



European Treaty Series - No. 10

**PROTOCOL
TO THE GENERAL AGREEMENT
ON PRIVILEGES AND IMMUNITIES
OF THE COUNCIL OF EUROPE**

Strasbourg, 6.XI.1952

The governments signatory to the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on the 2nd September 1949 (hereinafter referred to as the Agreement),

Desirous of extending the provisions of the Agreement,

Have agreed as follows:

Article 1

Any present or future member of the Council of Europe not a signatory of the Agreement may accede to the latter and to this Protocol by depositing its instrument of accession to them both with the Secretary General of the Council of Europe, who shall notify the members of the Council thereof.

Article 2

- a The provisions of Part IV of the Agreement shall apply to representatives attending meetings of the Ministers' Deputies.
- b The provisions of Part IV of the Agreement shall apply to representatives other than Representatives to the Consultative Assembly attending meetings convened by the Council of Europe and held when neither the Committee of Ministers nor the Ministers' Deputies are in session save that representatives attending such meetings shall not be exempt from arrest and prosecution when found committing, attempting to commit, or just having committed an offence.

Article 3

The provisions of Article 15 of the Agreement shall apply to Representatives to the Assembly, and their Substitutes, at any time when they are attending or travelling to and from, meetings of committees and sub-committees of the Consultative Assembly, whether or not the Assembly is itself in session at such time.

Article 4

The Permanent Representatives of members of the Council of Europe shall, while exercising their functions and during their journey to and from the place of meetings, enjoy the privileges, immunities and facilities normally enjoyed by diplomatic envoys of comparable rank.

Article 5

Privileges, immunities and facilities are accorded to the representatives of members not for the personal benefit of the individuals concerned, but in order to safeguard the independent exercise of their functions in connection with the Council of Europe. Consequently, a member has not only the right but the duty to waive the immunity of its representative in any case where, in the opinion of the member, the immunity would impede the course of justice and it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 6

The provisions of Article 4 are not applicable in relation to the authorities of the State of which the person is a national or of the member of which he is or has been a representative.

Article 7

- a This Protocol shall be open to signature by all members which have signed the Agreement. The Protocol shall be ratified at the same time as or after the ratification of the Agreement. Instruments of ratification shall be deposited with the Secretary General of the Council of Europe.
- b This Protocol shall enter into force on the day when it shall have been ratified by all the signatories who at that time have ratified the Agreement, on condition that the number of signatories who have ratified the Agreement and the Protocol shall not be fewer than seven.
- c As regards any signatory ratifying subsequently, the Protocol shall enter into force at the date of the deposit of its instrument of ratification.
- d In the case of members which have acceded to the Agreement and Protocol in accordance with the terms of Article 1 the Agreement and Protocol shall enter into force:
 - i on the date specified in paragraph b above in cases where the instrument of accession has been deposited prior to this date; or
 - ii on the date of deposit of the instrument of accession in cases where this instrument is deposited at a date subsequent to that specified in paragraph b above.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Protocol.

Done at Strasbourg on the 6th day of November 1952, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory and acceding governments.