

HEADQUARTERS AGREEMENT
BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
AND THE EUROPEAN ORGANISATION
FOR THE EXPLOITATION OF METEOROLOGICAL SATELLITES
(EUMETSAT)

originally established on 7 June 1989,
and in force in its amended form since 12 October 2003,
with the Annex as amended on 26 May 2015

Last amended on 26 May 2015

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PREAMBLE

Applicable from 02 June 1989 until today

The Government of the Federal Republic of Germany
and
the European Organisation for the Exploitation of Meteorological Satellites -

having regard to the Convention of 24 May 1983 on the Establishment of a European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT),

having regard to Article 19 of the Protocol of 1 December 1986 on the Privileges and Immunities of the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT),

in consideration of the Organisation, in accordance with the decision of the Council of 19 June 1986, having its Headquarters in Darmstadt -

have agreed as follows:

ARTICLE 1

DEFINITIONS

Applicable from 12 October 2003 until today

In this Agreement:

- a) "Convention" means the Convention of 24 May 1983 on the Establishment of a European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) as amended by the the Amending Protocol, attached to Council Resolution EUM/C/Res. XXXVI of 4-5 June 1991, which entered into force on 19 November 2000;
- b) "Protocol" means the Protocol of 1 December 1986 on the Privileges and Immunities of the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT);
- c) "Government" means the Government of the Federal Republic of Germany;
- d) "EUMETSAT" means the European Organisation for the Exploitation of Meteorological Satellites;
- e) "German nationals" means persons who are Germans in terms of the definition set forth in the Basic Law of the Federal Republic of Germany;
- f) "Official activities" means all activities carried out by EUMETSAT in pursuance of its objectives as defined in Article 2 of the Convention, including its administration activities.

ARTICLE 2

HEADQUARTERS

Applicable from 02 June 1989 until today

EUMETSAT has its Headquarters in Darmstadt.

ARTICLE 3

INVIOABILITY OF PREMISES

Applicable from 12 October 2003 until today

- 1** The premises of EUMETSAT shall be inviolable.
- 2** The premises shall be the building and parts of the building occupied by EUMETSAT for the performance of its official activities.
- 3** The situation of the premises is shown in the plan attached to this Agreement. This plan may be modified by mutual agreement between the Government and EUMETSAT.
- 4** The authorities of the Federal Republic of Germany may enter the premises only with the consent of the Director-General of EUMETSAT. In case of fire or any other disaster requiring prompt protective measures, such consent shall be assumed.
- 5** This Article shall not preclude service of legal process.

ARTICLE 4

LIABILITY FOR DAMAGE

Applicable from 12 October 2003 until today

- 1** In accordance with German national law and in accordance with Article 9 of the Convention, EUMETSAT shall be liable for any violations of law and any damage or injury arising from its activities in the Federal Republic of Germany.
- 2** In accordance with German national law, EUMETSAT shall be liable for all risks - also towards the proprietor - in respect of the premises mentioned in Article 3, which are normally borne by the proprietor. EUMETSAT shall hold the proprietor free from any claims for compensation or damages arising from damage incurred by third parties.

ARTICLE 5

LIABILITY INSURANCE

Applicable from 02 June 1989 until today

- 1** EUMETSAT shall carry insurance sufficient to cover its liability under Article 4. Such insurance contract shall be concluded with an insurance company licensed under German law.
- 2** The terms of the insurance contract shall be determined after consultation with the Government.
- 3** The insurance contract shall provide that any person who is not EUMETSAT staff member and who suffers damage or injury, for which EUMETSAT is liable, shall be entitled to claim damages directly from the insurer.

ARTICLE 6

EXEMPTION FROM TAX

Applicable from 12 October 2003 until today

- 1** For the purpose of Article 5, paragraph 1, of the Protocol, "direct taxes" shall embrace all taxes levied directly by the Federal Government, by a "Land" or any other "Gebietskörperschaft" (regional or local authority). In particular, "direct taxes" shall include:
 - a) "Einkommensteuer" ("Körperschaftsteuer") (income tax/corporation tax),
 - b) "Gewerbesteuer" (trade tax),
 - c) "Vermögensteuer" (property tax),
 - d) "Grundsteuer" (land tax).
- 2** On the basis of Article 5 of the Protocol, EUMETSAT shall also be exempt from "Grunderwerbsteuer" (land transfer duty).
- 3** Vehicles registered in the name of EUMETSAT shall be exempt from "Kraftfahrzeugsteuer" (motor vehicle tax) on application.

ARTICLE 7

REFUND OF TAXES

Applicable from 12 October 2003 until today

- 1** Pursuant to Article 5, paragraph 2, of the Protocol, the Federal Finance Office shall, upon request, refund to EUMETSAT out of revenue from turnover tax, turnover tax separately invoiced to EUMETSAT by other entrepreneurs in respect of supplies of goods and services performed by them, if such transactions are intended exclusively for the official activities of EUMETSAT. Such refund shall be made only if the amount of tax due for such transactions exceeds 26 euro in each individual case and has been paid by EUMETSAT to the entrepreneurs. If the amount of tax refunded is subsequently reduced, EUMETSAT shall notify the Federal Finance Office and repay the amount of the reduction.
- 2** Pursuant to Article 5, paragraph 2, of the Protocol, the Federal Finance Office shall also, at the request of EUMETSAT, refund mineral oil tax included in prices, on petrol, diesel fuel and heating oil, if the amount of tax due exceeds 26 euro in each individual case.

ARTICLE 8

GOODS AND SERVICES TRANSACTIONS

Applicable from 02 June 1989 until today

- 1** If an article purchased or imported by EUMETSAT for the exercise of its official activities in respect of which exemption from turnover tax or import turnover tax has been granted pursuant to Article 5, paragraph 2 or 3 of the Protocol, is disposed of, hired out or transferred either in return for payment or free of charge, the amount of the turnover tax or import turnover tax corresponding to the selling price or, in the case of disposal or transfer free of charge, the amount of such tax corresponding to the current value of the article, shall be paid to the Federal Finance Office. For the sake of simplicity, the amount of tax payable may be determined by applying the taxation rate applicable at the time of disposal or transfer of the article.
- 2** Goods imported duty free by EUMETSAT under the conditions laid down in Article 5 of the Protocol may not be disposed of, hired out or transferred whether in return for payment or free of charge unless the appropriate customs authority has been notified beforehand and the relevant duties have been paid. The duties payable shall be calculated on the basis of the current value of the goods.
- 3** Should EUMETSAT engage in transactions over and above the activities as defined in paragraph 1 in return for payment, then these transactions shall be subject to German turnover tax only in so far as they are performed within the scope of a business of a commercial nature (Betrieb gewerblicher Art).

ARTICLE 9

WORK PERMIT, RESIDENCE PERMIT, COMPULSORY REGISTRATION

Applicable from 02 June 1989 until today

Staff members of EUMETSAT and experts exercising their functions in the Federal Republic of Germany,

- a) shall not require a work permit;
- b) shall not require a residence permit and shall not be subject to the provisions governing aliens' registration provided that they hold the personal card referred to in Article 10; the same shall apply to members of their family forming part of their household.

ARTICLE 10

NOTIFICATION OF APPOINTMENTS, PERSONAL CARDS

Applicable from 02 June 1989 until today

- 1** EUMETSAT shall inform the Government when a staff member or expert takes up or relinquishes his duties. Furthermore, it shall at least once every year send the Government a list of all staff members and family members forming part of their household as well as all experts of EUMETSAT. It shall in each case indicate whether or not the person concerned is a German national.
- 2** The Government shall issue to the staff members of EUMETSAT and to family members forming part of their household a personal card bearing the surname, first name, date and place of birth, nationality and passport number or identity card number. The personal card shall bear the photograph and signature of the holder. This card shall not serve as proof of identity. When the person concerned relinquishes his duties, EUMETSAT shall return this card to the Government.

ARTICLE 11

GERMAN NATIONALS AND PERMANENT RESIDENTS OF THE FEDERAL REPUBLIC OF GERMANY

Applicable from 02 June 1989 until today

German nationals and permanent residents of the Federal Republic of Germany shall not enjoy the privileges and immunities set forth in Articles 9, 10 items b, d, e, f and h, in 11 and 13 items c and d of the Protocol.

ARTICLE 12

FLAG AND EMBLEM

Applicable from 02 June 1989 until today

EUMETSAT shall be entitled to display its flag and emblem on its premises and vehicles used for its official activities.

ARTICLE 13

SETTLEMENT OF DISPUTES

Applicable from 12 October 2003 until today

Any dispute arising in connection with the interpretation or application of this Agreement which cannot be settled directly between the Parties may be submitted by either Party to an arbitration tribunal. Article 15 of the Convention shall apply.

ARTICLE 14

MODIFICATIONS

Applicable from 02 June 1989 until today

At the request of either Party to the Agreement, consultations shall take place on the implementation or modification of this Agreement.

ARTICLE 15

ENTRY INTO FORCE AND DURATION

Applicable from 12 October 2003 until today

This Agreement shall enter into force one month after the date on which the Director-General of EUMETSAT receives notification by the Government of the Federal Republic of Germany that the national requirements for the entry into force of this Agreement have been fulfilled. With the entry into force of this Agreement, the Headquarters Agreement between the Government of the Federal Republic of Germany and the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) of 7 June 1989 shall expire.

The present Headquarters Agreement shall apply for as long as the Convention and the Protocol remain in force in the Federal Republic of Germany.

Done at Darmstadt

on the 18 June 2002

in duplicate in the German, English and French languages, all three texts being equally authentic.

For the Government of the Federal Republic of Germany

For the European Organisation for the Exploitation of Meteorological Satellites

Headquarters Agreement between the Government of the Federal Republic of Germany and the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT)

HQ Agreement

Annex to Article 3(3)

of the Headquarters Agreement between the Government of the Federal Republic of Germany and the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT)

Applicable from 26 May 2015 until today

