

**Agreement between the Government of the Kingdom of Sweden  
and the Secretariat of the Council of the Baltic Sea States  
on the Privileges and Immunities of the Secretariat**

The Government of the Kingdom of Sweden and the Secretariat of the Council of the Baltic Sea States

*Considering* that the Ministers of Foreign Affairs of Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, the Russian Federation and Sweden, members of the Council of the Baltic Sea States; by written procedure have agreed on the establishment of a permanent international Secretariat of the Council of the Baltic Sea States in Stockholm according to the modalities proposed by the Presidency on 2 February 1998;

*Considering* that it is necessary to regulate further certain matters in relation to the establishment of the Secretariat of the Council of the Baltic Sea States in Stockholm;

*Have agreed as follows:*

**Article 1**  
*Definitions*

For the purposes of this Agreement:

- a) "Secretariat" means the Secretariat of the Council of the Baltic Sea States in Stockholm;
- b) "Government" means the Government of the Kingdom of Sweden; c) "CBSS" means the Council of the Baltic Sea States;
- d) "CSO" means the Committee of Senior Officials of the Council of the Baltic Sea States;
- e) "Head of the Secretariat" means the person appointed as Head of the Secretariat and during his or her absence any other staff member specially designated to act on his or her behalf;

f) "Officials of the Secretariat" means the Head of the Secretariat and all members of the staff of the Secretariat;

g) "Official functions" means activities carried out by the Secretariat in pursuance of its purpose as defined in the modalities enclosed in the written procedure establishing the Secretariat, including its administrative activities.

## **Article 2**

### *Legal Capacity*

The Secretariat shall have such legal capacity as is necessary for the exercise of its functions. In particular it shall possess the capacity to contract, to acquire and dispose of movable and immovable property, and to institute and participate in legal proceedings.

## **Article 3**

### *Inviolability and Immunity of the Secretariat*

1. The premises of the Secretariat shall be inviolable. Swedish authorities may not gain access to the same without consent of the Head of the Secretariat. Such consent may, however, be deemed to have been given in the event of an outbreak of fire or some other severe accident necessitating immediate measures.

2. The competent Swedish authorities shall take appropriate measures for the safety and protection of the premises and personnel of the Secretariat.

3. The archives of the Secretariat, which includes all correspondence, documents, manuscripts, photographs, films, recordings, graphic presentations and computer programmes, shall be inviolable wherever located and by whomsoever held.

4. The Secretariat and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in the case of:

a) an express waiver of immunity in a particular case by the Head of Secretariat;

b) a civil action by a third party for damages arising out of an accident caused by a motor vehicle or other means of transport belonging to, or operated on behalf of, the Secretariat;

c) a counter-claim directly connected with a legal process initiated by the Secretariat.

## **Article 4**

### *Flag and Emblem*

The Secretariat shall be entitled to display its flag and emblem, or the flag and emblem of the CBSS on the premises and means of transport of the Secretariat.

## **Article 5**

### *Exemption from Taxes and Duties*

1. Within the scope of its official functions, the Secretariat shall be exempt from all direct national and municipal taxes. The Secretariat shall also be exempt from value added tax and all other indirect taxes which form part of the price to be paid on important purchases of goods made by the Secretariat and services rendered for official use, to the extent which Swedish law permits for international organizations in Sweden.
2. No exemption shall be accorded in respect of taxes and duties which represent charges for public utility services rendered.

## **Article 6**

### *Funds and Currency*

The Secretariat may receive and hold any kind of funds or currency and dispose of them freely for any of its official functions.

## **Article 7**

### *Communications*

The competent Swedish authorities shall take appropriate measures in order to ensure that the Secretariat obtains access to necessary public services and that these services are provided on reasonable terms. The Secretariat shall enjoy telephone, radio/telegraph, telex and mail services that are usually accorded to diplomatic representations.

## **Article 8**

### *Immunity of Officials of the Secretariat*

1. The Officials of the Secretariat shall be accorded:
  - a) immunity from personal arrest or detention and from seizure of personal luggage;
  - b) immunity from legal process in respect of words spoken or written or acts done by them in the performance of their official functions for the Secretariat; I
  - c) inviolability of all papers and documents relating to the work for which he or she is engaged by the Secretariat;
  - d) facilities in respect of currency or exchange regulations as necessary for the effective exercise of his or her functions.

2. In addition to the privileges and immunities indicated in paragraph 1, the Head of the Secretariat, provided that he or she is not a Swedish citizen or permanently resident in Sweden immediately prior to his or her employment by the Secretariat, and members of his or her family forming part of the household, shall enjoy the privileges and immunities accorded to heads of diplomatic missions by the Vienna Convention on Diplomatic Relations of 18 April 1961.

3. No immunity from legal process shall apply in case of a motor traffic offence committed by an Official of the Secretariat, or in the case of damage caused by a motor vehicle belonging to or driven by such person.

#### **Article 9**

##### *Exemptions for Officials of the Secretariat*

Officials of the Secretariat who are not Swedish citizens or permanently resident in Sweden immediately prior to their employment by the Secretariat shall enjoy:

- a) The right to import for personal use, free from customs and other import duties, in one or more separate shipments, their furniture and personal belongings, including one motor vehicle.
- b) Exemption, with respect to themselves and members of their families forming part of the household, from immigration restrictions;
- c) Exemption from income tax and general social security contributions on salaries and emoluments paid to them by the Secretariat.

#### **Article 10**

##### *Entry, Stay and Departure*

1. The Government shall facilitate, if necessary, the entry, stay and departure of the Officials of the Secretariat and members of their families forming part of the household, and the persons invited to the Secretariat by the Head of the Secretariat in connection with the official work and activities of the Secretariat.
2. Visas which may be required by persons referred to in this Article shall be granted without charge and as promptly as possible.
3. The Head of the Secretariat shall promptly notify the Government of the name of the Officials of the Secretariat and of the members of their families forming part of the household, their arrival and their final departure, or the termination of their functions with the Secretariat.

## **Article 11**

### *Additional Financial Contribution*

The Government shall make an additional financial contribution to the budget of the Secretariat equal to the amount of tax paid by Officials of the Secretariat who do not enjoy exemption from tax on salaries and emoluments paid to them by the Secretariat.

## **Article 12**

### *Operation of the Agreement*

1. This Agreement shall be interpreted in the light of its primary purpose of enabling the Secretariat to discharge its duties fully and efficiently and achieve its purpose.
2. The privileges and immunities provided for in this Agreement are conferred in the interest of the Secretariat and not for the personal benefit of individuals themselves. It is the duty of the Secretariat and all persons enjoying such privileges and immunities to observe in all respects the laws and regulations of the Kingdom of Sweden.
3. The Secretariat shall co-operate at all times with the appropriate authorities of the Kingdom of Sweden to facilitate the proper administration of justice and shall prevent any abuse of the privileges and immunities granted under the provisions of this Agreement by Officials of the Secretariat.
4. If the immunity provided for in this Agreement is likely to impede the course of justice, and can be waived without prejudice to the purposes for which it was accorded, the Head of the Secretariat in consultation with the Chairman of the CBSS has the right and the duty to waive the immunity of any Official of the Secretariat, and the Chairman of the CBSS in consultation with the CSO in respect of the Head of the Secretariat.

## **Article 13**

### *Settlement of Disputes*

Any dispute arising between the Secretariat and the Government concerning the interpretation or application of this Agreement or any question affecting the Secretariat or the relation between the Secretariat and the Government, which is not settled amicably, shall be referred for final decision to a panel of three arbitrators. One of the arbitrators shall be chosen by the Chairman of the CBSS, one shall be chosen by the Government and the third, who shall be the chairman of the arbitration panel, shall be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within six months following their appointment, the third arbitrator, at the request of the Chairman of the CBSS or the Government, shall be chosen by the President of the International Court of Justice.

**Article 14**  
*Amendments*

1. This Agreement may be amended at any time.
2. Any such amendment of the Agreement shall be made by mutual consent and shall be effected by an Exchange of Notes.
3. Consultations with respect to amendment of this Agreement may be entered into by the Secretariat and the Government at the request of either Party.

**Article 15**  
*Termination*

This Agreement may be terminated by mutual consent. In the event of the Secretariat being transferred from the territory of Sweden, the Agreement shall cease to be in force after a period reasonably required for such relocation and for the disposal of the Secretariat's property in Sweden.

**Article 16**  
*Entry into Force*

The Government shall notify the Secretariat in writing when the Swedish Parliament, the Riksdag, has approved the Agreement. The Agreement shall enter into force on the first day of the month following the date of the said notification. The provisions of Article 5,9 and 11 shall apply from 15 August 1998.

In witness whereof the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Stockholm on 23 October 1998 in duplicate in the English language.

For the Government of  
the Kingdom of Sweden  
Baltic Sea States

For the Secretariat of  
the Council of the