

**DECREE NO. 77-417 OF 8 APRIL 1977 PUBLISHING THE EXCHANGE OF LETTERS
OF 31 MAY 1976 BETWEEN FRANCE AND MONACO CONCERNING
THE PRIVILEGES AND IMMUNITIES OF
THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION. ¹**

UNOFFICIAL IHO TRANSLATION OF THE DECREE

The President of the Republic,
Further to the report by the Prime Minister and the Minister of Foreign Affairs,
In view of Articles 52 to 55 of the Constitution;
In view of Law No. 76-1198 of 24 December 1976 authorizing approval of the exchange of letters signed in Paris on 31 May 1976 between the Government of the French Republic and the Principality of Monaco concerning the privileges and immunities of the International Hydrographic Organization;
In view of Decree No. 70-1154 of 7 December 1970 publishing the Convention on the International Hydrographic Organization, opened for signature in Monaco on 3 May 1967 and its General and Financial Regulations;
In view of the Decree of 14 March 1953 concerning the ratification and publication of international engagements to which France is a party;
In view of the Decree of 7 April 1977 concerning the exercise of the functions of Prime Minister during the absence of Mr Raymond Barre:

Decrees:

Article 1. - The exchange of letters of 31 March 1976 between France and Monaco concerning the privileges and immunities of the International Hydrographic Organization shall be published in the Official Journal of the French Republic.

Article 2. - The Prime Minister and the Minister of Foreign Affairs are charged with the execution of this decree.

Done at Paris, 8 April 1977

VALÉRY GISCARD D'ESTAING.

By the President of the Republic,
For the Prime Minister and on his authority:
The Keeper of the Seals, Minister of Justice,
ALAIN PEYREFITTE.

Minister of Foreign Affairs,
LOUIS DE GUIRINGAUD.

Note : June 2017: a new text taking into account the provisions introduced by the Protocol of Amendments to the IHO Convention dated 14 April 2005 is in preparation.

¹ The formalities provided for in Article 5 (§ 4) of the present exchange of letters, with a view to their entry into force, were completed on the Monaco side on 11 June 1976 and on the French side on 18 February 1977.

EXCHANGE OF LETTERS OF 31 MAY 1976

BETWEEN FRANCE AND MONACO ON THE SUBJECT OF THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

*To His Excellency Monsieur Jean Sicurani,
Minister of Monaco*

Dear Minister,

The Intergovernmental Convention on the International Hydrographic Organization signed on 3 May 1967 states that the headquarters of the Organization are established in the Principality of Monaco.

In application of this Convention, the Monaco Government and the Organization envisage the signing of a Host Agreement to define the relevant conditions and to determine the privileges and immunities of the Organization in Monaco.

The Government of the French Republic is concerned in two capacities by this matter.

In the first place, it is, in fact, a Party to the Convention of 3 May 1967 which provides in its Article XIII that the Organization shall enjoy on the territory of each of its Member States such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its object.

In the second place, certain privileges or immunities are the subject of special agreements between France and Monaco.

Consequently, and in order to facilitate the functioning of the Organization, I have the honour to inform you that the French Government, for its part, is prepared to adopt the following provisions:

Article 1

Without being subject to any financial control, regulation or moratoria, the Organization shall have the right, within the scope of its official activities, freely to:

- a) Receive and hold funds and monies of any nature and operate accounts in any currency;
- b) Transfer its funds and monies within the territory of Monaco and from Monaco to another country or vice-versa.

Article 2

The Organization, its assets, income and other property, shall be exempt from duty and taxes on importation or exportation and from prohibition and restrictions on imports or exports in respect of goods or items imported or exported by the Organization for official use as defined in Article VIII of the Convention of 3 May 1967 referred to above (notably all hydrographic, oceanographic and nautical publications, issued by the Bureau or received by the Bureau from Member States of the Organization, from States with which the Bureau corresponds, or scientific organizations), it being understood, however, that goods or items imported under such conditions may in no circumstances be disposed of, nor may they be lent out free of charge or hired out on Monegasque or French territory except with the prior agreement of the relevant French authorities.

The above facilities shall in no way be considered as preventing the relevant authorities from taking appropriate security measures.

Article 3

Except where reasons of public order preclude this, authorization to enter and to reside in the Principality without charge for visas and without delay for the term of their duty or mission with the Organization shall be granted to representatives of Member Governments and observers from the relevant States who are invited to participate in the sessions of the organs of the Organization or in conferences and meetings convened by the latter as well as experts or persons called by it for consultative purposes.

Article 4

The personnel of the Organization comprises:

- a) The three Directors of the Bureau;
- b) The assistants, heads of sections, permanent officials with duties of responsibility in the fields of the technical or administrative activities of the Bureau;
- c) The other permanent officials charged with the execution of work in the technical or administrative sections of the Bureau;
- d) Non-permanent employees.

Article 5

1. The personnel in categories a), b) and c) referred to in article 4 shall be accorded:
 - a) Exemption from any possible tax on the salaries and emoluments received for their activities with the Organization;
 - b) The conditions provided in Article 3 above as regards entry into Monaco and residence therein;
 - c) If they were formerly resident abroad, the right to import their house hold and personal effects free of customs duty when first taking up residence;
 - d) A “titre de séjour spécial” (Special residence permit) issued by the relevant authorities for themselves, their spouse and their dependent children;
 - e) In periods of international crisis, the repatriation facilities offered to members of diplomatic missions.
2. Furthermore, personnel in categories a) and b) shall be entitled to free temporary importation of their motor vehicle.
3. The French Government is not bound to grant to its own subjects or to permanent residents in France or in Monaco the privileges referred to in paragraph 1 b), c), d), e) and in paragraph 2 above.
4. The French Government is not bound to grant the privilege referred to in paragraph 1 a) of this article:
 - To its own subjects resident in France;
 - To its own subjects resident in the Principality of Monaco but subject to tax in France by virtue of Article 7-I of the Franco-Monegasque tax agreement of 18 May 1963;
 - To permanent residents in France,

unless the Organization institutes an effective internal tax on its staff. In this case the French Government will subject to income tax the income other than the official salary at a rate applicable to the entire income of its own subjects and the permanent residents referred to above.

The provisions of said paragraph 1 a) are not applicable to pensions paid by the Organization to its former officials resident in France or taxable in France under article 7-I of the Convention of 18 May 1963 referred to in the previous paragraph.

If the provisions set out herein meet with the agreement of the Government of Monaco, I have the honour to propose that this letter and Your Excellency's reply should constitute the understanding of the Government of H.S.H. the Prince of Monaco and the Government of the French Republic and that this agreement should enter into force thirty days after the date on which the two Governments have notified one another of the completion of their respective formalities of approval.

Yours sincerely,

CLAUDE CHAYET

Paris, 31st May 1976

*To Mr Claude Chayet, Plenipotentiary Minister,
Ministry of Foreign Affairs, Paris.*

Dear Minister,

In your letter dated today, you kindly inform me of the following:

“The Intergovernmental Convention on the International Hydrographic Organization signed on 3 May 1967 states that the headquarters of the Organization are established in the Principality of Monaco.

In application of this Convention, the Monaco Government and the Organization envisage the signing of a Host Agreement to define the relevant conditions and to determine the privileges and immunities of the Organization in Monaco.

The Government of the French Republic is concerned in two capacities by this matter.

In the first place, it is, in fact, a Party to the Convention of 3 May 1967 which provides in its Article XIII that the Organization shall enjoy on the territory of each of its Member States such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its object.

In the second place, certain privileges or immunities are the subject of special agreements between France and Monaco.

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The above facilities shall in no way be considered as preventing the relevant authorities from taking appropriate security measures.

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It is my pleasure to convey the agreement of the Government of the Principality on the proposals above.

Yours sincerely,

JEAN SICURANI