

# AGREEMENT

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

THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT  
AND THE SLOVAK REPUBLIC  
(HEREAFTER CALLED THE PARTIES);

**HAVING REGARD** to the Memorandum of Understanding between the Organisation for Economic Co-operation and Development and the Government of the Slovak Republic concerning the programme "Partners in transition" signed in Paris on 16 november 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 early negotiations with the Slovak 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) the term "Government" means the Government of the Slovak Republic;
- (b) the term "Organisation" means the Organisation for Economic Co-operation and Development;
- (c) the term "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 be made known to the Government from time to time;

(d) the terms "premises of the Organisation" means buildings or parts thereof, utilized permanently or temporarily by the Organisation;

(e) the terms "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) the term "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 owned, belonging to or held by the Organisation or on its behalf;

(g) the term "Members" means countries or other entities which are Members of the Organisation;

(h) the terms "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) the term "representatives" means all delegates, alternates, advisers, technical experts and secretaries of delegations;

(j) the term "meetings 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 Government shall grant to the Organisation the privileges, exemptions and immunities provided for in this Agreement and such other privileges, exemptions and immunities that it may provide to another international organisation.

## **Article 4**

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 5**

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 6**

1. The premises of the Organisation shall be inviolable. Any person exercising any public authority within the Slovak Republic shall enter into the premises of the Organisation only with the consent of, and under conditions approved by, the Organisation.

2. The Government shall take appropriate measures to ensure the security of the Organisation's premises; in particular, it shall prevent any person, or group of persons, from penetrating without authorisation into the premises or causing disorder in the immediate vicinity thereof.

#### **Article 7**

The archives of the Organisation shall be inviolable wherever located and by whomsoever held.

#### **Article 8**

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 Slovak Republic and convert any currency held by it into any other currency under the same conditions as those which apply to any other government of a third country or international organisation within the territory of the Slovak Republic.

#### **Article 9**

1. The Organisation and its property shall be exempt from:

(a) any form of direct taxation. This exemption, however, does not apply to taxes which are in fact charges for public utilities;

(b) customs duties, prohibitions or restrictions in respect of import or export of goods intended for official use; such imported goods will not be sold in the Slovak Republic, except as agreed with the Government;

(c) customs duties, restrictions or prohibitions in respect of import and export of publications;

2. Indirect taxes on goods and services purchased for official purposes, including value added tax (VAT), shall be reimbursed under the same conditions as those which apply to the diplomatic missions in the Slovak Republic.

### **Article 10**

The Organisation shall enjoy, for its official communications, treatment not less favorable than that accorded by the Slovak Republic to any government, including its diplomatic mission, in the matter of priorities, rates and taxes on mail, 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 11**

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 it under the same conditions as those which apply to diplomatic missions in the Slovak Republic.

### **Article 12**

1. Representatives of Members and non member participants to a meeting convened by the Organisation shall, while exercising their functions in the territory of the Slovak Republic and during their journey to and from the place of meeting, enjoy the privileges, immunities and facilities provided for by Article IV section 11 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 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 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.

3. Privileges, immunities and facilities are accorded to the representatives of Members and non member participants not for their personal benefit but only in order to safeguard their functions in connection with the Organisation. Consequently, a Member or a non member participant has the right and 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 can be waived without prejudice to the purpose for which the immunity is accorded.

### **Article 13**

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 from 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 cases 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 the Slovak Republic;
- (g) be accorded the same privileges in respect of currency and exchange as are accorded to diplomatic agents of comparable rank;
- (h) be exempt from any obligation to deposit security in respect of goods temporarily admitted into the Slovak Republic;
- (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.

### **Article 14**

In addition to the privileges, immunities and benefits mentioned in Article 13, the Secretary-General of the Organisation, his/her spouse and children under the age of 18, shall enjoy the 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 15**

Experts (other than officials) performing a mission for the Organisation shall enjoy, in the territory of the Slovak Republic, such privileges, immunities and facilities as are necessary for the independent exercise of their functions during the period of their mission, including time spent on journeys in connection with their mission. They shall enjoy:

- (a) immunity from arrest or detention and from seizure of their personal baggage;
- (b) immunity from legal process in respect of words spoken or written, and of all acts done 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 as are accorded to a representative as a foreign government on temporary official mission;
- (f) exemption from any obligation to deposit security in respect of goods temporarily admitted into the Slovak Republic.

## **Article 16**

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 would impede the course of justice and can be waived without prejudice to the interests of the Organisation. The Council of the Organisation shall have the right to waive the immunity of the Secretary-General and the Deputy and Assistant Secretaries-General of the Organisation.

## **Article 17**

The Government shall take all appropriate measures to facilitate the entry to, stay in, and exit from the territory of the Slovak Republic, and to ensure the freedom of movement within the territory of the Slovak Republic 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 18**

The Organisation shall co-operate at all times with the Government to facilitate the proper administration of justice, secure the observance of domestic law and prevent the

occurrence of any abuse in connection with the privileges, immunities, exemptions and facilities mentioned in this Agreement.

#### **Article 19**

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 20**

1. The Parties shall attempt to settle any dispute as to the interpretation or application of this Agreement by negotiations or by any other mutually agreed method.
2. If the dispute is not settled in accordance with paragraph 1, within a period of sixty days from the request by either Party to settle it, it shall, at the request of either Party, be referred to arbitration.
3. The arbitral tribunal shall be composed of three arbitrators. Each Party shall choose one arbitrator 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. In the course of the arbitration proceedings, the Parties shall refrain from making any public statement on the matter under dispute.
4. The Tribunal shall apply the principles and rules of international law and its award shall be final and binding on both Parties.

#### **Article 21**

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 22**

The Agreement is concluded for an indefinite period. It shall be applied on a provisional basis as from the date of the signature and pending its entry into force, to the fullest possible extent permitted by the legislation of the Slovak Republic.

#### **Article 23**

The Parties may enter into any supplementary agreements as may be necessary within the scope of this Agreement.

**DONE** in Paris this 12<sup>th</sup> day of May, 1995, in two originals, each in the Slovak, English and French languages, each text being authentic. In case of divergence, the English version shall prevail.

**FOR THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT:**

Jean-Claude PAYE  
Secretary-General

**FOR THE SLOVAK REPUBLIC:**

Juraj SCHENK  
Minister of Foreign Affairs