

ORGANISATION EUROPÉENNE POUR LA RECHERCHE NUCLÉAIRE  
**CERN** EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

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TWENTY-EIGHTH SESSION OF THE COUNCIL

Geneva - 15 and 16 December, 1964

DRAFT AGREEMENTS CONCERNING THE SITE

LEASED TO CERN ON FRENCH TERRITORY

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DRAFTS

LETTER OF INTERPRETATION

AND ACKNOWLEDGEMENT OF RECEIPT

D R A F T

LETTER OF INTERPRETATION

of certain questions arising from the Agreement  
concerning the legal status and the Agreement for the lease,  
addressed by the Government of the French Republic to the Director-General

Sir,

I have the honour to inform you that the French Government wishes to state its intention to interpret in the following manner the points mentioned below which are contained in the agreements signed today concerning the land situate on French territory and placed at the disposal of your Organization:

1. Definition of the term "official of the Organization" (Article XIV of the Agreement concerning the legal status of the Organization)

For the purposes of Article XIV in particular, an official of the Organization shall be deemed to be any person who has been appointed either for fixed-term periods of from six months to three years, or for service of indefinite duration.

2.

2. Direct taxation of pensions (Article XIV of the Agreement concerning the legal status of the Organization)

Exemption from direct taxation granted in France with respect to salaries and emoluments paid by the Organization shall not apply to pensions paid by the Organization to former officials.

3. Definition of arbitration procedure (Article XIX.2 of the Agreement concerning the legal status of the Organization)

Where the parties to a dispute falling under the provisions of Article XIX.2 have not been able to agree on the arbitration procedure, the dispute shall be submitted to an arbitration board composed of three members, of whom the first shall be chosen by the Director-General of the Organization, the second by the other party to the dispute and the third, who shall act as Chairman of the board, by the other two members.

The application for arbitration shall include the name of the arbitrator chosen by the applicant; the respondent shall choose his arbitrator and inform the other party of his name within two months of receiving the application. If the respondent fails to notify the name of his arbitrator within the said period of two months, or if the two arbitrators fail to agree on the choice of a third arbitrator within two months of the appointment of the last

arbitrator, the arbitrator or the third arbitrator, as the case may be, shall be chosen by the First President of the Court of Appeal of Chambéry, at the request of whichever party is first to apply to the Court.

The arbitrators shall themselves establish the rules of procedure. Their decisions shall be final.

4. Erection of temporary buildings along the frontier (Article IX.3 of the Agreement for the lease)

Where, in order to facilitate the execution of work, the Organization should wish to erect any buildings or installations of a temporary nature along the Franco-Swiss frontier, within the non-aedificandi area defined in Article IX.3 of the Agreement for the lease, the Director-General of the Organization shall request the authorization in writing from the Prefect of the Ain, who shall be empowered to issue a provisional authorization to that effect.

\* \* \*

I should be grateful if you would kindly let me know whether your Organization agrees to these proposals.

4.

If your reply is in the affirmative, the date on which the provisions of this present letter shall come into force shall be the same as that of the Agreement concerning the legal status of the Organization on French territory.

With the assurances of my highest esteem,

For the Government of the French Republic

Professor V.F. Weisskopf  
Director-General  
of the European Organization  
for Nuclear Research

Geneva

D R A F T

LETTER FROM THE DIRECTOR-GENERAL TO MR. ...

acknowledging receipt of letter of interpretation

Sir,

I have the honour to acknowledge receipt of the letter, dated ..... , which you addressed to me on behalf of the Government of the French Republic, the terms of which are the following:

- "1. Definition of the term "official of the Organization" (Article XIV of the Agreement concerning the legal status of the Organization)

For the purposes of Article XIV in particular, an official of the Organization shall be deemed to be any person who has been appointed either for fixed-term periods of from six months to three years, or for service of indefinite duration.

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2. Direct taxation of pensions (Article XIV of the Agreement concerning the legal status of the Organization)

Exemption from direct taxation granted in France with respect to salaries and emoluments paid by the Organization shall not apply to pensions paid by the Organization to former officials.

3. Definition of arbitration procedure (Article XIX.2 of the Agreement concerning the legal status of the Organization)

Where the parties to a dispute falling under the provisions of Article XIX.2 have not been able to agree on the arbitration procedure, the dispute shall be submitted to an arbitration board composed of three members, of whom the first shall be chosen by the Director-General of the Organization, the second by the other party to the dispute and the third, who shall act as Chairman of the board, by the other two members.

The application for arbitration shall include the name of the arbitrator chosen by the applicant; the respondent shall choose his arbitrator and inform the other party of his name within two months of receiving the application. If the respondent fails to notify the name of his arbitrator within the said period of two

months, or if the two arbitrators fail to agree on the choice of a third arbitrator within two months of the appointment of the last arbitrator, the arbitrator or the third arbitrator, as the case may be, shall be chosen by the First President of the Court of Appeal of Chambéry, at the request of whichever party is first to apply to the Court.

The arbitrators shall themselves establish the rules of procedure. Their decisions shall be final.

4. Erection of temporary buildings along the frontier (Article IX.3 of the Agreement for the lease)

Where, in order to facilitate the execution of work, the Organization should wish to erect any buildings or installations of a temporary nature along the Franco-Swiss frontier, within the non-aedificandi area defined in Article IX.3 of the Agreement for the lease, the Director-General of the Organization shall request the authorization in writing from the Prefect of the Ain, who shall be empowered to issue a provisional authorization to that effect."



4.

On behalf of the European Organization for Nuclear Research,  
I take note of this communication and declare my agreement with the  
interpretations given therein concerning the definition of the term  
"official", the direct taxation of pensions, the definition of the  
arbitration procedure and the erection of temporary buildings along  
the frontier.

With the assurances of my highest esteem,

For the European Organization  
for Nuclear Research

Victor F. Weisskopf  
Director-General.

Mr. ...  
Service des Affaires atomiques  
Ministère des Affaires étrangères  
37, quai d'Orsay

Paris 7ème

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