

**AGREEMENT BETWEEN THE PORTUGUESE REPUBLIC
AND THE EUROPEAN PUBLIC LAW ORGANIZATION
FOR THE ESTABLISHMENT OF A REGIONAL BRANCH
IN PORTUGAL**

The Portuguese Republic and the European Public Law Organization (EPLO), hereinafter referred to as the «Parties»,

Bearing in mind the will of the Parties in establishing a Regional Branch of the EPLO in the Portuguese territory, under the provisions set in article III of the Agreement for the Establishment and Statute of the European Public Law Organization, adopted in Athens, on 27 October 2004 (EPLO Statute);

Considering that the Portuguese Republic joined the EPLO on 27 January 2017;

Considering that article V of the EPLO Statute determines that the regime established by the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946 applies to the EPLO and to its officials;

Having in mind that article V, paragraph 3 of the EPLO Statute provides that “other countries may grant comparable rights, privileges and immunities in support of the Organization’s activities in such countries”, as are granted by the Hellenic Republic to EPLO;

Wishing to establish the status, privileges and immunities of the EPLO Regional Branch in Portugal and of the persons connected with it,

Agree further on the following:

CHAPTER I INTRODUCTION

Article 1

Object

1. Through this Agreement, the Parties create and establish the legal status applicable to the EPLO Regional Branch in Portugal.

2. The purpose of the EPLO Regional Branch in Portugal is to promote research, training, education and cooperation activities, with a special focus on themes with special interest for International Law, such as the fight against terrorism, corruption and money laundering, human trafficking and organised crime, among others.

Article 2

Location of the EPLO Regional Branch in Portugal

The EPLO Regional Branch in Portugal shall be located in Cascais, in a building handed over by the Cascais Municipality for that purpose named “*Villa Santa Maria*”.

CHAPTER II
IMMUNITIES AND PRIVILEGES OF THE EPLO REGIONAL BRANCH IN
PORTUGAL

Article 3

Inviolability of the premises and archives

1. The premises and archives of the EPLO Regional Branch in Portugal shall be inviolable.
2. The property and goods of official use of the EPLO Regional Branch in Portugal, including archives, wherever located and by whomsoever held, shall be exempt from search, seizure, requisition, confiscation, expropriation or any other form of interference, whether by executive, administrative, judicial or legislative action.
3. The EPLO Director shall inform the Portuguese Republic of the change of location of premises and archives of the EPLO Regional Branch in Portugal.
4. Officials of the Portuguese Republic or of the public authorities shall not be allowed to enter the premises of the EPLO Regional Branch in Portugal without prior authorisation from the EPLO Director and under the terms established by him/her, except in case of force majeure seriously threatening human life or endangering public safety and thus requiring immediate intervention.
5. The enforcement of a judicial decision or similar action, such as the seizure of private property in the premises of the EPLO Regional Branch in Portugal, shall not be

allowed except when authorised by the Director of EPLO and under the terms established by him/her.

6. The EPLO Regional Branch in Portugal shall not allow its premises to be used as a refuge for individuals avoiding being imprisoned, detained or served in a judicial action or against whom an extradition or deportation order has been issued by the competent authorities.

7. The premises shall only be used for the fulfilment of the EPLO objectives and activities, as foreseen in the EPLO Statute.

Article 4

Flag and emblem

The EPLO Regional Branch in Portugal shall be entitled to display its flag and symbol at its premises and means of transportation.

Article 5

Immunity from jurisdiction and execution

1. Within the scope of its activities, the EPLO Regional Branch in Portugal and its property shall benefit from jurisdictional immunity and immunity from execution, except when EPLO expressly waives those immunities.

2. The waiver of the jurisdictional immunity is within the competence of the EPLO Director.

3. In the event of a request to waive immunity in a judicial proceeding instituted by a third party, the EPLO Director shall make a declaration asserting immunity within fifteen days of its receipt, the absence of which being understood as a waiver of immunity.

Article 6

Facilities regarding communications

The EPLO Regional Branch in Portugal shall enjoy in the territory of the Portuguese Republic, for its official communications and correspondence, treatment no less favourable than that accorded by the Portuguese Republic to any diplomatic mission regarding priorities, rates and taxes applicable to mail and to the various forms of communication and correspondence.

Article 7

Circulation of publications

The circulation of publications and other information issued by the EPLO Regional Branch in Portugal or relating to its official activities shall not be restricted in any way.

Article 8

Direct tax exemptions

The property and income resulting from the official activities of the EPLO Regional Branch in Portugal shall be exempt from all direct taxes, including corporate income tax, capital tax and capital gains tax, conveyance tax, road tax (*Imposto Único de Circulação*, IUC) and local tax on real estate.

Article 9

Indirect tax exemptions

The Portuguese Republic will account, whenever possible, adequate administrative provisions to exempt and reimburse the value of procurements that include indirect taxes and sales taxes within the price of movable and immovable property, acquired for the official activities by the EPLO Regional Branch in Portugal.

Article 10

Import and export exemptions

The EPLO Regional Branch in Portugal shall be exempt from import and export duties and from any taxes, prohibitions and restrictions on goods of whatsoever nature imported or exported by it, as the result of its official activities.

Article 11

Alienation to third parties

1. The goods acquired in accordance with articles 8 and 9 or imported in accordance with article 10 of this Agreement, cannot be donated, sold, rented or otherwise disposed of within five years of their acquisition.

2. If the period specified in the previous paragraph is not respected, the competent authorities will be notified and any necessary taxes or import duties shall be paid.

Article 12

Funds, foreign currency and assets

1. Without being restricted by controls, regulations or moratoria of any kind, the EPLO Regional Branch in Portugal may:

a) Hold funds, currency or movable valuables of any kind and operate accounts in any currency;

b) Transfer freely its funds, currency or movable valuables from one country to another or within any country and convert any currency held by it into any other currency.

2. The EPLO Regional Branch in Portugal shall be exempt from paying stamp duties on banking operations.

CHAPTER III
IMMUNITIES AND PRIVILEGES OF REPRESENTATIVES, OFFICIALS AND
EXPERTS

Article 13
Representatives

1. The representatives of the Member States attending the meetings of the EPLO Regional Branch in Portugal shall, while exercising their official functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

- a) Immunity against any legal proceedings, including both civil and criminal, even after the termination of their mission, in respect of spoken or written statements, and from all acts performed by them in their official capacity as representatives to the EPLO Regional Branch in Portugal;
- b) Inviolability of all official papers and documents, regardless of the form;
- c) When required by Portuguese or European Union legislation, issuance of passport visas for the representatives and their spouses or partners free of any cost and as fast as possible.

2. The provisions of the previous paragraph shall not affect any other immunity to which the representative may be entitled under international law.

3. The privileges and immunities mentioned in paragraph 1 and 2 of this article may not be enjoyed by representatives of the Portuguese Republic or Portuguese nationals.

4. The EPLO Regional Branch in Portugal shall inform the Portuguese Republic of the names of the representatives before they enter the Portuguese territory.

Article 14

Officials

1. The officials of the EPLO Regional Branch in Portugal shall be registered by the Ministry of Foreign Affairs of the Portuguese Republic.

2. The officials shall be entitled to the following privileges and immunities:

a) Immunity against any legal proceedings in respect of acts performed in the course of the performance of their functions for the EPLO Regional Branch in Portugal, including spoken or written statements;

b) Inviolability of papers and documents in whatever form and materials relating to their functions for the EPLO Regional Branch in Portugal, including but not limited to products stored in magnetic media, as well as regular and electronic mail and documents transmitted in electronic data;

- c) When required by Portuguese or European Union legislation, issuance of passport visas for the officials and their spouses, partners, as well as to other dependants such as ascendants or descendants in direct line and first degree, including adoptive children in the same circumstances, free of any cost and as fast as possible;
- d) The same facilities in respect to currency exchange as the ones given to members of the diplomatic missions;
- e) Exemption from taxes on income and complementary remuneration to be paid by the EPLO Regional Branch in Portugal; however, the Portuguese Republic shall take into consideration the value of all such remuneration to estimate the taxation applied to income coming from other sources;
- f) At the beginning of functions in Portugal, the officials shall be exempt from importation duties, VAT and special consumer taxes, except for costs incurred with the payment of services, relative to the importation of furniture and other personal goods they own or shall acquire within six months of changing their residence to Portugal;
- g) The imported goods that are exempt from importation duties cannot be sold or otherwise alienated within one year after importation and are subject to European Union legislation on this matter;

3. The regularisation of the status of the officials of the EPLO Regional Branch in Portugal as foreign nationals, as well their spouses or partners, dependent ascendants or descendants in direct line and first degree, as well as adoptive children in the same circumstances, is subject to the same regime applied to the members of diplomatic missions.

4. The term 'officials' comprises all EPLO international civil servants, including the Director, other high-rank personnel, and the Professional and General staff.

Article 15

Experts

Article 13 shall apply to experts who are not officials during the exercise of their functions while on a mission for the EPLO Regional Branch in Portugal.

Article 16

Accidents involving vehicles

There shall be no immunity from jurisdiction in case of an accident involving vehicles.

Article 17

Purpose of privileges and immunities

1. Privileges and immunities provided by this Agreement to representatives, officials and experts are accorded not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their activities in connection with the work of the EPLO Regional Branch in Portugal.

2. The EPLO Director shall have the right and the duty to waive those privileges and immunities accorded to any official or expert in any case where they would impede the proper administration of justice and can be waived without prejudice to the purpose for which they are accorded.

Article 18

Respect for the Portuguese Republic legislation

Without prejudice of their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the applicable legislation of the Portuguese Republic and not to interfere in its internal affairs.

Article 19

Notification of appointments and identity cards

1. The EPLO Regional Branch in Portugal shall inform the Portuguese Republic of the beginning and cessation of the activities of the officials and experts, and shall regularly provide to the Portuguese Republic a list of all active officials and experts, indicating whether they have Portuguese nationality or if they are foreign citizens with permanent residence in Portugal.

2. The Portuguese Republic shall issue an identity card with photograph for all officials of the EPLO Regional Branch in Portugal that shall identify them as EPLO officials.

Article 20

Co-operation between the EPLO Regional Branch in Portugal and the Portuguese Republic

1. The EPLO Regional Branch in Portugal shall cooperate at all times with the competent authorities of the Portuguese Republic to facilitate the enforcement of the Portuguese legislation, to facilitate the proper administration of justice, to ensure the enforcement of the police regulations and to prevent the occurrence of any abuse in connection with the privileges and immunities referred to in this Agreement.
2. The present Agreement does not prejudice the right of the Portuguese Republic to take all the measures consistent with international law to guarantee order and public security.

CHAPTER IV

SETTLEMENT OF DISPUTES

Article 21

Settlement of disputes with third parties

Disputes arising from contracts and other disputes of private law character to which the EPLO Regional Branch in Portugal and a Portuguese person or entity are party shall be submitted to arbitration under the Portuguese legislation, except if the contract provides for submission to other jurisdiction, namely the Portuguese courts.

Article 22

Submission to international arbitration

When requested by the Portuguese Republic or the EPLO, the EPLO Regional Branch in Portugal shall submit to international arbitration all disputes that:

- a) Result from damages caused by the EPLO Regional Branch in Portugal;
- b) Involve any other non-contractual liability of the EPLO Regional Branch in Portugal;
- c) Involve the Director, any other official or an expert of the EPLO Regional Branch in Portugal, in which the person concerned can claim immunity from jurisdiction under the present Agreement, if such immunity has not been waived.

Article 23

Settlement of disputes between the EPLO and the Portuguese Republic

1. Any dispute between EPLO and the Portuguese Republic concerning the interpretation or application of this Agreement shall be settled, as far as possible, through negotiation or other agreed form of settlement.
2. If the dispute cannot be settled within six months, it shall be submitted, at the request of either Party, for decision to an *ad hoc* arbitral tribunal.

3. The arbitral tribunal shall be constituted of three arbitrators appointed in the following manner:

a) Each Party shall appoint an arbitrator within two months of the receipt of the written request for arbitration;

b) Together and within two months, the two arbitrators appointed shall appoint a national of a third State with whom both Parties have diplomatic relations as president of the arbitral tribunal.

4. If the arbitral tribunal is not constituted within four months of the receipt of the written request for arbitration, either Party may request the President of the International Court of Justice to make the necessary appointments.

5. If the President of the International Court of Justice is a Portuguese national or is prevented from making the appointments for any other reason, the next member in the hierarchy of the International Court of Justice who is not a Portuguese national or who is not prevented shall be requested to make the appointments.

6. The arbitral tribunal shall determine its own rules of procedure and shall render its decisions in accordance with the provisions of the present Agreement and the International Law.

7. The decision of the arbitral tribunal, which shall be binding and final on both Parties, shall be taken by majority vote.

8. In the event of dispute as to the meaning or scope of a decision, the arbitral tribunal shall construe it upon the request of any Party.

9. Each Party shall bear the cost for its arbitrator and its representation before the arbitral tribunal, being the costs with the president and with the tribunal shared equally between the Parties.

CHAPTER V FINAL PROVISIONS

Article 24 Miscellaneous

1. The Portuguese Republic shall do everything in its power to support the EPLO and especially its presence and activities in Portugal.

2. The EPLO shall do everything in its power to promote Portugal as an international center for education, research, training and international cooperation.

3. The Portuguese Republic shall accept the titles of study offered by the EPLO and its Agencies, Academies and Schools as titles of higher education. Those titles of studies shall be subjected by their holders to the appropriate authority of the Portuguese Republic in order to be evaluated as for their content and subsequent access to the market, should they want to use them in Portugal or for any other purpose of their own.

Article 25
Entry into force

This Agreement shall enter into force thirty days upon the date of receipt of the last notification, in writing and through diplomatic channels, conveying the completion of the internal procedures of each Party required for that purpose.

Article 26
Amendments

1. This Agreement may be amended by request of one of the Parties.
2. The amendments shall enter into force in accordance with the terms specified in article 25 of this Agreement.

Article 27
Duration and Termination

1. This Agreement shall remain in force for an unlimited period of time.
2. Either Party may, at any time, terminate the present Agreement upon a prior notification in written and through diplomatic channels.
3. This Agreement shall terminate six months upon the receipt of such notification.

4. In the event of termination of the Agreement for the Establishment and Statute of the European Public Law Organization, adopted in Athens, on 27 October 2004, or of dissolution of EPLO or the EPLO Regional Branch in Portugal, the present Agreement shall cease to be in force.

Article 28
Registration

After the entry into force of this Agreement, the Portuguese Republic shall transmit it for registration in the Secretariat of the United Nations, according to article 102 of the Charter of the United Nations, and shall notify the EPLO of the conclusion of this proceeding, indicating the respective number of registration.

In witness thereof, the undersigned being duly authorised thereto, have signed the present Agreement.

Done in Athens on the 16 of October 2020, in two originals, in Portuguese and English languages, all texts being equally authentic.

For the Portuguese Republic

For the European Public Law
Organization

Helena Paiva
Ambassador of Portugal in Athens

Spyridon Flogaitis
*Director of the European Public Law
Organization*