

AGREEMENT

BETWEEN
THE ORGANISATION FOR ECONOMIC
CO-OPERATION AND DEVELOPMENT AND
THE CZECH REPUBLIC ON THE PRIVILEGES, IMMUNITIES
AND FACILITIES GRANTED TO THE ORGANISATION

**THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
AND THE CZECH REPUBLIC**
(HEREAFTER CALLED THE "CONTRACTING PARTIES"),

HAVING REGARD to the Memorandum of Understanding between the Organisation for Economic Co-operation and Development and the Government of the Czech Republic concerning the programme "Partners in transition" signed in Prague on 6 October 1993;

HAVING REGARD to paragraph 25 of the Communiqué adopted by the Council of the Organisation for Economic Co-operation and Development meeting at a ministerial level on 8 June 1994, calling for negotiations with the Czech Republic concerning membership,

HAVING REGARD to Supplementary Protocol No.2 to the Convention on the Organisation for Economic Co-operation and Development, in particular its section (d),

HAVE AGREED as follows:

Article 1

For the purposes of this Agreement:

- (a) "Government" means the Government of the Czech Republic;
- (b) "Organisation" means the Organisation for Economic Co-operation and Development;
- (c) "officials" shall be the categories of officials to which the provisions of this Agreement apply as specified by the Secretary-General and submitted to the Council of the Organisation. The names of the officials included in these categories shall be made known, from time to time, to the Government;
- (d) "premises of the Organisation" means buildings or parts thereof, utilized, permanently or temporarily, for official purposes of the Organisation;

- (e) "property of the Organisation" means all property, including funds and assets, belonging to the Organisation or held or administered by the Organisation or on its behalf;
- (f) "archives of the Organisation" means all records and correspondence, documents and other material, including tapes and films, sound recordings, computer software and written material, video tapes and discs, as well as discs and tapes containing data, belonging to or held by the Organisation or on its behalf;
- (g) "Members" means countries or other entities which are Members of the Organisation;
- (h) "non-member participants" means countries not members of the Organisation or international organisations, which have received an invitation from the Organisation to participate, as observers or on any other basis, in a meeting convened by the Organisation;
- (i) "representatives" means all delegates, alternates, advisers, technical experts and secretaries of delegations;
- (j) "meeting convened by the Organisation" means any meeting of a body of the Organisation, and any other meeting, international conference or other gathering convened by the Organisation.

Article 2

The Organisation possesses juridical personality. It has the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

Article 3

The Organisation and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Article 4

The property of the Organisation, wherever located and by whomsoever held, shall not be subject to search, requisition, confiscation, expropriation or any other form of interference whether by administrative, judicial or legislative action.

Article 5

The premises of the Organisation shall be inviolable.

Article 6

The archives of the Organisation, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Article 7

Without being restricted by financial controls, regulations or moratoria of any kind:

- (a) the Organisation may hold currency of any kind and operate accounts in any currency;
- (b) the Organisation may freely transfer its funds within, into and out of the territory of the Czech Republic and convert any currency held by it into any other currency under the same conditions as provided for any international organisation or foreign government.

Article 8

The Organisation and its property shall be exempt from:

- (a) any form of direct taxation. It is understood, however, that the Organisation will not claim exemption from rates and taxes which constitute no more than a payment for public utilities;
- (b) customs duties, prohibitions or restrictions in respect of import or export of goods intended for official use, on the understanding that goods so imported will not be sold in the Czech Republic, except under conditions agreed with the Government;
- (c) customs duties, restrictions or prohibitions in respect of import and export of publications;
- (d) any form of indirect taxation on goods and services purchased for official purposes including taxes forming part of the price to be paid for such goods and services, under the same conditions as applied with respect to diplomatic missions in the Czech Republic.

Article 9

The Organisation shall enjoy, for its official communications, treatment not less favourable than that accorded by the Czech Republic to any government, including its diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telefaxes, telephone and other communications and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

Article 10

In order to enable the Organisation to fully and efficiently discharge its responsibilities and fulfill its tasks, essential public services shall be made available to the Organisation on the same basis and conditions as to diplomatic missions in the Czech Republic.

Article 11

1. Representatives of members and non-member participants accredited to the Organisation or to a meeting convened by the Organisation shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the privileges, immunities and facilities provided for by sections 11 and 15 of Article IV of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.
2. In order to secure for representatives of Members and non-member participants to the bodies of the Organisation and to meetings convened by the Organisation, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer representatives.
3. Privileges, immunities and facilities are accorded to the representatives of Members and non-member participants not for the personal benefit of the individuals concerned but in order to safeguard their functions in connection with the Organisation. Consequently, a member or a non-member participant 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 or non-member participant, 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 12

Officials of the Organisation shall:

- (a) enjoy immunity from arrest and detention for acts performed in their official capacity;
- (b) enjoy immunity from legal process for acts performed in their official capacity; they shall continue to be so immune after completion of their functions as officials of the Organisation;
- (c) be exempt of any form of direct taxation on salaries, emoluments and indemnities paid to them by the Organisation;
- (d) be exempt, together with their spouses and members of their families, from immigration restrictions and alien registration;

- (e) enjoy, together with their spouses and members of their families, the same benefits in respect of repatriation in case of international crisis as members of diplomatic missions;
- (f) have the right to import their furniture and effects free of duty at the time of first taking up their post in the Czech Republic;
- (g) be accorded the same privileges in respect of exchange facilities and of any obligation to deposit security payable in respect of goods temporarily admitted into the Czech Republic as are accorded to diplomatic agents of comparable rank;
- (h) enjoy the right, for the purpose of communicating with the Organisation, to use codes and to send and receive correspondence and other papers and documents by courier.

Article 13

In addition to the privileges, immunities and benefits mentioned in Article 12, the Secretary-General of the Organisation, his/her spouse and children under the age of 18, shall enjoy privileges, immunities and benefits granted to the heads of diplomatic missions.

The Deputy and Assistant Secretaries-General, their spouses and children under the age of 18, shall enjoy the privileges, immunities and benefits granted to diplomatic representatives of comparable rank.

Article 14

Experts (other than officials) performing missions for the Organisation shall enjoy such privileges, immunities and facilities as are necessary for the independent exercise of their functions during the period of their missions, including time spent on journeys in connection with their missions. In particular they shall enjoy:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) immunity from legal process in respect of words spoken or written, and all acts done by them in the performance of their mission; such immunity shall continue after the completion of their mission;
- (c) inviolability for all papers and documents;
- (d) the right, for the purpose of communicating with the Organisation, to use codes and to send and receive correspondence and other papers and documents by courier;
- (e) the same facilities with respect to currency and exchange restrictions and to any obligation to deposit security payable in respect of goods temporarily admitted into the Czech Republic as are accorded to a representative of a foreign government on temporary official mission.

Article 15

Privileges, immunities and benefits are granted to officials and experts in the interest of the Organisation and not for the sake of personal profit. The Secretary-General of the Organisation shall have the right and duty to waive the immunity of any official or expert where, in his opinion, the immunity of this official or expert would impede the course of justice and it can be waived without prejudice to the interests of the Organisation. In the case of the Secretary-General and the Deputy and Assistant Secretaries-General of the Organisation, the Council of the Organisation shall have the right to waive immunity.

Article 16

The Government shall take all measures required to facilitate entry into, staying, and exit from the Czech Republic, as well as freedom of movement within its territory, of representatives of Members and non-member participants, officials and experts of the Organisation or any other person invited by the Organisation for official purposes.

Article 17

The Organisation shall co-operate at all times with the authorities of the Czech Republic to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities, exemptions and facilities mentioned in this Agreement.

Article 18

This Agreement shall be interpreted and applied in the light of its primary purpose which is to enable the Organisation to fully and efficiently discharge its responsibilities and fulfil its tasks.

Article 19

1. The Contracting Parties shall attempt to settle any dispute as to the interpretation or application of this Agreement by negotiations. Negotiations shall be deemed to have been exhausted if the Contracting Parties fail to reach a settlement within a period of sixty days from the request by either party to enter into negotiations. If the dispute is not settled through negotiations, it shall, at the request of either party, be referred to arbitration.
2. The arbitral tribunal shall be composed of three arbitrators: one to be chosen by the Czech Republic, one to be chosen by the Organisation, and the third, who shall be the chairman of the tribunal, to be chosen jointly by the Parties. If the tribunal is not constituted within three months of the request for arbitration, the appointment of the arbitrators not yet designated shall be made by the President of the International Court of Justice at the request of either party. The tribunal shall apply the principles and rules of international law and its award should be final and binding on both parties.

Article 20

This Agreement shall enter into force on the date on which the Government shall have informed the Organisation of the completion of the constitutional requirements for its entry into force.

Article 21

This Agreement shall be applied on a provisional basis to the extent it is compatible with the laws of the Czech Republic as from the date of its signature, and pending its entry into force.

Article 22

The Contracting Parties may enter into such supplemental agreements as may be necessary within the scope of this agreement.

DONE in Paris this 22nd day of February 1995, in the English and French languages, each text being equally authentic.

FOR THE CZECH REPUBLIC:

Marek SKOLIL
Minister-Counsellor

FOR THE ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT:

Jean-Claude PAYE
Secretary-General