

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1990 Nr. 155

A. TITEL

*Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de Wereldorganisatie voor Toerisme houdende een verdrag betreffende de derde bijeenkomst van de Commissie voor milieu van de Organisatie te Amsterdam van 26 tot 29 september 1990;
Madrid, 13/21 september 1990*

B. TEKST

Nr. I

WORLD TOURISM ORGANIZATION

The Secretary-General
G.C./15627/Conf.

Madrid, 13 September 1990

Dear Ms. de Kwaasteniet,

Subject:

Arrangement between the Government of the Kingdom of the Netherlands and the World Tourism Organization for holding the third meeting of the WTO Environment Committee

I have the honour to transmit herewith the text of the arrangement between the World Tourism Organization (WTO) and the Government of the Kingdom of the Netherlands relating to the third meeting of the WTO Environment Committee to be held in Amsterdam from 26 to 29 September 1990.

The aforesaid arrangement is based on Article 32 of the Statutes of the Organization, which reads as follows: "The Organization shall

enjoy in the territories of its Member States the privileges and immunities required for the exercise of its functions. Such privileges and immunities may be defined by agreement concluded by the Organization", as well as Resolution 136(V) of the fifth session of the General Assembly of WTO. The Convention on the privileges and immunities of the specialized agencies, approved by the General Assembly of the United Nations on 21 November 1947, is applicable to this meeting *mutatis mutandis*.

1. In accordance with the Rules of Procedure of the General Assembly and the Executive Council of WTO, which are applicable *mutatis mutandis* to its subsidiary organs, the participants in the meeting are invited by the Secretary-General.

2. The Government of the Kingdom of the Netherlands shall take the appropriate measures to facilitate the entry into, exit from and stay in its territory of the participants as promptly as possible. The Government will be provided with a provisional list of participants in due time before the meeting.

3. The representatives of States invited to the meeting shall enjoy the following privileges and immunities:

a) inviolability of their person, place of residence and all possessions;

b) immunity from arrest or detention and, in respect of acts performed by them in the exercise of their official functions, including oral and written statements, immunity from legal process. The provision of this paragraph, shall however not apply in respect of a civil action by a third party for damage arising from an accident in the host state by a motor vehicle driven by the representative of an invited state;

c) customs facilities in respect of their personal effects and exemption from baggage inspection in the same conditions as are accorded to representatives of foreign governments on temporary official missions;

d) the right to use codes in their official communications and to receive and dispatch papers and official correspondence by diplomatic couriers or in sealed bags;

e) exemption from exchange restrictions in the same conditions as accorded to representatives of foreign governments on temporary official missions.

4. The representatives of Affiliate Members of WTO shall enjoy only the privileges indicated in subparagraphs (b) and (e) above.

5. The Secretary-General of the Organization and the representative of the Executive Director of the United Nations Environment Programme shall be accorded the privileges and immunities, exemptions and facilities accorded to heads of diplomatic missions.

6. Officials of the Organization, regardless of their nationality, shall be immune from legal process of any kind in respect of acts performed in the exercise of their functions, including oral and written statements. The provisions of this paragraph, shall however, not apply in respect of a civil action by a third party for damage arising from an accident in the host state by a motor vehicle driven by an official of the Organization.

7. In accordance with rule (2) of the Rules of Procedure of the General Assembly of the Organization which is applicable by analogy to all WTO meetings held away from Headquarters, the Government of the Kingdom of the Netherlands shall bear any additional costs incurred by the World Tourism Organization as a result of the holding of the meeting in the Kingdom of the Netherlands.

8. The Government of the Kingdom of the Netherlands shall make available to WTO for the holding of the meeting the necessary facilities and services as listed in the Annex to this document.

9. The World Tourism Organization shall not be held responsible for any claims for damage caused to the installations mentioned in paragraph 8, damage to persons and goods of third parties, or damage due to the employment of local staff, unless both the organization and the government agree that those damages were caused by gross negligence or intentionally by the personnel of the organization. In this case the Organization shall reimburse the government.

10. The conference hall, offices and other premises and installations made available to the Organization by the Government of the Kingdom of the Netherlands shall constitute the conference area held at the disposal of the World Tourism Organization for the duration of the meeting.

11. The Government of the Kingdom of the Netherlands shall take the appropriate measures to ensure the security and protection of the meeting.

12. WTO and the Government of the Kingdom of the Netherlands shall settle any matter not provided for in the present arrangement on the basis of the Convention of 21 November 1947 on privileges and immunities of specialized agencies.

I have the honour to propose that this letter and your affirmative reply shall constitute an agreement between the World Tourism Organization and the Government of the Kingdom of the Netherlands, which agreement shall enter into force on the date of your reply

and remain applicable during the meeting and for the duration of any additional period necessary to conclude the operations of the same.

Yours sincerely,

(sd.) ANTONIO ENRIQUEZ SAVIGNAC

*Ms. Marianne de Kwaasteniet
Second Secretary
Alternate Permanent Representative of
the Kingdom of the Netherlands to WTO,
Embassy of the Netherlands in Spain
Pasoe de la Castellana, 178-180
28046 Madrid*

Annex

Facilities to be provided by the Government to the Kingdom of the Netherlands for holding the third meeting of the WTO Environment Committee in the Kingdom of the Netherlands from 26 to 29 September 1990

I Premises for the meeting and the secretariat

a) Conference hall providing seating capacity (with tables and chairs) for approximately 70 persons with earsets and microphones. The conference hall will be provided with the necessary installations for simultaneous interpretation from English into French and vice versa.

b) Lounge for the participants

c) Office for the Secretary-General or his representative

d) Office for the Secretariat, as follows:

1. One for secretaries;

2. One for the reproduction and stocking of documents.

II Equipment of the conference hall and offices

a) The conference hall should be equipped for recording the proceedings of the meetings. A sufficient number of microphones and seventy earsets should be provided for the participants in the meetings;

b) The offices for the Secretary-General or his representative and those for the Secretariat should be suitably furnished and equipped with telephones, the telephone in the office of the Secretary-General

having a direct international line. The offices for the Secretariat should also be equipped with typewriters with a Qwerty international keyboard, one duplicating machine or photocopier and other office equipment and supplies necessary for proper functioning.

III Local staff

The staff normally required for a four-day meeting.

- a) Interpretation from English into French and vice versa (three interpreters);
- b) Two translators, one for English into French and the other vice versa (on 28 and 29 September only);
- c) One bilingual (English and French) secretary;
- d) Two bilingual (English and French) hostesses/messengers in the conference hall during sessions.

IV Services provided direct under the responsibility of the Government to the Kingdom of the Netherlands

- a) Airport reception of participants in the Meeting upon arrival, including issue of visas and customs clearance, and on departure;
- b) Transfer from airport to hotel on arrival and from hotel to airport on departure;
- c) Reservation of accommodation, preferably in hotels, offering a range of prices;
- d) Transport between hotel and conference hall (if different) and to official social functions;
- e) A reasonable amount of telephone and telex communications between the meeting place and Headquarters at Madrid;
- f) Postal, banking, medical, travel and information services, social programme and technical visits.

V WTO staff and material

- a) Transport for six officials of the World Tourism Organization from Madrid to the meeting place and return;
 - b) Lodging and breakfast for the above-mentioned officials in a hotel as near as possible to the conference hall;
 - c) Transport for documentation necessary from the Committee meeting from Madrid to the meeting place and return (not exceeding 50 kgs);
 - d) Per diem corresponding to fifty per cent of the rate established by the United Nations for that city at the time of the meeting, plus 30 United States dollars corresponding to transport of officials to the airport upon departure from their place of residence.
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Nr. II

AMBASSADE VAN HET KONINKRIJK DER NEDERLANDEN
MAD/ISN-2166

Madrid, 21 September 1990

Sir,

I have the honour to acknowledge receipt of your letter G.C./15627/Conf. dated 13 September 1990, which, reads as follows:

(Zoals in Nr. I)

I have the honour to inform you that my Government is prepared to host the meeting in question.

My Government considers your letter and my reply as an agreement between the Kingdom of the Netherlands and the World Tourism Organization, which shall enter into force on the date of this reply and shall remain in force for the duration of the meeting and for such additional period as is necessary for its preparation and winding up, the total duration of this agreement however not to exceed one year.

Yours sincerely

(sd.) M. DE KWAASTENIET

Marjanne de Kwaasteniet
Alternate Permanent Representative
of the Kingdom of the Netherlands
to the WTO

*Mr. Anthony Enriquez Savignac
Secretary General of the WTO
Capitan Haya 42
28020 Madrid*

D. PARLEMENT

De in de brieven vervatte overeenkomst behoeft ingevolge additioneel artikel XXI, eerste lid, onderdeel b, van de Grondwet, juncto artikel 62, eerste lid, onderdeel c, van de Grondwet naar de tekst van 1972, niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De in de brieven vervatte overeenkomst is ingevolge het in de laatste alinea's van de brieven gestelde op 21 september 1990 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt de in de brieven vervatte overeenkomst alleen voor Nederland.

J. GEGEVENS

Tekst en vertaling van de Statuten van de Wereldorganisatie voor Toerisme (WOT) zijn geplaatst in *Trb.* 1975, 41. Zie ook, laatstelijk, *Trb.* 1988, 61.

Van het op 21 november 1947 te New York tot stand gekomen Verdrag nopens de voorrechten en immuniteiten van de gespecialiseerde organisaties, naar welk Verdrag in de brieven wordt verwezen, zijn tekst en vertaling bekendgemaakt in *Stb.* J 67. Zie ook, laatstelijk, *Trb.* 1987, 194.

Uitgegeven de *vijftiende* november 1990.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK