

6. The Slovak Republic will pay its contribution according to the call for funds:

- for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
- for the Phare part by 1 May provided that the corresponding amounts have been sent to the Slovak Republic by this time, or at the latest in a period of 30 days after these funds have been sent to the Slovak Republic.

7. Any delay in the payment of the contribution shall give rise to the payment of interest by the Slovak Republic on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

Article 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Republic of Estonia concerning the participation of the Republic of Estonia in the European Environment Agency and the European environment information and observation network

(2001/591/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽³⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, on 14 February 2000, authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession. The Commission signed the Final Act of the negotiations on 9 October 2000.

- (5) The Agreement as referred to in this Decision should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Estonia concerning the participation of the Republic of Estonia in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 18 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ OJ C 120 E, 24.4.2001, p. 259.

⁽²⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽³⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Republic of Estonia concerning the participation of the Republic of Estonia in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the REPUBLIC OF ESTONIA, hereinafter referred to as 'Estonia',

of the other part,

TAKING INTO ACCOUNT Estonia's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that Estonia's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help Estonia to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

Estonia shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Estonia has to bear the full cost of its financial contribution, i.e. EUR 77 000,

- for the first three-year period Estonia may partially use Community assistance to pay the contribution to the Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

Estonia shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by Estonia.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by Estonia. The financial contributions required are:

The further terms and conditions on the financial contribution of Estonia are set out in Annex I to this Agreement, which shall form an integral part to it.

— year 1: EUR 50 000

— year 2: EUR 63 000

— year 3: EUR 77 000.

Article 3

Estonia shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Estonia shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Estonia shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Estonia may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Estonia.

Article 8

Estonia should provide data according to the obligations and practice established in the Agency work.

Article 9

The Agency may agree with the institutions or bodies designated by Estonia and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in Estonia as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Estonia. It shall enjoy in Estonia the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Estonia shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Estonia enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until Estonia shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Estonia.

Article 17

This Agreement shall be drawn up in two original copies in the Danish, Dutch, English, Finnish, French, German, Italian,

Spanish, Swedish, Greek, Portuguese and Estonian languages, each of these texts being equally authentic.

Article 18

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

ANNEX I

FINANCIAL CONTRIBUTION OF ESTONIA TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Estonia to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 50 000
— year 2 of participation:	EUR 63 000
— year 3 of participation:	EUR 77 000.

From the fourth year Estonia has to bear the full cost of its financial contribution, i.e. EUR 77 000.

2. For the first three-year period Estonia may partially use Community assistance to pay the contribution to the European Environment Agency with a maximum of Phare contribution of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a Phare separate programming procedure, the requested Phare funds will be transferred to Estonia by means of a separate financing memorandum.

The remaining part of the contribution will be covered by Estonia. From the fourth year the full cost of participation in the Agency shall be fully covered by Estonia.

3. The contribution of Estonia will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Estonia for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Estonia a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Estonia will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.
6. Estonia will pay its contribution according to the call for funds:
 - for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
 - for the Phare part by 1 May provided that the corresponding amounts have been sent to Estonia by this time, or at the latest in a period of 30 days after these funds have been sent to Estonia.
7. Any delay in the payment of the contribution shall give rise to the payment of interest by Estonia on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

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The archives of the Communities shall be inviolable.

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The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

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The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

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Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

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1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

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REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

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Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

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The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

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The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

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Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

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The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

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Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Republic of Cyprus concerning the participation of the Republic of Cyprus in the European Environment Agency and the European environment information and observation network

(2001/592/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽²⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, pursuant to Article 300(1) of the Treaty, on 14 February 2000 authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession,

Article 1

The Agreement between the European Community and the Republic of Cyprus concerning the participation of the Republic of Cyprus in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 17 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽²⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Republic of Cyprus concerning the participation of the Republic of Cyprus in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the REPUBLIC OF CYPRUS, hereinafter referred to as 'Cyprus',

of the other part,

TAKING INTO ACCOUNT Cyprus's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that Cyprus's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help Cyprus to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

Cyprus shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Cyprus has to bear the full cost of its financial contribution, i.e. EUR 137 000,

- for the first three-year period the period Cyprus may partially use assistance under the Council Regulation on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta to pay the contribution to the Agency with a maximum contribution of Community Assistance of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

Cyprus shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by Cyprus.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by Cyprus. The financial contributions required are:

The further terms and conditions on the financial contribution of Cyprus are set out in Annex I to this Agreement, which shall form an integral part to it.

— year 1: EUR 89 000

— year 2: EUR 114 000

— year 3: EUR 137 000.

Article 3

Cyprus shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Cyprus shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Cyprus shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Cyprus may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Cyprus.

Article 8

Cyprus should provide data according to the obligations and practice established in the Agency work.

Article 9

The Agency may agree with the institutions or bodies designated by Cyprus and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in Cyprus as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Cyprus. It shall enjoy in Cyprus the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Cyprus shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Cyprus enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until Cyprus shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Cyprus.

Article 17

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into

force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

Article 18

This Agreement shall be drawn up in two original copies in the Danish, Dutch, English, Finnish, French, German, Italian, Spanish, Swedish, Greek, and Portuguese languages, each of these texts being equally authentic.

ANNEX I

FINANCIAL CONTRIBUTION OF CYPRUS TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Cyprus to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 89 000
— year 2 of participation:	EUR 114 000
— year 3 of participation:	EUR 137 000.

From the fourth year Cyprus has to bear the full cost of its financial contribution, i.e. EUR 137 000.

2. For the first three-year period Cyprus may partially use assistance under the Council Regulation on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta to pay the contribution to the Agency with a maximum contribution of Community Assistance of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a separate programming procedure, the requested funds will be transferred to Cyprus by means of a separate Financial Memorandum.

The remaining part of the contribution will be covered by Cyprus. From the fourth year the full cost of participation in the Agency shall be fully covered by Cyprus.

3. The contribution of Cyprus will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Cyprus for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Cyprus a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Cyprus will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.
6. Cyprus will pay its contribution according to the call for funds:
 - for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent.
 - for the Community Assistance part by 1 May provided that the corresponding amounts have been sent to Cyprus by this time or at the latest in a period of 30 days after these funds have been sent to Cyprus.
7. Any delay in the payment of the contribution shall give rise to the payment of interest by Cyprus on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

Article 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

Information concerning the entry into force of the Agreement between the European Communities and the Republic of Cyprus concerning the participation of the Republic of Cyprus in the European Environment Agency and the European environment information and observation network

The exchange of instruments of notification of completion of the procedures necessary for the entry into force of the Agreement between the European Community and the Republic of Cyprus concerning Cyprus's participation in the European Environment Agency and the European environment information and observation network having taken place, that Agreement will enter into force on 1 August 2001 in accordance with Article 17 thereof.

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Republic of Malta concerning the participation of the Republic of Malta in the European Environment Agency and the European environment information and observation network

(2001/593/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽²⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, pursuant to Article 300(1) of the Treaty, on 14 February 2000 authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession,

Article 1

The Agreement between the European Community and the Republic of Malta concerning the participation of the Republic of Malta in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 17 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽²⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Republic of Malta concerning the participation of the Republic of Malta in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the REPUBLIC OF MALTA, hereinafter referred to as 'Malta',

of the other part,

TAKING INTO ACCOUNT Malta's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that Malta's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help Malta to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

Malta shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Malta has to bear the full cost of its financial contribution, i.e. EUR 56 000,

- for the first three-year period Malta may partially use assistance under the Council Regulation on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta to pay the contribution to the Agency with a maximum contribution of Community Assistance of 75 % in year 1, 60 % in year 2 and 50 % in year 3.

Article 2

Malta shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

From the fourth year the full cost of its financial contribution in the Agency shall be fully covered by Malta.

- the contribution will progressively increase in a three-year period during which the activities will be phased in by Malta. The financial contributions required are:

The further terms and conditions on the financial contribution of Malta are set out in Annex I to this Agreement, which shall form an integral part to it.

— year 1: EUR 36 000

— year 2: EUR 46 000

— year 3: EUR 56 000.

Article 3

Malta shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Malta shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Malta shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Malta may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Malta.

Article 8

Malta should provide data according to the obligations and practice established in the Agency work.

Article 9

The Agency may agree with the institutions or bodies designated by Malta and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in Malta as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Malta. It shall enjoy in Malta the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Malta shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Malta enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until Malta shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Malta.

Article 17

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into

force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

Article 18

This Agreement shall be drawn up in two original copies in the Danish, Dutch, English, Finnish, French, German, Italian, Spanish, Swedish, Greek, Portuguese and Maltese languages, each of these texts being equally authentic.

ANNEX I

FINANCIAL CONTRIBUTION OF MALTA TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Malta to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 36 000
— year 2 of participation:	EUR 46 000
— year 3 of participation:	EUR 56 000.

From the fourth year Malta has to bear the full cost of its financial contribution, i.e. EUR 56 000.

2. For the first three-year period Malta may partially use assistance under the Council Regulation on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta to pay the contribution to the Agency with a maximum contribution of Community Assistance of 75 % in year 1, 60 % in year 2 and 50 % in year 3. Subject to a separate programming procedure, the requested funds will be transferred to Malta by means of a separate Financing Memorandum.

The remaining part of the contribution will be covered by Malta. From the fourth year the full cost of participation in the Agency shall be fully covered by Malta.

3. The contribution of Malta will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Malta for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Malta a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Malta will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.
6. Malta will pay its contribution according to the call for funds:
 - for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent,
 - for the Community assistance part by 1 May provided that the corresponding amounts have been sent to Malta by this time, or at the latest in a period of 30 days after these funds have been sent to Malta.
7. Any delay in the payment of the contribution shall give rise to the payment of interest by Malta on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passers* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passers* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES

Article 17

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION

of 18 June 2001

on the conclusion of the Agreement between the European Community and the Republic of Turkey concerning the participation of the Republic of Turkey in the European Environment Agency and the European environment information and observation network

(2001/594/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The European Environment Agency and the European environment information and observation network were established by Regulation (EEC) No 1210/90 ⁽²⁾.
- (2) The Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy for the central and east European countries. In the case of the agencies, the European Council's conclusions provide that 'the Community agencies in which applicant countries will be able to participate will be determined on a case-by-case basis'.
- (3) The Helsinki European Council (December 1999) reaffirmed the inclusive nature of the accession process, which now comprises 13 candidate countries within a single framework with the candidate countries participating in the accession process on an equal footing.
- (4) The Council, pursuant to Article 300(1) of the Treaty, on 14 February 2000 authorised the Commission to conduct negotiations on the participation in the European Environment Agency of the countries applying for accession,

Article 1

The Agreement between the European Community and the Republic of Turkey concerning the participation of the Republic of Turkey in the European Environment Agency and the European environment information and observation network is approved on behalf of the Community.

The text of the Agreement is set out as an Annex to this Decision.

Article 2

The President of the Council is authorised to designate the person(s) empowered to deposit the notification provided for in Article 17 of the Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 18 June 2001.

For the Council
The President
M. WINBERG

⁽¹⁾ Opinion delivered 31.5.2001 (not yet published in the Official Journal).

⁽²⁾ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 933/1999 (OJ L 117, 5.5.1999, p. 1).

ANNEX

AGREEMENT

between the European Community and the Republic of Turkey concerning the participation of the Republic of Turkey in the European Environment Agency and the European environment information and observation network

The EUROPEAN COMMUNITY,

of the one part,

and the REPUBLIC OF TURKEY, hereinafter referred to as 'Turkey',

of the other part,

TAKING INTO ACCOUNT Turkey's application for participation in the European Environment Agency already before accession,

RECALLING that the Luxembourg European Council (December 1997) made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy,

TAKING INTO ACCOUNT Council Regulation (EEC) No 1210/90, as amended by Council Regulation (EC) No 933/1999, on the establishment of the European Environment Agency and the European environment information and observation network,

RECOGNISING the fact that Turkey's ultimate objective is to become a member of the European Union, and that the participation in the European Environment Agency will help the Turkey to achieve this objective,

HAVE AGREED AS FOLLOWS:

Article 1

Turkey shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European environment information and observation network (Eionet), as set up by Council Regulation (EEC) No 1210/90, as amended by Regulation (EC) No 933/1999.

From the fourth year of the entry into force of this Agreement Turkey has to bear the full cost of its financial contribution, i.e. EUR 3 127 000,

- the possible financial support from Community assistance programmes will be agreed separately according to the relevant Community programme.

Article 2

Turkey shall contribute financially to the activities referred to under Article 1 (Agency and Eionet) in accordance with the following:

The further terms and conditions on the financial contribution of Turkey are set out in Annex I to this Agreement, which shall form an integral part to it.

- the contribution will progressively increase in a three-year period during which the activities will be phased in Turkey. The financial contributions required are:

— year 1: EUR 2 033 000

— year 2: EUR 2 596 000

— year 3: EUR 3 127 000.

Article 3

Turkey shall participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency.

Article 4

Turkey shall, within three months of the entry into force of this Agreement, inform the Agency of the main component elements of its national information networks as set out in Article 4(2) of Regulation (EEC) No 1210/90 as amended by Regulation (EC) No 933/1999.

Article 5

Turkey shall in particular designate from among the institutions referred to in Article 4 or from among other organisations established in its territory a 'national focal point' for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the Eionet, including the topic centres referred to under Article 6.

Article 6

Turkey may also, within the period laid down in Article 4, identify the institutions or other organisations established in its territory, which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks. These centres shall cooperate with other institutions, which form part of the network.

Article 7

Within three months of receiving the information referred to in Articles 4, 5 and 6, the Management Board of the Agency shall review the main elements of the network to take account of the participation of Turkey.

Article 8

Turkey should provide data according to the obligations and practice established in the Agency work.

Article 9

The Agency may agree with the institutions or bodies designated by Turkey and which form part of the network, as referred to in Articles 4, 5 and 6, on the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.

Article 10

Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in Turkey as it is afforded within the Community.

Article 11

The Agency shall have legal personality in Turkey. It shall enjoy in Turkey the most extensive legal capacity accorded to legal persons under its laws.

Article 12

Turkey shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

Article 13

By way of derogation from Article 12(2)(a) of Council Regulation (EEC, Euratom, ECSC) No 259/68 on Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, nationals of Turkey enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

Article 14

The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

Article 15

This Agreement is concluded for an unlimited period until Turkey shall become a member of European Union. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the delivery date of such notification to the other Party.

Article 16

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Turkey.

Article 17

This Agreement shall be approved by the Parties in accordance with their own procedures. This Agreement shall enter into

force on the first day of the second month following the date on which the last Party has delivered the notification to the first Party that its procedures have been completed.

Article 18

This Agreement shall be drawn up in two original copies in the Danish, Dutch, English, Finnish, French, German, Italian, Spanish, Swedish, Greek, Portuguese and Turkish languages, each of these texts being equally authentic.

ANNEX I

FINANCIAL CONTRIBUTION OF TURKEY TO THE EUROPEAN ENVIRONMENT AGENCY

1. The financial contribution to be paid by Turkey to the budget of the European Union to participate in the European Environment Agency will be in:

— year 1 of participation:	EUR 2 033 000
— year 2 of participation:	EUR 2 596 000
— year 3 of participation:	EUR 3 127 000.

From the fourth year Turkey has to bear the full cost of its financial contribution, i.e. EUR 3 127 000.

2. The possible financial support from Community assistance programmes will be agreed separately according to the relevant Community programme.
3. The contribution of Turkey will be managed in accordance with the Financial Regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Turkey for the purposes of taking part in the European Environment Agency activities or meetings related to the implementation of the Agency's work programme shall be reimbursed by the European Environment Agency on the same basis as and in accordance with the procedures currently in force for the Member States of the European Union.

4. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Turkey a call for funds corresponding to its contribution to the European Environment Agency under this Agreement. For the first calendar year of its participation Turkey will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
5. This contribution shall be expressed in euro and paid into a euro bank account of the Commission of the European Communities.
6. Turkey will pay its contribution according to the call for funds:
 - for its own part by 1 May provided that the call for funds is sent by the Commission before 1 April, or at the latest in a period of 30 days after the call for funds is sent.
7. Any delay in the payment of the contribution shall give rise to the payment of interest by Turkey on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED on the following provisions, which shall be annexed to this Treaty.

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment,

in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

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The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

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Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 8

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
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Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

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During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Article 11

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in

that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;

- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

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Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

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CHAPTER VII

GENERAL PROVISIONS

Article 18

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the

activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.
