

AGREEMENT

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

**THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
AND THE GOVERNMENT OF ROMANIA**
(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;

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

NOTING that this will increase the level of activities carried out by the Organisation in Romania;

HAVE AGREED as follows:

Article 1 - Definitions

For the purposes of this Agreement:

- (a) "Government" means the Government of Romania;
- (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 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 intergovernmental organizations, 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) "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;

(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 – International status of the Organisation

The Organisation is recognised by the Government as an intergovernmental organisation.

Article 3 – Legal personality

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 4 – Scope of the Agreement

The Government shall grant to the Organisation the privileges, exemptions and immunities provided for in this Agreement. In the event that the Government grants any more

favourable privilege, exemption or immunity to a similar type of international organization, it shall seek to accord like treatment in that respect to the Organisation.

Article 5 – Immunity from legal process

1. 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.

2. There shall be no immunity in case of a civil action brought by a third party claiming compensation for damages resulting from an accident caused by a vehicle belonging to the Organisation, or operated on behalf of the Organisation, if such damage is not covered by appropriate insurance.

Article 6 – Immunity of property

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 7 – Inviolability of premises

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 8 – Inviolability of archives

The archives of the Organisation shall be inviolable wherever located.

Article 9 – Financial operations

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 the territory of Romania and convert any currency held by it into any other currency under the same conditions as those which apply to other international organisation or for any foreign government.

Article 10 – Exemption from taxes and duties

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 not be sold in Romania, except under conditions agreed with the Government;

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

(d) any form of indirect taxation on goods purchased and services provided for official purposes, under the same conditions as applied with respect to diplomatic missions and other intergovernmental organisations in Romania.

Article 11 – Privileges in respect of communications

The Organisation shall enjoy, for its official communications, treatment not less favourable than that accorded by Romania 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.

Article 12 – Provision of public services

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 Romania.

Article 13 – Privileges and immunities of Members and non member participants

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 normally enjoyed by diplomatic agents of comparable rank.

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 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.

3. 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 can be waived without prejudice to the purpose for which the immunity is accorded.

Article 14 – Privileges and immunities of officials

1. Officials of the Organisation shall:

(a) enjoy immunity from any form of legal process, including immunity from arrest and detention, for acts performed in their official capacity; they shall continue to be so immune after completion of their functions as officials of the Organisation;

(b) be exempt from any form of direct taxation on salaries, emoluments and indemnities paid to them by the Organisation;

(c) be exempt, together with their spouses and members of their families, from immigration restrictions and alien registration;

(d) 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;

(e) have the right to import, free of duty, their furniture and effects at the time of first taking up their post in Romania;

(f) be accorded the same privileges in respect of currency and exchange facilities as are accorded to diplomatic agents of comparable rank;

(g) be exempt from any obligation to deposit security payable in respect of goods temporarily admitted into Romania;

(h) enjoy the right, for the purpose of communicating with the Organisation, to use codes and send and receive correspondence and other papers and documents by courier.

2. The provisions of paragraph 1 (c), (d), (f) and (g) of this article shall not apply to persons permanently residing in Romania immediately prior to the employment with the Organisation.

Article 15 – Privileges and immunities of the Secretary-General and of the Deputy and Assistant Secretaries-General

1. In addition to the privileges, immunities and benefits mentioned in Article 14, 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 benefits granted to diplomatic agents of comparable rank.

Article 16 – Privileges and immunities of experts

1. Experts performing a mission for the Organisation shall enjoy, in the territory of Romania, during the period of their mission, such privileges, immunities and facilities as are necessary for the independent exercise of their functions, including time spent on journeys in connection with their mission. 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 of all acts 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 and to any obligation to deposit security payable in respect of goods temporarily admitted into Romania as those which are accorded to a representative of a foreign government on a temporary official mission.

2. The provisions of paragraph 1 (a) and (e) of this article shall not apply to persons permanently residing in Romania immediately prior to their appointment by the Organisation.

Article 17 – Purpose of the privileges and immunities of officials and experts

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 18 – Freedom of movement

The Government shall take all appropriate measures, consistent with its national legislation, to facilitate the entry to, stay in, and exit from the territory of Romania, and to secure the freedom of movement within the territory of Romania 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 19 – Co-operation

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

Article 20 – Interpretation and application of the Agreement

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 21 – Settlement of disputes

1. The Parties shall attempt to settle any dispute as to the interpretation or application of this Agreement by negotiations.
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 enter into negotiations, it shall, at the request of either Party, be referred to arbitration.
3. The arbitral tribunal shall be composed of three arbitrators: one to be chosen by the Government, 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 Secretary-General of the Permanent Court of Arbitration at the request of either Party. The tribunal shall apply the principles and rules of international law and its award shall be final and binding on both Parties.

Article 22 – Entry into force and termination

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 shall cease to be in force by mutual consent or no earlier than six months after written notice by either Party of its intention to terminate it.

DONE in Paris this 12th day of October, Nineteen Hundred and Ninety-Five, in two originals, each in the Romanian, French and English languages, each text being authentic. In case of divergence, the English version shall prevail.

FOR THE GOVERNMENT OF ROMANIA:

Caius Traian DRAGOMIR
Ambassador of Romania in France

FOR THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT:

Jean-Claude PAYE
Secretary-General