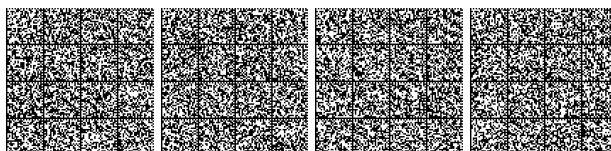


ALLEGATO



**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ITALIAN REPUBLIC
AND
THE COUNCIL OF EUROPE**

**CONCERNING
THE COUNCIL OF EUROPE OFFICE
IN VENICE AND ITS LEGAL STATUS**



The Italian Republic and the Council of Europe (hereafter - the Parties),

Having regard to Resolution CM/Res(2010)5 on the status of Council of Europe Offices adopted by the Committee of Ministers on 7 July 2010;

Having regard to the provisions of the General Agreement on Privileges and Immunities of the Council of Europe (hereafter – GAPI) concluded in Paris on 2 September 1949 to which Italy is a party,

Have agreed as follows:

1. A new institutional form of co-operation between the Parties is hereby established by setting up in Venice a Council of Europe Office (hereafter - the Office), with a view in particular to promoting human rights, democracy and the Rule of law in the Southern Mediterranean.
2. The main objectives of the Office shall be as follows:
 - a. promoting and supporting the policies and activities of the Council of Europe with regard to cooperation and technical assistance;
 - b. providing advice, support and overall in situ co-ordination in planning, negotiation and timely implementation of targeted Council of Europe co-operation activities, including Joint Programmes with the European Union and other donors;
 - c. co-ordinating activities in the country with other international organisations and institutions (EU, OSCE, UN), as well as other international and local partners active in the country;
 - d. conducting fundraising activities for specific projects;
 - e. representing the Secretary General vis-à-vis the national authorities of the host country with regard to the objectives listed above;
 - f. conducting a proactive media policy, in order to raise the visibility of the Organisation, its values and activities among the general public.”
3. The Office shall be staffed by the Council of Europe officials (hereafter – the Officials of the Office) who include the following categories: Council of Europe staff members employed under the Staff Regulations and Rules of the Council of Europe, including staff recruited locally, and officials seconded to the Council of Europe in pursuance of the applicable rules.
4. The Council of Europe shall notify the Ministry of Foreign Affairs of Italy of the name, functions and category of the Officials of the Office in Venice.
5. The Secretary General of the Council of Europe shall appoint the Head of Office and shall inform in writing the Minister for Foreign Affairs of Italy about his/her decision.
6. The Office and its Officials shall benefit from the provisions of the GAPI.
7. The Office shall be entitled to exercise the legal capacity of the Council of Europe and shall therefore have the power to conclude contracts, to acquire and dispose of movable property, to institute legal proceedings, to open bank accounts in national and foreign currency and to possess them.
8. The Office, its property and assets shall enjoy immunity from every form of legal process except in so far as in any particular case, the Committee of Ministers has expressly authorised the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.



In the specific context of employment related disputes, the Council of Europe provides access to an internal dispute settlement system for its employees.

9. The buildings and premises of the Office shall be inviolable. Its property and assets shall be immune from search, requisition, confiscation, expropriation or any other form of interference whether by administrative, judicial or legislative action.

The authorities of Italy shall be entitled to enter the Office's premises only upon the express consent or at the request of the Secretary General of the Council of Europe or the Head of Office in Venice. In case of fire, flood or other natural disaster situation, the consent of the latter shall be presumed.

Premises of the Office are provided by the City of Venice, in accordance with an Agreement between the Council of Europe and the City of Venice.

10. The archives of the Office, and in general all documents belonging to it or held by it, shall be inviolable wheresoever located.

11. Without being restricted by financial controls, regulations or financial moratoria of any kind:

- a. the Office may hold currency of any kind and operate accounts in any currency;
- b. the Office may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency;
- c. in exercising its rights under sub-paragraphs a and b above, the Office shall pay due regard to any representations made by the Italian Republic and shall defer to such representations in so far as it considers this can be done without detriment to the interests of the Office.

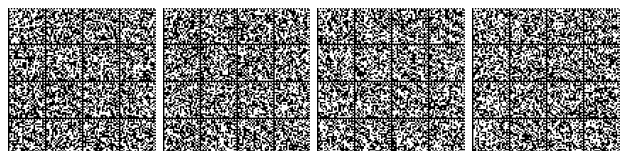
12. The Office, its assets, income and other property shall be exempt:

- a. from all direct taxes; the Office will not, however, claim exemption from rates, taxes or dues which are no more than charges from public utility services;
- b. from all customs duties and prohibitions and restrictions on imports and exports in respect of articles required by the Office for its official use; articles imported under such exemption will not be sold in the country into which they are imported, except under conditions approved by the government of that country;
- c. from all customs duties, and prohibitions and restrictions on imports and exports in respect of its publications.

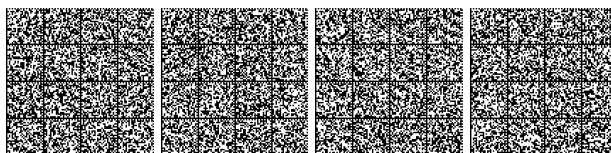
13. The Officials of the Office shall enjoy for their official communications, treatment at least as favourable as that accorded by the Italian Republic to the diplomatic missions of any other government.

No censorship shall be applied to the official correspondence and other official communications of the Officials of the Office.

The Office may use communication channels, means and services as required to ensure its full ability to communicate. The Office may, pursuant to the laws and regulations of Italy, use the electronic-magnetic spectrum for operations of the Office, and commits itself in co-operation with the relevant authorities of Italy, to ensure the licenses. The Office has no right to use broadcasting frequencies.



- Private correspondence and other communications addressed to or emanating from the Officials of the Office shall be regarded as official communication of the Office and as such shall benefit from the provisions of this Memorandum of Understanding.
14. Officials of the Office, with the exception of locally recruited staff and seconded officials, shall enjoy the following privileges and immunities:
 - a. be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity and within the limit of their authority;
 - b. be exempt from taxation on the salaries and emoluments paid to them by the Council of Europe;
 - c. be immune, together with spouses and relatives dependent on them, from immigration restrictions and aliens' registration;
 - d. be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the government concerned;
 - e. be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
 - f. have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question, and to re-export the same free of duty to their country of domicile.
 15. Officials of the Office, including citizens of the host country, who are locally recruited staff shall enjoy the privileges and immunities foreseen in sub-paragraphs 14a and 14b.
 16. Officials of the Office, who are seconded officials, shall enjoy the privileges and immunities foreseen in paragraph 14 with the exception of sub-paragraph 14b.
 17. Privileges and immunities are granted to the Officials of the Office in the interest of the Council of Europe and not for the personal benefit of the individuals themselves. The Secretary General shall have the right and the duty to waive the immunity of any Official in any case where, in his/her opinion, the immunity would impede the course of justice and can be waived without prejudice to the interest of the Council of Europe.
 18. The functioning of the Office shall be financed by appropriations under the Ordinary budget of the Council of Europe and, whenever applicable, by extra-budgetary resources provided for the implementation of co-operation programmes.
 19. The Office and its Officials are permitted to display the Council of Europe's insignia on premises used by the Office as well as its means of transport.
 20. In cases where the Office purchases for its official use goods or services the price of which includes excise duties or taxes (including VAT), the Italian Republic shall take appropriate administrative measures for the exemption of these duties and taxes, in accordance with the national legislation and procedures.
 21. In addition to the provisions contained in the GAPI, Officials of the Office shall:
 - a. be exempt from the application of the laws of Italy on social security, provided that the Officials belong to a social security scheme provided for by the Council of Europe, under the condition that the Council of Europe scheme covers all risks mentioned in



- the Italian legislation on social security. This exemption shall not preclude voluntary participation in the social security system of Italy, provided that such participation is permitted by the relevant legislation;
- b. as appropriate, be issued, together with their spouses and relatives dependent on them, residence permits for the duration of their posting in Italy.
22. Council of Europe Office vehicles shall be registered under diplomatic licence plates and shall carry adequate third-party liability insurance.
23. Officials of the Office shall respect the local laws and refrain from activities incompatible with the mandate and tasks of the Office.
24. Service providers and consultants contracted locally by the Office shall remain subject to local laws and regulations.
25. Disputes between the Parties with regard to the interpretation or application of this Memorandum of Understanding shall be settled by diplomatic means.
26. The Office shall be created for an initial period of three years, at the end of which the Committee of Ministers will take a decision as to the renewal of the Office's Terms of Reference. The Council of Europe shall promptly inform the Italian Republic of such a decision.
27. This Memorandum of Understanding shall enter into force on the day of receipt of the *note verbale* by which the Italian Republic notifies the Council of Europe of the completion of the internal procedures of ratification. It shall remain in force for a period of three years as from the date of its entry into force.
28. Should the decision be taken by the Committee of Ministers before the date of expiry foreseen in paragraph 26 to renew the Terms of Reference of the Office, this Memorandum of Understanding shall automatically be extended and continue to produce its effects until such date as the Parties shall have concluded a Protocol renewing or amending the present Memorandum of Understanding.
29. The Italian Republic may at any time before the date of expiry foreseen in paragraph 27 object to the application of the provisions of paragraph 28 by a notification in writing to the Council of Europe, in which case, the Memorandum of Understanding will cease to produce its effects on the date of expiry foreseen in paragraph 27.
30. In case of automatic extension of the Memorandum of Understanding in pursuance of paragraph 28, the Italian Republic may terminate the Memorandum of Understanding by a notification in writing to the Council of Europe, in which the Memorandum of Understanding will cease to produce its effects on the first day of the third month after the date of the receipt of the notification by the Council of Europe.



Signed in Strasbourg, on 14 June 2017, in two originals in English.

For the Italian Republic

For the Council of Europe



Ambassador Marco MARSILLI
Permanent Representative of Italy
to the Council of Europe



Thorbjørn JAGLAND
Secretary General

ALLEGATO

MEMORANDUM DI INTESA

TRA LA REPUBBLICA ITALIANA E IL CONSIGLIO D'EUROPA
CIRCA L'UFFICIO DEL CONSIGLIO D'EUROPA A VENEZIA E IL SUO *STATUS* GIURIDICO

La Repubblica italiana e il Consiglio d'Europa (di seguito - le Parti),

Considerata la Risoluzione CM/Res(2010)5 sullo *status* degli Uffici del Consiglio d'Europa adottata dal Comitato dei Ministri il 7 luglio 2010;

Considerate le disposizioni dell'Accordo generale sui privilegi e le immunità del Consiglio d'Europa (di seguito - GAPI) fatto a Parigi il 2 settembre 1949, di cui l'Italia è parte;

Concordano quanto segue:

1. È istituita una nuova forma istituzionale di cooperazione tra le Parti attraverso la costituzione di un Ufficio del Consiglio d'Europa a Venezia (di seguito - l'Ufficio), in particolare al fine di promuovere i diritti umani, la democrazia e lo stato di diritto nel Mediterraneo del Sud.

2. Gli obiettivi principali dell'Ufficio sono i seguenti:

a) promuovere e sostenere le politiche e le attività del Consiglio d'Europa in materia di cooperazione e assistenza tecnica;

b) fornire consulenza, sostegno e coordinamento generale *in loco* nella pianificazione, negoziazione e attuazione puntuale di attività di cooperazione mirate del Consiglio d'Europa, inclusi i Programmi Congiunti con l'Unione Europea e altri donatori;

c) coordinare le attività nel Paese con altre organizzazioni e istituzioni internazionali (UE, OSCE, ONU), così come con altri partner locali e internazionali attivi nel Paese;

d) condurre attività di raccolta fondi per specifici progetti;

e) rappresentare il Segretario generale di fronte alle autorità nazionali del Paese ospitante con riferimento agli obiettivi sopra elencati;

f) condurre una politica di comunicazione attiva per aumentare la visibilità dell'Organizzazione, dei suoi valori e delle sue attività tra l'opinione pubblica.

3. L'Ufficio è composto da funzionari del Consiglio d'Europa (di seguito - i funzionari dell'Ufficio) che includono le seguenti categorie: personale del Consiglio d'Europa assunto in base ai regolamenti e delle regole sul personale del Consiglio d'Europa, incluso il personale assunto localmente, e funzionari distaccati presso il Consiglio d'Europa in applicazione delle regole in materia.

4. Il Consiglio d'Europa notifica al Ministero degli affari esteri italiano il nome, le funzioni e la categoria dei funzionari dell'Ufficio di Venezia.

