

## ANNEX I

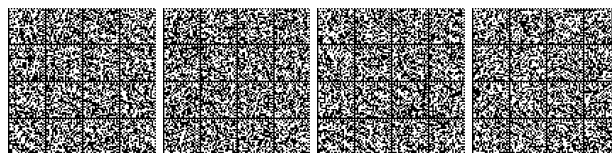
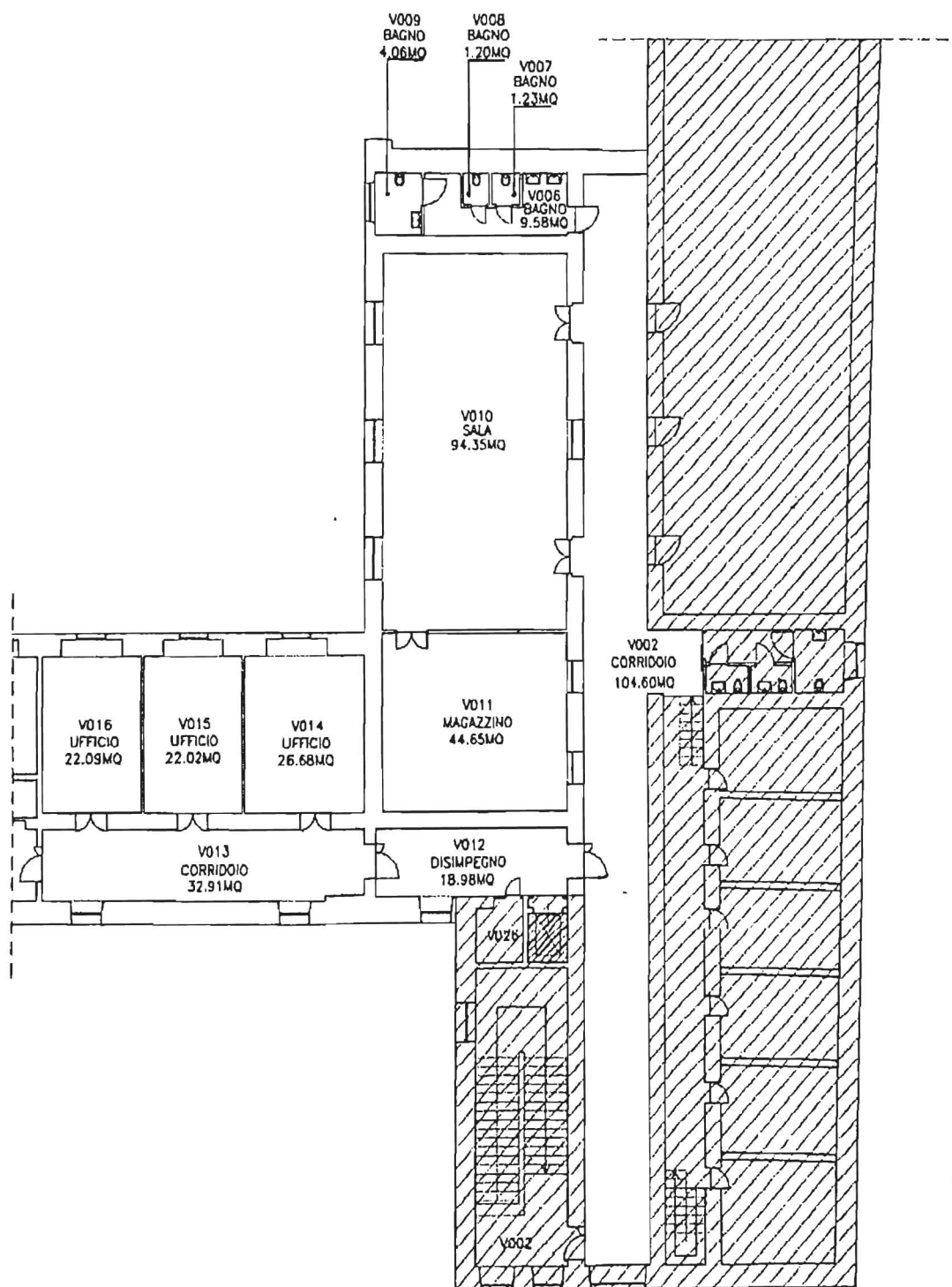
This Annex relates to the Premises (as defined in this Agreement)

### Premises for occupancy under Article 2.1

1. The Premises of the Secretariat shall be delimited within the monumental complex “Buon Pastore”, in Via della Penitenza, 37, Rome as shown in the plan at the end of this Annex.
2. The Premises will be equipped with ICT stations and may be staffed by persons seconded by national parliaments, the European Parliament, the European External Action Service, as well as by diplomatic staff of the UfM member countries who are already present in Italy. Italy shall also put an accounting officer at the disposal of the Secretariat, at least for the initial phase.
3. A detailed inventory of components, systems, equipment and plant shall be agreed when the Secretariat takes effective occupancy of the Premises.



COMUNE DI ROMA  
VIA DELLA PENITENZA, 37 - ROMA  
PIANO P02



## **ANNEX II - PRIVILEGES AND IMMUNITIES**

### **Clause 1**

#### **Inviolability of the Premises**

1. The Premises shall be inviolable. No officer or official of the Italian Republic, or other person exercising any public authority within the Italian Republic, shall enter the Premises to perform any duties therein without the Head of the Secretariat's consent.
2. The Head of the Secretariat's consent to such entry shall be presumed in the event of a natural calamity, fire or other emergency requiring immediate action in the interest of public safety.
3. The Premises shall not be used in any way that is not compatible with the Official Activities of the Secretariat.

### **Clause 2**

#### **Protection of the Premises**

The competent Italian authorities shall take such measures, as they consider necessary for the protection of the premises of the Secretariat and for the maintenance of order in its vicinity. In addition the competent Italian authorities may, at the request of the Head of the Secretariat, take such measures inside the premises of the Secretariat.

### **Clause 3**

#### **Inviolability of archives**

1. The archives of the Secretariat shall be inviolable. The inviolability conferred by this paragraph shall extend to all records, correspondence, documents, manuscripts, computer records, still and motion pictures, films and sound recordings and any other media, wherever they may be, belonging to or held by the Secretariat and to all the information contained therein.

### **Clause 4**

#### **Immunities of the Secretariat**

1. Within the scope of its Official Activities, the Secretariat shall have immunity from jurisdiction and execution except:
  - a) to the extent that the Head of the Secretariat waives it in a particular case. However, the Secretariat shall be deemed to have waived this immunity if, upon receiving a request to waive immunity submitted by the national authority before which the case is brought or by the opposing party, it has not given notice, within fifteen days after receipt of the request, that it does not waive such immunity;



b) in respect of a civil action by a third party for damage arising from an accident caused by a vehicle belonging to or operated on behalf of the Secretariat or in respect of a traffic offence;

c) in the event of the attachment, pursuant to a decision by the administrative or judicial authorities, of the salaries, wages and emoluments owed by the Secretariat to a member of its staff.

2. Subject to Paragraph 1, the Secretariat's property and assets wherever situated shall be immune from any form of administrative or provisional judicial constraint such as requisition, confiscation, expropriation or attachment, except in so far as may be temporarily necessary in connection with the prevention of and investigation into accidents involving vehicles belonging to or operated on behalf of the Secretariat.

The immunity conferred by Paragraphs 1 and 2 shall extend to the means of transport which the Secretariat uses in its Official Activities, including those which it hires or borrows for such purpose. The Secretariat shall take all necessary measures to ensure that the means of transport used in its Official Activities may be identified.

#### **Clause 5 Services**

1. The Government shall use its best endeavours to ensure that the Secretariat is supplied with the public services necessary for the proper functioning of the Secretariat, including electricity, water, gas, post, telephone, collection of refuse and fire protection. In the event of interruption or threatened interruption of any such services, the Government shall take all reasonable steps to ensure that the activities of the Secretariat are not adversely affected.

2. The Government shall take all the appropriate measures to grant the Secretariat the widest possible access to the Internet and other communication channels.

3. The Secretariat shall have the right to install and to operate telecommunications systems at the Premises. The Government shall arrange for the necessary authorizations to be issued in good time to the Secretariat for the installation and operation of fixed and mobile antennas as well as any other equipment related to satellite radio communications.

#### **Clause 6 Flag and emblem**

The Secretariat shall be entitled to display its flag and emblem and the flags of its members and cooperating states on the Premises and on the means of transport which it uses in its Official Activities.





### Clause 7 Exemption from taxes

1. The Secretariat and its properties, in the conduct of its Official Activities, shall be exempt from all direct taxation.
2. In respect of purchases, services and transactions effected in the course of its Official Activities, the Secretariat shall be exempt from all indirect taxation.
3. Notwithstanding paragraph 2, the following applies:
  - a) The Secretariat shall be exempt from value-added tax ("imposta sul valore aggiunto – IVA") on substantial purchases connected with the conduct of its Official Activities and the discharge of its functions. For the purposes of this Agreement, "substantial purchases" means purchases of goods or the provision of services for which the value of the invoice exceeds the limit established by national regulations applicable to the international organizations in Italy.
  - b) The Secretariat shall be exempt from customs duties and all other taxes, prohibitions or restrictions on goods of any kind imported or exported by the Secretariat in the course of its Official Activities.
  - c) The Secretariat shall be exempt from value-added tax ("imposta sul valore aggiunto – IVA"), customs duties and any other duties in respect of the purchase and import of three vehicles for the Secretariat's official use and of their spare parts. The Secretariat shall also be exempt from motor vehicle taxes on such vehicles, which shall be registered with a special series. Fuel and lubricants for those vehicles may be purchased or imported free of customs duties, within quantitative limits granted to the diplomatic missions accredited to the Italian Republic.
4. The Secretariat shall be exempt from local property taxes and business rates, land registration, mortgage and land duties, including stamp duty on deeds, contracts and formalities that are instrumental to the grant of the use of the Premises and to those purchases, services and transactions that are necessary to undertake the Secretariat's Official Activities.
5. The Secretariat shall also be exempt from excise duty and related surcharges on electricity and natural gas consumed within the Premises except for installation for private use.
6. The exemptions and concessions under this Clause shall not apply to duties and taxes, which are no more than payments for public utility services.



**Clause 8**  
**Exemption from financial controls**

Without being subject to any financial controls by Italian Authorities, regulations or moratoria of any kind, in order to conduct its Official Activities the Secretariat may freely:

- a) purchase or receive any funds, securities, gold and currencies through authorized channels and hold and dispose of them;
- b) maintain and operate foreign or local accounts, funds, endowments, or other financial facilities in any currency in or outside of the Italian Republic;
- c) transfer its funds, securities, gold, currencies and other items of value to or from the Italian Republic, to or from any other country, or within the Italian Republic and convert any currency held by it into any other currency.

**Clause 9**  
**Communications**

1. All communications directed to the Premises or to its staff at the Premises, and all outward communications from the Premises, by whatever means or in whatever form transmitted, shall not be subject to censorship or any other form of interception or interference. This exemption shall also extend, *inter alia*, to publications, computer records, still and motion pictures, films and sound recordings.

2. The Secretariat shall have the right to use codes and to dispatch and receive official communications by courier or in sealed bags which shall enjoy the same privileges and immunities of diplomatic couriers and bags.

**Clause 10**  
**Representatives**

Representatives shall enjoy

- a) exemption from charges for visas;
- b) the same privileges in respect of currency and exchange regulations as are accorded in the Italian Republic to diplomatic agents of the State they represent;
- c) the same customs facilities as regards their personal luggage as are accorded in the Italian Republic to diplomatic agents.

**Clause 11**  
**Staff members**

1. Staff members shall enjoy, within and with respect to the Italian Republic, the following privileges and immunities:



- a) immunity from seizure of official baggage;
- b) immunity from legal process of any kind with respect to words spoken or written, and all acts done by them in the performance of their official functions, it being understood that such immunity shall continue notwithstanding that the persons concerned may have ceased to perform such functions;
- c) exemption, for members of the staff who are not Italian nationals and who are not permanent residents of Italy, from any form of direct taxation on salaries, emoluments and indemnities paid to them by or on behalf of the Secretariat;
- d) exemption, for members of the staff who are not Italian nationals and who are not permanent residents of Italy, from any form of direct taxation on income other than that provided for in c) derived from sources outside the Italian Republic;
- e) exemption with respect to themselves, their family members and persons in their domestic service following them, from all forms of immigration restrictions and alien registration;
- f) for staff members who are not Italian nationals and who are not permanent residents of Italy, freedom to maintain within the Italian Republic or elsewhere, foreign securities, foreign currency and accounts in any currency, other movable property and immovable property. Staff members who are not Italian nationals and who are not permanent residents of Italy may freely take their foreign securities or foreign currency out of the Italian Republic, or effect transfers thereof outside the Italian Republic not exceeding the limit established by the existing EU and national regulation. Staff members who are not Italian nationals and who are not permanent residents of Italy may, during their employment at the Secretariat or at the termination of such employment, export from the Italian Republic any sum received from the Secretariat as well as an amount equal to the total amount of funds in any currency imported into the Italian Republic through authorized organs, not exceeding the limit established by the existing EU and national regulation;
- g) for staff members who are not Italian nationals and who are not permanent residents of Italy, the right to import free of duty and all other levies, prohibitions and restrictions on imports, at the time of first taking up their post, their furniture and effects, including one motor vehicle in one or more separate shipments which shall be dispatched within a reasonable period of time and, in any event, within 18 months of taking up their post at the Secretariat.



- h) for staff members who are not Italian nationals and who are not permanent residents of Italy, the right to purchase, free of duty and all other levies, prohibitions and restrictions on import, one new motor vehicle upon first appointment. This right shall be exercised within 18 months of the date on which employment commenced at the Secretariat. Such a vehicle may not be sold within 36 months of the date of purchase in Italy.
2. The Ministry of Foreign Affairs and International Cooperation of the Italian Republic shall issue to staff members and members of their families forming part of their households, an identity card specifying the holder's status.
3. Upon request of the Secretariat, the Ministry of foreign affairs and international cooperation may authorize family members forming part of the household of a staff member, to carry out self-employed or salaried work in Italy. The aforementioned family members and their employers shall be subject to applicable Italian taxation, social security and employment law. Should a family member wish to undertake new employment or restart work that has already ended, the Secretariat shall make a new authorization request pursuant to this paragraph. Privileges and immunities provided for in this Agreement shall not apply to work activities authorized pursuant to this paragraph.
4. In addition to the privileges and immunities specified in this Clause, the Head of the Secretariat shall be accorded the privileges, immunities and facilities granted to ambassadors who are heads of mission but who are not Italian nationals or permanent residents of Italy.
5. The Secretariat shall communicate annually to the Ministry of Foreign Affairs and International Cooperation a list of its staff and eventual variations.
6. The paragraph 1, letter f), and paragraph 2 shall also apply to persons in the domestic service of staff members of the Secretariat for the duration of the mission of the latter.
7. Tenancies of immovable residential property for staff members are exempted from registration duty. For the purposes of the application of the exemption, the staff concerned shall submit to the competent office of the Revenue Agency a certificate of the Ministry of Foreign Affairs and International Cooperation showing the existence of the requirements necessary to grant the tax benefit.
8. During their period of employment with the Secretariat, Staff members, Members of their families and their domestic servants, experts and their Members of family shall be allowed to continue to drive motor vehicles using





their own valid foreign driving licence, provided the holder is in possession of a valid identity card issued by the Italian Ministry of Foreign Affairs and International Cooperation as foreseen in Paragraph 2, or to obtain an Italian driving licence on presentation of their valid foreign driving licence, in which case the licence obtained shall be valid only for the period in which the holder is employed by the Secretariat.

#### **Clause 12** **Experts**

Experts shall enjoy the same privileges in respect of currency and exchange regulations as are accorded in the Italian Republic to diplomatic agents of the State of which they are residents.

#### **Clause 13** **Social security**

1. The Secretariat shall ensure that staff members are covered by adequate health and social security insurance through public or private insurance institutions of the Italian Republic or of any other State, providing cover in the Italian Republic, whose regulations must be made known to appropriate Italian authorities. The health insurance shall also cover family members forming part of the household of a staff member, identified in accordance with the relevant regulation.
2. The staff members shall be exempt from all compulsory contributions to Italian social security bodies. Nevertheless, staff members have the possibility to contribute to the Italian social security system on a volunteer basis and consequently benefit from it.
3. Complementary agreements or arrangements, as appropriate, can be concluded in order to entitle the staff members to benefit from services provided by the Italian public health system.
4. The provisions of Paragraph 2 shall apply to the members of the families of staff members, unless they are self-employed in Italy and are entitled to receive social security benefits by the Italian Republic.

#### **Clause 14** **Special provisions**

1. Without prejudice to their privileges and immunities, all persons enjoying privileges and immunities under this Annex and the present Agreement shall have the duty to respect the laws and regulations in force within the territory of the Italian Republic and shall not interfere in the internal affairs of the State.



2. The privileges and immunities accorded under the Annex and the present Agreement are not established for the personal benefit of the beneficiaries. They are solely conferred in the interest of the Secretariat, especially to ensure, in all circumstances, the freedom of action of the Assembly and the complete independence of the persons concerned.
3. The Assembly and Secretariat shall cooperate at all times with the appropriate Italian Authorities to facilitate the enforcement of the Italian laws and to prevent the occurrence of any abuse in connection with the above mentioned privileges and immunities.
4. The Secretariat shall have the right and the duty to waive the immunities of its personnel when it considers that such immunities would hinder the normal course of justice, and that it is possible to waive them without prejudicing the interests of the Assembly. The Secretariat shall communicate to the appropriate Italian Authorities the waiver of the immunities as soon as possible and at the latest within one month.



**D'ORDINE DEL MINISTRO**

**Il Capo Ufficio Legislativo  
Cons. Amb. Stefano Soliman**

A handwritten signature in dark ink, appearing to read "Stefano Soliman", written over the printed name.

