

# AGREEMENT

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

**THE REPUBLIC OF BULGARIA AND THE ORGANISATION FOR  
ECONOMIC CO-OPERATION AND DEVELOPMENT** (hereafter called the Parties),

**HAVING REGARD** to the provisions of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960, in particular Article 5 c);

**BEARING IN MIND** the co-operation existing between the Organisation and the Republic of Bulgaria and the interest in developing closer co-operation as evidenced by the establishment of a specific programme for the Republic of Bulgaria;

**NOTING** that this will increase the level of activities carried out by the Organisation in the Republic of Bulgaria; and

**ACKNOWLEDGING** that the primary purpose of this Agreement is to enable the Organisation to fully and efficiently discharge its responsibilities and fulfill its tasks;

**HAVE AGREED** as follows:

## Article 1

For the purposes of this Agreement:

- a) "Government" means the Government of the Republic of Bulgaria;
- 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. 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 belonging to or held by the Organisation or on its behalf;
- g) "Members" means States or other entities which are Members of the Organisation;
- h) "non-member participants" means States 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 gathering convened by the Organisation;
- k) "experts" means persons other than those mentioned in paragraph c) of this Article, who are especially appointed by the Organisation to carry out missions for 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, including premises utilized by the Organisation for the duration of a meeting convened by 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 Republic of Bulgaria and convert any currency held by it into any other currency under the same conditions as those which apply to other international organisations or to any foreign government.

#### **Article 8**

The Organisation and its property shall be exempt from:

- a) any form of direct taxation; however, 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 not be sold in the Republic of Bulgaria, except under conditions agreed with the Government;
- c) customs duties, restrictions or prohibitions in respect of import and export of publications;
- d) 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 Republic of Bulgaria.

### **Article 9**

1. The Organisation shall enjoy, for its official communications, treatment not less favourable than that accorded by the Republic of Bulgaria to any foreign 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.

2. The Organisation, its officials and experts, shall enjoy the right, for their official communications, to use codes and to send and receive correspondence and other papers and documents by courier.

### **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 those which apply to diplomatic missions in the Republic of Bulgaria.

### **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 Article IV, sections 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 in order to safeguard their functions in connection with the Organisation and not for their personal benefit. 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.

3. The provisions of paragraph 1 of this Article are not applicable as between the Bulgarian authorities and Bulgarian nationals or Bulgarian representatives.

### **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 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 Republic of Bulgaria;
- 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 payable in respect of goods temporarily admitted into the Republic of Bulgaria.

2. The provisions of paragraph 1 (d), (e), (f), (g) and (h) of this Article shall not apply to persons permanently residing in the Republic of Bulgaria immediately prior to their employment with the Organisation.

3. The Organisation shall inform the Republic of Bulgaria of the names of the persons to whom the provisions of this Article apply.

### **Article 13**

1. In addition to the privileges, immunities and facilities mentioned in Article 12, 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.

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

### **Article 14**

1. Experts performing missions for the Organisation shall enjoy, in the territory of the Republic of Bulgaria, 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 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 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 same facilities with respect to currency and exchange restrictions as are accorded to a representative of a foreign government on temporary official mission;
- e) exemption from any obligation to deposit security payable in respect of goods temporarily admitted into the Republic of Bulgaria.

2. The provisions of paragraph 1 (d) and (e) of this Article shall not apply to persons permanently residing in the Republic of Bulgaria immediately prior to their appointment by the Organisation.

3. The Organisation shall inform the Republic of Bulgaria of the names of the persons to whom the provisions of this Article apply.

### **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 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 appropriate measures to facilitate the entry to, stay in, and exit from the territory of the Republic of Bulgaria, as well as the freedom of movement within the territory of the Republic of Bulgaria of representatives of Members and non-member participants, officials and experts of the Organisation and any other person invited by the Organisation for official purposes.

### **Article 17**

The Organisation shall co-operate at all times with the Government to facilitate the proper administration of justice, the respect of domestic law and prevent the occurrence of any abuse in connection with the privileges, immunities, exemptions and facilities mentioned in this Agreement.

### **Article 18**

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 ninety days 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.
4. The tribunal shall apply the principles and rules of international law and its award shall be final and binding on both Parties.

### **Article 19**

1. 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.
2. The Agreement may be terminated by either Party after giving the other Party a six months written notice of its intention to terminate it.

### **Article 20**

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

**DONE** in Paris this 11th day of October 1996, in two originals, each in the English and French languages, each text being equally authentic.

**FOR THE REPUBLIC OF BULGARIA:**

Atanas PAPANIZOV

Minister of Trade and Foreign Economic Co-operation

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

Donald J. JOHNSTON

Secretary-General