

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2003 Nr. 7

A. TITEL

Notawisseling houdende een interimzetelverdrag tussen het Koninkrijk der Nederlanden en het College van Eurojust; 's-Gravenhage, 13/20 december 2002

B. TEKST

Nr. I

Ministerie van Buitenlandse Zaken
Treaties Division
DJZ/VE-401/02

The Hague, 13 December 2002

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the College of Eurojust and has the honour to propose, in order to facilitate the work of Eurojust that pending the entry into force of the Seat Agreement with Eurojust, an interim agreement regarding the status of Eurojust in the Netherlands be concluded which shall read as follows:

Article I

1. Eurojust shall have immunity from jurisdiction and execution.
2. The assets of Eurojust shall be immune from legal process and from search, seizure, requisition, confiscation, expropriation and any other form of interference.
3. The Archives of Eurojust shall be inviolable.

Article II

1. The Headquarters of Eurojust shall be inviolable. Any person to enter any place under any legal provision or on the strength of the law shall not exercise that authority in respect of the Headquarters unless permission to do so has been given by or on behalf of [the Director] of Eurojust.

2. In case of fire or other emergency requiring prompt protective action, or in the event that the competent Host State authorities have reasonable cause to believe that such an emergency has occurred or is about to occur in the Headquarters, the consent of [the Director of] Eurojust, to entry into the Headquarters shall be presumed if [the Director of] Eurojust cannot be reached in time.

3. Eurojust may expel or exclude persons from the Headquarters for violation of its regulations.

4. The [Director of] Eurojust shall prevent the Headquarters from being used to harbor persons who are avoiding arrest under any law of the Kingdom of the Netherlands, who are wanted by the Government for extradition to another country, or who are endeavoring to evade service of legal process.

Article III

The Host State shall exercise due diligence to ensure that the security and tranquility of the Headquarters are not impaired by any person or group of persons attempting unauthorized entry into the Headquarters, or creating disturbances in its immediate vicinity. As may be required for this purpose, the Host State authorities shall provide adequate police protection on the boundaries and in the vicinity of the Headquarters.

Article IV

1. Within the scope of its official activities, Eurojust, its assets, income and other property shall be exempted from all direct taxes, levied by the host state authorities.

2. Within the scope of its official activities, Eurojust shall be exempt from:

- a) import taxes and duties (belastingen bij invoer);
- b) motor vehicle tax (motorrijtuigenbelasting, MRB);
- c) tax on passenger motor vehicles and motorcycles (belasting van personenauto's en motorrijwielen, BPM);
- d) value added tax (omzetbelasting, BTW) paid on goods and services supplied on a recurring basis or involving considerable expenditure;
- e) excise duties (accijnzen) included in the price of alcoholic beverages and hydrocarbons such as fuel oils and motor fuels;

f) real property transfer tax (overdrachtsbelasting);
g) insurance tax (assurantiebelasting);
h) energytax (regulerende energiebelasting, REB);
i) tax on mains water (belasting op leidingwater, BOL);
j) any other taxes and duties of a substantially similar character as the taxes provided for in this paragraph, imposed by the Netherlands subsequently to the date of signature of this Agreement.

3. The exemption provided for in paragraphs 2, sub d, e, f, g, h, i and j of this Article may be granted by way of a refund.

4. Goods acquired or imported under the terms set out in paragraph 2 of this Article shall not be sold, let out, given away or otherwise disposed of, except in accordance with conditions agreed upon with the Government.

5. No exemption will be granted in respect of taxes and duties which represent charges for specific services rendered.

Article V

A National Member, not having the Dutch nationality, shall be accorded *mutatis mutandis*, the immunities as referred to in Article I of this Agreement.

Article VI

This Agreement shall cease to be in force on the date the Seat Agreement between the Kingdom of the Netherlands and Eurojust enters into force.

If this proposal is acceptable to the College of Eurojust, the Ministry proposes that this note and the affirmative note of the College of Eurojust shall constitute an Agreement between the Kingdom of the Netherlands and Eurojust, which shall enter into force on the date of receipt of the affirmative note of the College of Eurojust.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the College of Eurojust the assurances of its highest consideration.

*The College of Eurojust
Maanweg 174
2516 AB Den Haag*

EUROJUST

The Hague, 13 December 2002

The College of Eurojust presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to acknowledge receipt of the Ministry's Note DJZ/VE-401/04 of 13 December 2002, which reads as follows:

(Zoals in Nr. I)

The College of Eurojust has the honour to inform the Ministry of Foreign Affairs that receipt of its proposal is acknowledged and considered to be acceptable as an interim arrangement by the College of Eurojust, without prejudice to the terms of the final and definitive agreement (in particular with regard to the protection and status of the national members and their nominated assistants) which, it is expected, will be concluded by 31st March 2003.

The College of Eurojust avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

*The Ministry of Foreign Affairs
of the Kingdom of the Netherlands*

D. PARLEMENT

Het in de nota's vervatte verdrag behoefde ingevolge artikel 7, onderdeel a, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal, alvorens in werking te kunnen treden.

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zijn ingevolge het in de voorlaatste alinea van nota Nr. I gestelde op 20 December 2002 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt het verdrag alleen voor Nederland.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het in de nota's vervatte verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *tiende* januari 2003.

De Minister van Buitenlandse Zaken,

J. G. DE HOOP SCHEFFER