

Headquarters Agreement
between
the European Labour Authority
and
the Government of the Slovak Republic

The European Labour Authority,
hereinafter referred to as “Authority” or “ELA”,

and

the Government of the Slovak Republic,
hereinafter referred to as “the Government”,

together referred to as “the Parties”,

HAVING REGARD to Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority¹ (hereinafter referred to as “the Regulation”), and in particular Article 43 thereof,

HAVING REGARD, the Protocol No. 7 on the Privileges and Immunities of the European Union² (hereinafter referred to as “the Protocol”),

HAVING REGARD to the Decision (EU) 2019/1199 taken by common accord between the Representatives of the Governments of Member States of 13 June 2019 on the location of the seat of the European Labour Authority³, hereinafter referred to as “the Decision”,

WHEREAS Article 1 of the Decision stipulates that the Authority shall have its seat in Bratislava,

WHEREAS Article 30 of the Regulation provides that the Staff Regulations and the Conditions of Employment and the rules adopted by agreement between the Union institutions for giving effect to the Staff Regulations and the Conditions of Employment shall apply to the staff of the Authority, including to the Executive Director,

WHEREAS Article 34 of the Regulation specifies that the Protocol shall apply to the Authority and to its staff,

¹ OJ L 186 of 11.7.2019, p. 21.

² Protocol No 7 on the privileges and immunities of the European Union annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

³ OJ L 189 of 15.7.2019, p. 68.

WHEREAS Article 43 of the Regulation provides that necessary arrangements shall be laid down in a headquarters agreement between the Authority and the host State, and that the host State shall provide the best possible conditions to ensure the smooth and efficient functioning of the Authority,

WISHING to conclude those necessary arrangements,

HAVE AGREED AS FOLLOWS:

Article 1

Scope of Application

The present Agreement sets forth the terms under which the Government shall support the establishment of the Authority in Bratislava, Slovak Republic, by providing a suitable location and other support to the Authority, as well as the privileges and immunities and other benefits to the Authority, its Executive Director and other members of the Staff of the Authority and their family members.

Article 2

Definitions

For the purposes of this Agreement,

- (1) all references in the Protocol to the European Union shall be understood as references to the Authority,
- (2) all references in the Protocol to officials and other servants of the European Union shall be understood as references to the Staff of the Authority,
- (3) “the premises” are the buildings or parts of buildings, irrespective of ownership, used for the official purposes of the Authority,
- (4) “the Staff” consists of officials, temporary and contract agents, employed directly by the Authority, and of seconded national experts or other staff not employed by the Authority as contemplated by Articles 32 and 33 of the Regulation,
- (5) “family member” includes a spouse, a dependent child or any other person who is financially, legally or for health reasons dependent upon and living together with a member of Staff.

Article 3

Legal status

- (1) The Authority is a European Union body with legal personality in accordance with Article 3 of the Regulation. It shall enjoy a full legal capacity accorded to legal persons under the laws of the Slovak Republic. It shall, in particular, have the capacity to contract, to acquire and dispose of movable and immovable property, and to be a party to legal proceedings.

(2) The Authority is represented by its Executive Director.

Article 4

Seat of the Authority

(1) The Authority shall have its seat in Bratislava, Slovak Republic.

(2) The Authority shall have an exclusive right to use the premises allocated to the Authority by the Government, as defined in the Annex. The premises shall be made available to the Authority at the date and on terms as stated in the sub-lease agreement referred to in the Annex.

(3) The Government shall facilitate the settlement of the Authority and the performance of its official tasks, by providing it with the best possible conditions necessary to ensure its smooth and efficient functioning.

Article 5

Privileges and immunities

If questions concerning the privileges and immunities are not covered by this Agreement, the Protocol shall in any event apply.

Article 6

Inviolability and security of the Authority

(1) The premises of the Authority shall be inviolable, irrespective of ownership. They shall be exempt from search, requisition, confiscation or expropriation or any form of seizure. The property and assets of the Authority shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice of the European Union. The authorities of the Slovak Republic may not enter the premises of the Authority unless a prior approval is given by the Executive Director or his/her authorized representative. Such approval shall be presumed in case of fire or other event which may constitute a threat for public health, safety or property.

(2) The Authority adopts its internal rules and procedures necessary to ensure security and maintenance of good order inside the premises used by it. The Authority may, in particular, refuse access to its premises or expel any persons considered undesirable.

(3) The Authority may appoint security guards and bodyguards to protect its premises, staff and visitors. The bearing of firearms by security guards or bodyguards falls within the application of the laws of the Slovak Republic and requires the prior authorisation by the Slovak Ministry of Interior.

(4) The Government shall provide assistance to the Authority, upon request by the Executive Director, in order to maintain security and good order inside the premises used by it. The Authority may, in particular, request the Government to take the measures necessary to assure

or re-establish security and good order inside the premises used by it and in the areas surrounding the premises in order to ensure safe access to its premises for its staff and visitors.

(5) The Government and the Authority shall keep each other informed of all matters that affect the security of the Authority staff, visitors and its premises. They shall, in particular, nominate and communicate to each other the names and functions of the persons responsible to establish and maintain such cooperation.

Article 7

Inviolability of archives and facilitation of communication

(1) The archives of the Authority as well as all documents and data belonging to the Authority or held by it shall be inviolable.

(2) The Authority shall enjoy, in respect of its official communications, a treatment not less favourable than the treatment accorded by the Government to diplomatic missions and its official communications shall be treated as inviolable. No official communication addressed to or emanating from the Authority, in whatever form or by whatever means of transmission, may be subject of any restriction of any kind, nor may its confidential nature be prejudiced. The same applies to the right of the Authority to use codes and to dispatch and receive correspondence and other official materials by whatever means of transmission. This protection extends in particular to publications, internet content, e-mails or any visual or sound recording.

(3) The Authority may install and use telecommunication systems in its installations. The Government shall take all appropriate administrative measures, if any, in accordance with the laws of the Slovak Republic in order to facilitate the installation and use by the Authority of the said telecommunication systems.

Article 8

Use of flag and emblem

(1) The Authority shall have the right to fly the flags of the Union, and its own flag on its premises.

(2) The Authority is entitled to display its name and emblem on its premises and on its means of transport.

Article 9

Waiver of immunity from jurisdiction

(1) The privileges and immunities are conferred solely in the interest of the Authority and of the European Union, and not for the personal benefit of the individuals themselves.

(2) The Executive Director of the Authority shall waive the immunity accorded to a member of the Staff of the Authority wherever the Executive Director considers that the waiver of such immunity is not contrary to the interests of the Authority or of the European Union.

(3) The Management Board of the Authority shall waive the immunity accorded to the Executive Director of the Authority wherever it considers that the waiver of such immunity is not contrary to the interests of the Authority or of the European Union.

Article 10

Tax and customs exemption

(1) The Authority, its assets, revenues and other property shall be exempt from all direct taxes.

(2) The Authority shall, to the extent possible, be exempt from value added tax, and other indirect taxes on the local purchases of goods and services for official use of the Authority, provided that the value of such goods or services is not less than seventy (70) euros including tax per invoice. The exemption shall be effected annually on request addressed to the Ministry of Finance of the Slovak Republic together with the attached invoices. The refund of the paid taxes shall be made within six months after the receipt of such request.

(3) The Authority shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use, including its publications.

Article 11

Entry and stay

(1) The Government shall take all appropriate measures to facilitate the entry into, stay in and exit from its territory of the Executive Director, other members of the Staff, as well as the members of the family, irrespectively of their nationality, and also of any other person who takes part at the performing of the official tasks of the Authority.

(2) The Government shall also apply the measures referred to in paragraph 1 to any other person who, in the performance of his duties, takes part at the meetings in the performance of the tasks of the Authority.

(3) Visas, if needed by the persons referred to in paragraph 1 and 2, shall be issued without delay and without fee.

(4) The Executive Director and the other members of Staff, as well as the members of the family shall be exempt from any immigration restrictions or formalities for the registration of aliens.

(5) This Article shall not prevent the requirement of reasonable evidence to be provided by the Authority to establish that persons claiming the treatment provided for in this Article fall under one of the categories referred to in paragraph 1 and 2.

Article 12

Notification and identity cards

(1) The Authority shall notify the Ministry of Foreign and European Affairs of the Slovak Republic of:

- (a) the appointment of the Executive Director and other members of the Staff, indicating the grade or function and the date on which their employment for the Authority ends,
- (b) the arrival for taking up residence in and definitive departure from the Slovak Republic of the Executive Director, the other members of the Staff, as well as their family members, indicating in each case the date of birth, nationality and place of residence in the Slovak Republic.

(2) The Ministry of Foreign and European Affairs of the Slovak Republic shall provide persons specified in paragraph 1, provided they are not nationals of or permanent residents in the Slovak Republic, with a special identity card, which shall serve as a residence permit for those persons and an evidence for their identification.

Article 13

Privileges and immunities of the Executive Director and the other Staff

(1) In accordance with the provisions of Articles 11 to 13 of the Protocol, the Executive Director and the other members of the Staff:

- (i) enjoy immunity from jurisdiction as regards acts carried out by them in their official capacity, including their spoken and written statements. The question whether a particular act is carried in an official capacity shall be duly assessed by the Authority, in each individual case. This immunity shall continue after cessation of their functions;
- (ii) are exempt from national taxes on salaries, wages and emoluments paid by the Authority;
- (iii) Have the right to import from their last country of residence or from the country of which they are nationals, free of duty and without prohibitions or restrictions, in respect of initial establishment, within two years of taking up their appointment with the Authority furniture and personal effects; this includes motor vehicles for their personal use, which shall be registered under a special series;
- (iv) Have the right to export, during the period of two years as from the date of termination of their appointment with the Authority, without prohibitions or restrictions, furniture and personal effects, including vehicles they use, and which are in their possession. The two years referred to in this paragraph shall be a maximum limit and are only to be used exceptionally;
- (v) Have the freedom to acquire or maintain within the Slovak Republic foreign securities, foreign currency accounts, other movable property and, immovable property, under the same conditions as Slovak nationals;

(2) In the case of domestic purchases of goods and services for personal consumption, the first 144 employees, provided that they are not nationals or permanent residents of the Slovak Republic, shall be entitled to a value added tax refund cumulatively up to EUR 10 000 per employee, for which they may apply until the end of 2023 at the latest. This provision shall apply where the amount paid for the purchase of goods and services for personal consumption

exceeds EUR 70 per invoice. The value added tax paid shall be refunded by the Tax Office Bratislava no later than six months from the delivery of the application for a value added tax refund to the Ministry of Labour, Social Affairs and Family of the Slovak Republic, together with attached invoices. This right may also be exercised by the Executive Director under the same conditions.

(3) In addition to the privileges and immunities specified in paragraph 1, the Executive Director and his/her family members, provided they are not Slovak nationals or residents, shall be accorded the personal inviolability while present in the Slovak Republic and the inviolability of his/her personal bag upon entry into the Slovak Republic.

(4) The staff of the Authority, as well as the family members shall have access to all the public services provided by the Slovak Republic, including medical services, schooling services, childcare services and rental rights without discrimination in relation to nationals of the Slovak Republic.

Article 14

Assistance support

The Government shall ensure the assistance support for the Authority and members of its Staff as set out in the Annex by making use of the resources of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

Article 15

Employment

The family members shall enjoy access to the labour market without requiring work permit while in the Slovak Republic for the duration of the employment of the Executive Director and other members of the Staff within the Authority.

Article 16

Exemption from social security

(1) The Authority shall be exempt from all compulsory contributions to social security schemes in the Slovak Republic, in respect of the Executive Director and other members of the Staff as well as in respect of the family members.

(2) The Executive Director and other members of the Staff of the Authority are exempt from any compulsory contribution to the social security schemes in the Slovak Republic. The same provision applies to family members, unless they are employed in the Slovak Republic by an employer other than the Authority, receive benefits from the Slovak social security schemes or they are subject to the Slovak social security schemes due to pursuing gainful activity other than from the Authority.

(3) The Staff of the Authority, except seconded national experts or other staff not employed by the Authority as contemplated by Articles 32 and 33 of the Regulation, may participate voluntarily in the Slovak social security schemes.

(4) The Government recognizes the medical insurance provided by the Joint Sickness Insurance Scheme (JSIS) for officials of the European Union.

Article 17

Prevention of abuses

Without prejudice to their privileges and immunities, the Authority, the Executive Director and other members of the Staff shall respect the laws of the Slovak Republic. The Authority shall cooperate at all times with the appropriate authorities of the Slovak Republic to facilitate proper administration of justice.

Article 18

Responsibility and liability

The Government shall not bear international responsibility or civil or administrative liability for the activities of the Authority on the territory of the Slovak Republic, or for acts or omissions of the Authority, its Executive Director or other members of the Staff within the limits of their duties.

Article 19

Disputes settlement

(1) If any dispute arises between the Parties as to the interpretation, application or performance of this Agreement, the Parties shall first try to resolve the dispute amicably through direct negotiations.

(2) In the event of failure to settle a dispute amicably, the dispute may be referred to the Court of Justice of the European Union by the Authority or by the Government after having given the other party two (2) months notice in advance of its intention of referring the matter to the Court.

Article 20

Final provisions

(1) This Agreement shall enter into force thirty days after the date of the receipt of the later notification confirming that the internal procedures necessary for the entry into force of this Agreement have been completed.

(2) This Agreement shall be applied provisionally from the date of its signature by the Parties until its entry into force.

(3) This Agreement may be amended by mutual written agreement of the Parties. Each Party shall notify the other as soon as its internal procedures necessary for the entry into force of the amendments have been completed. The amendments shall enter into force thirty days after the last such notification.

(4) This agreement shall remain in force until the completion of the winding up of the Authority, unless agreed otherwise by the parties.

(5) Either Party may terminate the present agreement by means of a written notice to the other party. Termination shall take effect six months following the date of the notification.

Done at Bratislava on 2021, in two originals, each in English and Slovak language, both texts being equally authentic. In case of dispute of interpretation, the English language version shall take precedence.

FOR the European Labour Authority

FOR the Slovak Republic

Annex
to
Headquarters Agreement
between
the European Labour Authority
and
the Government of the Slovak Republic

I.

Seat of the Authority

- A. Referring to Article 4 of the Agreement, the Government shall support the establishment of the Authority in Bratislava, Slovak Republic, by providing to the Authority the office premises located in Bratislava in the Standard A building (hereinafter referred to as “the Premises”). The Premises shall be provided to the Authority free of charge, including the cost of utilities and services for a period of ten years up to the maximum amount of EUR 18,400,000.
- B. The Government shall provide to the Authority the Premises through its wholly owned subsidiary (hereinafter referred to as “the Government company”). For this purpose, the Government company negotiated the lease agreement with the landlord. The Government company, as the lessee, entered into the sub-lease agreement with the Authority as the sub-lessee (hereinafter referred to as “the Sub-Lease Agreement”).
- C. The permanent premises of the Authority shall be located on floors 3, 11 (partly), 13 and 14 of administrative building “PANORAMA CITY III. Business” located on address Landererova 12, 811 09 Bratislava, Slovak Republic. These floors shall have a total gross usable space of 5 342.1m².
- D. Details of the terms of use of the Premises shall be specified in the Sub-Lease Agreement.
- E. In case the Sublease Agreement becomes void due to dissolution of the Government company, the Government will ensure the upholding of the Lease and the Sublease Agreement.

II.

Assistance Support

A. Referring to Article 14 of the Agreement, the Government shall ensure the assistance support in form of concierge service and covering of public transportation costs in Bratislava. These services cover the following specifics:

- assistance with accommodation;
- health care selection assistance;
- job search assistance for family members;
- assistance in pre-school and school education for family members;
- commuting assistance.

A.1 Assistance with accommodation means providing a) information on the possibility of the real estate market and housing assistance and b) assistance during search for long term accommodation and obtaining lease contracts.

A.2

Health care selection assistance means an overview of the available healthcare providers, registration assistance and first visit to the healthcare provider.

A.3

Job search assistance for family members means assistance in finding the first job for family members of the members of the Staff after relocation to Bratislava.

A.4

Pre-school and school education of family members include:

- (a) an overview of available pre-school and school education opportunities;
- (b) assistance in the enrolment process for pre-school and school education.

A.5

Commuting assistance means prepaid tickets for public transport in Bratislava for the period of one calendar year.

A.6

Relocation questionnaire

The assistance support shall be provided on the basis of data from relocation questionnaires completed and sent by the Authority employees and their family members no later than 4 weeks before the planned arrival in Bratislava.

A.7

Contact persons

The Authority and the Government shall appoint contact persons for the purpose of mutual communication.

A.8

Obligation to inform

The Government shall regularly inform the Authority on the assistance support provided through appointed contact persons.

- B. The Government shall pay the costs of the assistance support for the first 144 members of the Staff of the Authority located in Bratislava and in case of concierge services also for the family members, for a period of twelve consecutive months upon their respective arrivals, expiring no later than 1 December 2023.
- C. Details of the Assistance Support shall be specified in the separate agreement.