

# AGREEMENT

BETWEEN  
THE ORGANISATION FOR ECONOMIC  
CO-OPERATION AND DEVELOPMENT AND  
THE REPUBLIC OF HUNGARY ON THE PRIVILEGES  
AND IMMUNITIES GRANTED TO THE ORGANISATION

**THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT  
AND THE GOVERNMENT OF THE REPUBLIC OF HUNGARY**  
(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 Republic of Hungary concerning the programme "Partners in transition" signed in Paris on fourth of June 1991;

**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 Republic of Hungary 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 Republic of Hungary;
- (b) "Organisation" means the Organisation for Economic Co-operation and Development;
- (c) "officials" means 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 from time to time be made known to the Government of the Republic of Hungary;
- (d) "premises of the Organisation" means buildings or parts thereof, utilised 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, 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 accredited to the Organisation or participating in a meeting convened by the Organisation;
- (j) "meeting convened by the Organisation" means any meeting of a body of the Organisation, and any other meeting, international conference or 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 and shall be under its exclusive control and authority. No office-holder or official of the Republic of Hungary or any other person exercising any public authority within Hungary shall enter into the premises of the Organisation to perform any of their functions except with the consent of, and under conditions approved by, the Organisation.

#### **Article 6**

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

#### **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 Hungary and convert any currency held by it into any other currency under the same conditions as provided for any other 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 such imported goods will be sold in Hungary only in accordance with Hungarian law;
- (c) customs duties, restrictions or prohibitions in respect of import and export of publications;
- (d) any form of 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 those which apply with respect to diplomatic missions in Hungary.

#### **Article 9**

The Organisation shall enjoy, for its official communications, treatment not less favourable than that accorded by Hungary 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. The official correspondence and other official communications of the Organisation shall be subject to no form of control.

#### **Article 10**

In order to enable the Organisation to fully and efficiently discharge its responsibilities and fulfil its tasks:

- (a) the Government will provide assistance in overcoming difficulties that may emerge in connection with the procurement of goods and the use of services and facilities in the territory of Hungary; and
- (b) essential public services shall be made available to the Organisation on the same basis and conditions as those which apply to diplomatic missions in Hungary.

#### **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 in the territory of Hungary and during their journey to and from the place of meeting, enjoy the privileges, immunities and facilities provided for by Article IV section 11 and 12 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.
2. Privileges, immunities and facilities are accorded to the representatives of Members and non-member participants not for their personal benefit 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 also 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**

1. 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 requirements applicable to persons who are not members of diplomatic missions;
  - (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 free of duty their furniture and effects at the time of first taking up their post in Hungary;
  - (g) be accorded the same privileges in respect of exchange facilities as are accorded to diplomatic agents of comparable rank;
  - (h) be exempt from any obligation to deposit security payable in respect of goods temporarily admitted into Hungary;
  - (i) 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.
2. The provisions of paragraph 1 (d), (e), (f), (g) and (h) of this Article shall not apply to persons permanently residing in Hungary immediately prior to their employment with the Organisation.
3. The names of the officials whose assigned regular place of duty is Hungary shall be notified to the Government prior to taking their post.

### **Article 13**

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

### **Article 14**

Experts (other than officials) performing missions for the Organisation shall enjoy, in the territory of Hungary, 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 as are accorded to a representative of a foreign government on temporary official mission;
- (f) exemption from any obligation to deposit security payable in respect of goods temporarily admitted into Hungary.

#### **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, stay in, and exit from the territory of Hungary, as well as freedom of movement within the territory of Hungary 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 Hungary 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 fulfill 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 Hungary, one to be chosen by the Organisation, and the third, who shall be the chairman of the tribunal, to be chosen jointly by the Contracting 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. In settling any dispute under this Agreement the tribunal shall apply the basic principles and rules of international law and its award should be final and binding on both Contracting Parties.

#### **Article 20**

This Agreement shall enter into force on the date of its signature. It may be terminated by either Party after giving the other Party a six months notice of its intention to terminate it at any time Hungary is not a Member of the Organisation.

#### **Article 21**

The Contracting Parties may conclude any complementary agreement, which shall form an integral part of this agreement.

**DONE** in Paris this 13<sup>th</sup> day of June, 1995, in two originals, each in the English, French and Hungarian languages, each text being authentic. In case of divergence the English version shall prevail.

**FOR THE GOVERNMENT OF THE REPUBLIC OF HUNGARY:**

Dr Istvan MAJOR  
Deputy Secretary of State  
Ministry of Industry and Trade

**FOR THE ORGANISATION FOR ECONOMIC COOPERATION AND  
DEVELOPMENT:**

Jean-Claude PAYE  
Secretary-General