

AGREEMENT

BETWEEN
THE GOVERNMENT OF THE UNITED MEXICAN STATES
AND THE ORGANISATION FOR ECONOMIC
CO-OPERATION AND DEVELOPMENT
ON PRIVILEGES AND IMMUNITIES OF THE ORGANISATION
IN THE UNITED MEXICAN STATES

**THE GOVERNMENT OF THE UNITED MEXICAN STATES AND
THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT**

CONSIDERING that the United Mexican States (subsequently referred to as “Mexico”) has been invited to accede to the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960; and

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

HAVE AGREED as follows:

ARTICLE 1 - DEFINITIONS

For the purpose of this Agreement:

Mexico comprises all the territory of Mexico according to national and international law;

Organisation means the Organisation for Economic Co-operation and Development;

Representatives shall be considered to include all delegates, alternates, advisers, technical experts and secretaries of delegations;

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 from time to time be made known to the Government of Mexico;

Members means countries which are Members of the Organisation;

Non-Member Participants means countries or international organizations which have received an invitation from the Organisation to participate in a meeting convened by the Organisation.

ARTICLE 2 – JURIDICAL PERSONALITY

The Organisation shall possess juridical personality. It shall have the capacity:

- (i) to contract,
- (ii) to acquire, hold and dispose of movable and immovable property; and
- (iii) to institute legal proceedings.

ARTICLE 3 – PROPERTY, FUNDS AND ASSETS

The Organisation and its property and assets, 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 from jurisdiction shall be held to imply waiver of immunity in respect of the execution of a judgment, for which a separate waiver shall be necessary.

ARTICLE 4 - PREMISES

The premises of the Organisation shall be inviolable. The property and assets of the Organisation, wherever located and by whoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

ARTICLE 5 - ARCHIVES

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

ARTICLE 6 - CURRENCY

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

- i) the Organisation may hold currency of any kind and operate accounts in any currency; and
- ii) the Organisation may freely transfer its funds from Mexico to another country or within Mexico and convert any currency held by it into any other currency at a rate not less favourable than that accorded by Mexico to any other Government or International Organisation.

ARTICLE 7 – ASSETS, INCOME AND PROPERTY EXEMPTIONS

The Organisation, its assets, income and other property shall be:

- (i) exempt from all direct taxes; it is understood however, that the Organisation will not claim exemption from rates and taxes which are in fact no more than charges for public utility services;
- (ii) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use. It is understood, however, that articles imported under such exemption shall not be sold in Mexico except under conditions agreed with the Government of Mexico;
- (iii) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

ARTICLE 8 – SALE OF PROPERTY

While the Organisation will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the Organisation is making important purchases for official use of property on which duties and taxes have been charged or are chargeable, the Government of Mexico shall, wherever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE 9 – FACILITIES IN RESPECT OF COMMUNICATIONS

The Organisation shall enjoy in the territory of Mexico, for its official communications, treatment not less favourable than that which it accords to any other government including its diplomatic mission in respect of radiograms, telephotos, telephone and other communications and press rates for information to the press and radio.

ARTICLE 10 – CENSORSHIP

No censorship shall be applied to the official correspondence and other official communications of the Organisation.

ARTICLE 11 – REPRESENTATIVES OF MEMBERS AND NON-MEMBER PARTICIPANTS

Representatives of Members and Non-Member Participants accredited to the Organisation or to an international conference convened by the Organisation shall, in the exercise of their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

- (i) immunity from personal arrest or detention, and from seizure of their personal baggage;
- (ii) immunity from suit and other legal process;
- (iii) inviolability of papers and documents;
- (iv) exemption in respect of themselves and their spouses from immigration restrictions, alien registration and national service obligations;
- (v) the same facilities in respect of currency or exchange restrictions as are recorded to representatives of foreign governments on temporary official missions;
- (vi) such other privileges and immunities, not being privileges and immunities of a kind referred to in any of the preceding sub-paragraphs, as are accorded to a diplomatic envoy of comparable rank, other than exemption from duties on the importation or exportation of goods not forming part of personal baggage or from excise duties or from sales taxes.

ARTICLE 12 – FREEDOM OF SPEECH AND INDEPENDENCE

In order to secure for representatives of Members and Non-Member Participants accredited to the organs of the Organisation and to conferences 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 the representatives of Members or Non-Member Participants.

ARTICLE 13 – MEXICAN REPRESENTATIVES

The provisions of Article 11 are not applicable to a representative of Mexico or to a Mexican citizen.

ARTICLE 14 – SCOPE OF PRIVILEGES AND IMMUNITIES

Privileges and immunities 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 the independent exercise of their functions in connection with the Organisation. Consequently, a Member or a Non-Member Participant may waive the immunity of its representative in any case where, in the opinion of the Member or the Non-Member participant, the immunity would impede the course of justice and can be waived without prejudice to the purpose for which the immunity is accorded.

ARTICLE 15 – OFFICIALS

Officials of the Organisation shall enjoy the following privileges and immunities:

- (i) immunity from legal process in respect of all acts performed by them in their official capacity; they shall continue to be so immune after completion of their functions as officials of the Organisation;
- (ii) exemption, from taxation on the salaries and emoluments paid to them by the Organisation;
- (iii) exemption, together with their spouses and dependent relatives, from immigration restrictions and alien registration;
- (iv) exemption from currency and exchange restrictions to such extent as is accorded to an official of comparable rank forming part of a diplomatic mission;
- (v) together with their spouses and dependent relatives, the same repatriation facilities in time of international crisis as are given to diplomatic envoys;
- (vi) the right to import furniture and effects free of duties when first taking up a post in Mexico.

ARTICLE 16 – THE SECRETARY-GENERAL OF THE ORGANISATION

In addition to the privileges, immunities and facilities specified in Article 15, the Secretary-General of the Organisation shall, in respect of himself, his spouse and children under the age of 18, be accorded in Mexico the privileges and immunities accorded to heads of diplomatic missions in respect of themselves, their spouses and minor children, in accordance with international law. The Deputy and Assistant Secretaries-General of the Organisation, their spouses and children under the age of 18, shall receive the privileges and immunities accorded to diplomatic representatives of comparable rank and their spouses and minor children.

ARTICLE 17 – EXPERTS ON MISSIONS FOR THE ORGANISATION

Experts (other than officials) performing missions for the Organisation shall be accorded, in the exercise of their functions and while travelling to a place for the purpose of performing the mission or while returning from a place after performing the mission, the following privileges and immunities:

- (i) immunity from personal arrest or detention and from seizure of their personal baggage;
- (ii) immunity from suit and other legal process in respect of acts done in the course of the performance of their mission; such immunity shall continue after the completion of their mission;
- (iii) inviolability of papers and documents;

- (iv) the right, for the purpose of communicating with the Organisation, to use codes and to send and receive correspondence and other papers and documents;
- (v) exemption from currency or exchange restrictions to such extent as is accorded to a representative of foreign government.

ARTICLE 18 – SCOPE OF PRIVILEGES AND IMMUNITIES

Privileges, immunities, exemptions and facilities are granted to officials and experts in the interest of the Organisation and not for the personal benefit of the individuals concerned. The Secretary-General of the Organisation shall have the right and the duty to waive the immunity of any official or expert where, in his opinion, the immunity would impede the course of justice and 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, the Council of the Organisation shall have the right to waive immunity.

ARTICLE 19 – FREEDOM OF MOVEMENT

The Government of Mexico shall take all measures required to facilitate entry to, staying in, and exit from Mexico, as well as the freedom of movement of the Representatives of Members and Non-Member Participants, officials and experts of the Organisation and any other persons invited by the Organisation for official purposes.

ARTICLE 20 – CO-OPERATION

The Organisation shall co-operate at all times with the appropriate authorities of Mexico to facilitate proper administration of justice, secure the observance of Mexican laws and regulations and prevent the occurrence of any abuse in connection with the privileges and immunities mentioned in this Agreement.

ARTICLE 21 – SUPPLEMENTARY AGREEMENTS

The Government of Mexico and the Organisation may conclude supplementary agreements varying the provisions of this Agreement.

ARTICLE 22 – ENTRY INTO FORCE

This Agreement shall come into force on the date on which the Government of Mexico notifies the Organisation that it has completed the requirements necessary in Mexico to give effect to the Agreement.

DONE in PARIS this 14th day of April, Nineteen Hundred and Ninety-Four, in the English and French languages.

FOR THE GOVERNMENT OF THE UNITED MEXICAN STATES:

Minister of Foreign Affairs

FOR THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT:

Secretary-General